

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2007, Legislative Day No. 3

Bill No. 14-07

Mr. S. G. Samuel Moxley, Chairman
By Request of County Executive

By the County Council, February 5, 2007

A BILL
ENTITLED

AN ACT concerning

Local State of Emergency

FOR the purpose of establishing the powers of the County Executive during a local state of emergency; establishing a process for declaring a local state of emergency; clarifying the role of the Office of Emergency Management during a local state of emergency; defining certain terms; and generally relating to the powers of the County government during a local state of emergency.

By adding

Sections 3-1-501 through 3-1-505
Subtitle 5. Local State of Emergency
Title 1. The Executive Branch
Article 3. The Administration
Baltimore County Code, 2003

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, That Sections 3-1-501 through 3-1-505 are hereby added to new Subtitle 5. Local State of Emergency, Title 1. The Executive Branch, Article 3. The Administration, of the Baltimore County Code, 2003, as amended, are hereby added, to read as follows:

SUBTITLE 5. LOCAL STATE OF EMERGENCY.

3-1-501.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B)(1) "EMERGENCY" MEANS THE THREAT OR OCCURRENCE OF A DISASTER IN OR AFFECTING THE COUNTY THAT REQUIRES STATE OR FEDERAL ASSISTANCE OR THE IMPLEMENTATION OF THE LOCAL EMERGENCY MANAGEMENT PLAN IN ORDER TO SAVE LIVES AND PROTECT THE PUBLIC HEALTH AND SAFETY.

(2) "EMERGENCY" INCLUDES:

(I) A HURRICANE, TORNADO, FLOOD, WIND-DRIVEN WATER, STORM SURGE, TIDAL WAVE, EARTHQUAKE, MUDSLIDE, SNOWSTORM, DROUGHT, FIRE, OR EXPLOSION;

(II) AN ENEMY ATTACK OR ACT OF TERRORISM; OR

(III) A PUBLIC HEALTH CATASTROPHE.

(C) "SHELTER IN PLACE" IS A PROTECTIVE ACTION TO AN EMERGENCY BY:

(1) REMAINING IN OR MOVING TO A SAFE INDOOR LOCATION INCLUDING A LOCATION IN A RESIDENCE, SCHOOL, BUSINESS, OR PUBLIC BUILDING; AND

(2) IF NECESSARY, TURNING OFF AIR CONDITIONERS AND VENTILATION SYSTEMS AND CLOSING WINDOWS AND DOORS.

3-1-502.

(A) FOR PURPOSES OF THE POWERS AND DUTIES SET FORTH IN TITLE 14 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, THE COUNTY EXECUTIVE IS THE "PRINCIPAL EXECUTIVE OFFICER", "CHIEF EXECUTIVE OFFICER", AND THE "SENIOR ELECTED OFFICIAL".

(B) THE COUNTY EXECUTIVE OR THE COUNTY ADMINISTRATIVE OFFICER MAY AUTHORIZE THE USE OF ANY COUNTY RESOURCES, INCLUDING EMPLOYEES, FOR ANY PURPOSE IF:

(1) REQUIRED IN A LOCAL STATE OF EMERGENCY;

(2) AN EMERGENCY IS DECLARED BY THE GOVERNOR OR THE PRESIDENT; OR

(3) IN ORDER TO PROVIDE ASSISTANCE UNDER THE MARYLAND EMERGENCY MANAGEMENT ASSISTANCE COMPACT OR ANY OTHER APPLICABLE AGREEMENTS.

3-1-503.

(A) IF THERE IS A THREAT OR OCCURRENCE OF AN EMERGENCY, THE COUNTY EXECUTIVE MAY DECLARE A STATE OF EMERGENCY WITHIN THE COUNTY BY EXECUTIVE ORDER.

(B) AN EXECUTIVE ORDER DECLARING A LOCAL STATE OF EMERGENCY SHALL BE:

(1) PROMPTLY PUBLICIZED; AND

(2) FILED WITH THE SECRETARY TO THE COUNTY COUNCIL AND THE COUNTY RECORDS MANAGEMENT OFFICER AS ESTABLISHED UNDER TITLE 8 OF THIS ARTICLE.

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN EXECUTIVE ORDER DECLARING A LOCAL STATE OF EMERGENCY SHALL BE EFFECTIVE FOR UP TO 7 DAYS.

