

## ORDINANCE 2017-07

### **AN ORDINANCE AMENDING SECTIONS 1-12-3, 6-19-2, AND 6-19-4 OF THE TOOELE COUNTY CODE, MAKING TECHNICAL CORRECTIONS RESULTING FROM THE RE-ESTABLISHMENT OF EMERGENCY MANAGEMENT AS ITS OWN DEPARTMENT**

**WHEREAS**, in 2012 the Tooele County Emergency Management Department was eliminated as a County department and its functions were transferred to the Tooele County Health Department (Ordinance 2012-21); and

**WHEREAS**, in 2015 the Tooele County Commission re-established the Tooele County Emergency Management Department as its own department; and

**WHEREAS**, the Tooele County Code needs to be updated to properly reflect the change.

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:**

**SECTION I – SECTION AMENDED.** Section 1-12-3, *Local emergency proclamation – Emergency interim successor*, of the Tooele County Code is hereby amended to read as follows:

#### **1-12-3. Local emergency proclamation – Emergency interim successor.**

(1) If the Chairman of the County Commission is not physically present at the place of governance during a disaster or potential disaster, or is not able to be communicated with via telephone, radio, or telecommunications immediately pursuant to an official attempt to communicate with him or her for the purpose of considering or making a local emergency proclamation, then the following County officers or employees shall be contacted pursuant to an official attempt to communicate with them in the order listed below and the first person so contacted shall have the power and duty to proclaim a “local emergency” when the circumstances warrant such a proclamation.

(a) County Commissioner A. Commissioner A is the non-chairman Commissioner whose first letter in his or her last name, alphabetically precedes the first letter in the other County Commissioner’s last name. (The other Commissioner is hereby designated Commissioner B.)

(b) Commissioner B

(c) Sheriff

(d) County Attorney

(e) Director of the County Emergency Management Department

(2) If the foregoing officers or employees are unavailable, then the emergency succession procedures specified in Section 1-12-4 shall apply for the purpose of designating a County Commissioner successor, which successor shall then have authority to issue an emergency proclamation. The successor designated by this section shall only have authority to issue an emergency proclamation.

**SECTION II – SECTION AMENDED.** Section 6-19-2, *Committee created*, of the Tooele County Code is hereby amended to read as follows:

**6-19-2. Committee created.**

Tooele County hereby authorizes and establishes as set forth in this chapter a Tooele County Local Emergency Planning Committee. The LEPC, through the Tooele County Emergency Management Department, is hereby authorized to enforce the provisions of this chapter.

**SECTION III – SECTION AMENDED.** Section 6-19-4, *Emergency Planning and Community Right-to-Know Act*, of the Tooele County Code is hereby amended to read as follows:

**6-19-4. Emergency Planning and Community Right-to-Know Act.**

(1) The requirements of EPCRA shall be the law of Tooele County and shall apply equally to federal, state, county, or local governmental agencies, departments, installations, and facilities located in this county, as well as to other facilities that are subject to the provisions of EPCRA.

(2) The provisions of EPCRA are hereby deemed rules and regulations of the Tooele County Emergency Management Department and the fire department governing the operation of the business holding a license or permit pursuant to Tooele County ordinances.

(3) An owner or operator of a covered facility under the provisions of EPCRA who violates such provisions, shall be subject to a civil administrative fine not to exceed \$1,000 per violation. The LEPC shall establish the fine based on the severity of the violation, the duration of the violation, the alleged violator's history of non-compliance, the economic benefit of non-compliance, the LEPC's or the county's investigative costs, and the cooperation of the owner or operator in remedying the alleged violation.

**SECTION IV – REPEALER.** Ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

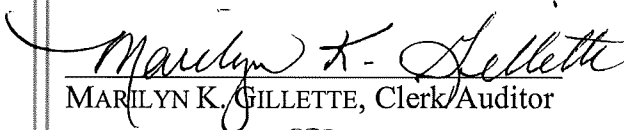
Ord. 2017-07

**SECTION V – EFFECTIVE DATE.** This ordinance shall become effective fifteen (15) days after its passage, provided it has been published, or at such publication date if more than fifteen (15) days after passage.

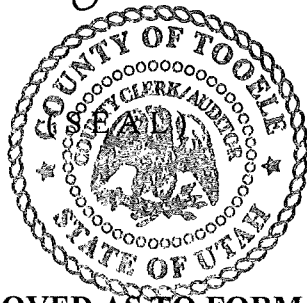
**IN WITNESS WHEREOF** the Tooele County Commission, which is the legislative body of Tooele County, passed, approved, and enacted this ordinance this 21<sup>st</sup> day of March 2017.

**ATTEST:**


**TOOELE COUNTY COMMISSION:**

  
MARILYN K. GILLETTE, Clerk/Auditor

  
WADE B. BITNER, Chairman



**APPROVED AS TO FORM:**

  
SCOTT A. BROADHEAD  
Tooele County Attorney

Commissioner Bateman voted aye  
Commissioner Bitner voted aye  
Commissioner Milne voted aye

### **1-12-3. Local emergency proclamation - Emergency interim successor.**

- (1) If the Chairman of the County Commission is not physically present at the place of governance during a disaster or potential disaster, or is not able to be communicated with via telephone, radio, or telecommunications immediately pursuant to an official attempt to communicate with him or her for the purpose of considering or making a local emergency proclamation, then the following County officers or employees shall be contacted pursuant to an official attempt to communicate with them in the order listed below and the first person so contacted shall have the power and duty to proclaim a "local emergency"<sup>317</sup>
  - (2) when the circumstances warrant such a proclamation.
    - (a) County Commissioner A. Commissioner A is the non-chairman Commissioner whose first letter in his or her last name, alphabetically precedes the first letter in the other County Commissioner's last name. (The other Commissioner is hereby designated Commissioner B.);
    - (b) Commissioner B
    - (c) Sheriff
    - (d) County Attorney
    - (e) ~~Executive~~ Director of the County Emergency Management ~~Health~~ Department
  - (2) If the foregoing officers or employees are unavailable, then the emergency succession procedures specified in Section 1-12-4 shall apply for the purpose of designating a County Commissioner successor, which successor shall then have authority to issue an emergency proclamation. The successor designated by this section shall only have authority to issue an emergency proclamation.
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### **6-19-2. Committee created.**

Tooele County hereby authorizes and establishes as set forth in this chapter a Tooele County Local Emergency Planning Committee. The LEPC, through the Tooele County ~~Health Department, Division of Emergency Management~~ Department, is hereby authorized to enforce the provisions of this chapter.

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### **6-19-4. Emergency Planning and Community Right-to-Know Act.**

- (1) The requirements of EPCRA shall be the law of Tooele County and shall apply equally to federal, state, county, or local governmental agencies, departments, installations, and facilities located in this county, as well as to other facilities that are subject to the provisions of EPCRA.
- (2) The provisions of EPCRA are hereby deemed rules and regulations of the Tooele County ~~Health Department, Division of Emergency Management~~ Department and the fire department governing the operation of the business holding a license or permit pursuant to Tooele County ordinances.
- (3) An owner or operator of a covered facility under the provisions of EPCRA who violates such provisions, shall be subject to a civil administrative fine not to exceed \$1,000 per violation. The LEPC shall establish the fine based on the severity of the violation, the duration of the violation, the alleged violator's history of non-compliance, the economic benefit of non-compliance, the LEPC's or the county's investigative costs, and the cooperation of the owner or operator in remedying the alleged violation.