(D) IF THE THREAT OR OCCURRENCE OF AN EMERGENCY APPEARS LIKELY TO LAST MORE THAN 7 DAYS, THE COUNTY COUNCIL SHALL BE CALLED INTO EMERGENCY SESSION BEFORE THE END OF THE SEVENTH DAY TO CONSIDER A RESOLUTION THAT CONSENTS TO THE CONTINUATION OF THE STATE OF EMERGENCY FOR SUCH TIME AS MAY BE APPROPRIATE.

3-1-504.

(A) DURING A LOCAL STATE OF EMERGENCY DECLARED IN ACCORDANCE WITH § 3-1-503 OF THIS SUBTITLE, THE COUNTY EXECUTIVE MAY ISSUE EXECUTIVE ORDERS THAT THE EXECUTIVE CONSIDERS NECESSARY TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF PERSONS WITHIN THE COUNTY, INCLUDING ORDERS TO:

(1) CONTROL TRAFFIC, INCLUDING PUBLIC AND PRIVATE TRANSPORTATION;

(2) DESIGNATE ZONES IN THE AREA OF THE EMERGENCY IN WHICH THE OCCUPANCY AND USE OF BUILDINGS AND VEHICLES MAY BE CONTROLLED;

(3) CONTROL THE MOVEMENT OF INDIVIDUALS OR VEHICLES IN, INTO,

OR FROM THE AREA OF THE EMERGENCY;

(4) EVACUATE THE AREA OF THE EMERGENCY;

(5) CONTROL PLACES OF AMUSEMENT AND PLACES OF ASSEMBLY;

(6) CONTROL INDIVIDUALS ON PUBLIC STREETS;

(7) ESTABLISH CURFEWS;

(8) ESTABLISH REQUIREMENTS TO SHELTER IN PLACE;

(9) CONTROL THE SALE, TRANSPORTATION, AND USE OF ALCOHOLIC BEVERAGES;

(10) CONTROL THE POSSESSION, SALE, CARRYING, AND USE OF FIREARMS, OTHER DANGEROUS WEAPONS, AND AMMUNITION; AND

(11) CONTROL THE STORAGE, USE, AND TRANSPORTATION OF EXPLOSIVES, FLAMMABLE MATERIALS, OR LIQUIDS CONSIDERED TO BE DANGEROUS TO PUBLIC SAFETY.

(B) THE COUNTY EXECUTIVE MAY ACT IN ACCORDANCE WITH THIS SECTION BY AND THROUGH THE DIRECTOR OF EMERGENCY MANAGEMENT OR OTHER COUNTY OFFICIALS.

(C) IF AN EMERGENCY OCCURS WHILE THE POWER AND OFFICE OF THE COUNTY EXECUTIVE IS EXERCISED BY AN ACTING COUNTY EXECUTIVE, THE ACTING COUNTY EXECUTIVE SHALL HAVE ALL THE POWERS AND AUTHORITIES OF THE COUNTY EXECUTIVE UNDER THIS SUBTITLE.

3-1-505

(A) AS REQUIRED BY STATE LAW, THE LOCAL EMERGENCY ORGANIZATION

FOR EMERGENCY MANAGEMENT IN THE COUNTY IS THE OFFICE OF EMERGENCY MANAGEMENT.

(B)(1) THE COUNTY EXECUTIVE SHALL NOMINATE A DIRECTOR OF EMERGENCY MANAGEMENT FOR APPOINTMENT BY THE GOVERNOR.

(2) THE DIRECTOR OF EMERGENCY MANAGEMENT IS RESPONSIBLE FOR ORGANIZING AND DIRECTING THE COUNTY'S RESPONSE TO AN EMERGENCY.

(C)(1) THE OFFICE OF EMERGENCY MANAGEMENT SHALL PREPARE AN EMERGENCY OPERATIONS PLAN IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL LAWS AND REGULATIONS.

(2) THE DIRECTOR OF EMERGENCY MANAGEMENT SHALL SUBMIT THE EMERGENCY OPERATIONS PLAN TO THE COUNTY EXECUTIVE WHO SHALL ADOPT THE PLAN BY EXECUTIVE ORDER OR ANOTHER PROCEDURE AS MAY BE REQUIRED BY STATE OR FEDERAL LAW.

SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by the affirmative vote of five members of the County Council, shall take effect on March 18, 2007.