

Appendix III - 2

**DELAWARE COUNTY
EMERGENCY DECLARATIONS AND
STATE OF EMERGENCY ORDERS**

INSTRUCTIONS for DECLARING A STATE OF EMERGENCY AND ISSUING EMERGENCY ORDERS

A. Declaring a local State of Emergency

1. Only the Chairman of the Board of Supervisors, or a person acting for the Chairman of the Board of Supervisors pursuant to section III.I.A.1. c) of this plan, can declare a local State of Emergency for all of, or anywhere in, Delaware County. Each Town Supervisor and Village Mayor can declare States of Emergency within their jurisdiction.
2. A local State of Emergency is declared pursuant to section 24 of the State Executive Law.
3. It can be declared in response to, or in anticipation of, a threat to public safety. A local State of Emergency should be considered when a dangerous situation is present or imminent and emergency officials are considering protective actions such as:
 - a. Evacuation of people for a large or heavily populated area, street, road, housing development, multi-resident buildings.
 - b. Sheltering people in designated areas or buildings.
 - c. Large-scale closing of roads due to conditions considered dangerous to lives and property.
 - d. Riots or civil unrest
 - e. Hostage situations
 - f. Impending emergency or disaster caused by natural forces (floods, blizzards, ice storms, tornadoes).
4. A local State of Emergency can be issued when a situation exists that has or will place the public at risk and that will require extraordinary measures for proper protection.
5. A declaration of a local State of Emergency may be oral or written.
6. If it is oral, it is best to follow it with a written format.
7. Declaring a local State of Emergency increases the powers of the Chief Executive Officer. These new powers can include
 - a. Issuing emergency orders
 - b. Implementing public protective measures
 - c. Suspending local laws; and

- d. Requesting supplemental assistance.
- 8. The declaration should include the time and date, the reason for the declaration, the area involved, and the expected duration.
- 9. The written declaration should be kept on file in the County Clerk's Office.
- 10. A local State of Emergency must be declared BEFORE Emergency Orders are issued.
- 11. If a local State of Emergency is declared and it is determined that the disaster is beyond the capacity of County Resources, the Chairman of the Board of Supervisors may request the Governor to provide assistance from state resources
- 12. A local State of Emergency should be formally rescinded when the declaration is no longer needed.
- 13. Only the Chairman of the Board of Supervisors, or person acting for, may rescind a local State of Emergency.
- 14. Though a rescission may be oral or written, if the declaration was written, the rescission should also be written.
- 15. The rescission should include the time and date of the original declaration, the reason for the local State of Emergency, and the time and date the State of Emergency is rescinded.
- 16. If a time limit was indicated in the declaration of a local State of Emergency, it will end automatically at the time and date indicated. If no time limit was specified, the State of Emergency does NOT end automatically.
- 17. The written rescission should be kept on file in the County Clerk's Office.
- 18. A declaration of a local State of Emergency provides legal protection and immunities for the Chief Executive and local emergency officials when they make decisions and take actions to respond to disasters or emergencies.
- 19. A declaration helps make the public aware of the hazards associated with a disaster. It also can emphasize the protective measures needed by citizens.

B. Sample Declaration of a local State of Emergency

A State of Emergency is hereby declared in _____

(area within County or entire County)

Effective at _____ on _____.
(time) (date)

This State of Emergency has been declared due to

_____.

(description of situation)

_This situation threatens the public safety.

This State of Emergency will remain in effect until rescinded by a subsequent order.

As the Chairman of the Board of Supervisors of Delaware County,

I, _____ ,
(name of Chairman of the Board of Supervisors)

exercise the authority given me under section 24 of the New York State Executive Law, to preserve the public safety and hereby render all required and available assistance vital to the security, well being, and health of the citizens of this County.

I hereby direct all departments and agencies of Delaware County to take whatever steps necessary to protect life and property, public infrastructure, and provide such emergency assistance deemed necessary.

(Name)

(Signature)

(Title)

(Date)

C. Issuing local Emergency Orders

1. Local Emergency Orders can be issued only if there is a State of Emergency in effect pursuant to section 24 of the State Executive Law (see section A. above).
2. A Local Emergency Order can require whatever is necessary to protect life and property or to bring the emergency situation under control as long as it is within the constitutional powers of county government.
3. Local Emergency Orders can be issued at the County level only by the Chairman of the Board of Supervisors or a person acting for the Chairman of the Board of Supervisors pursuant to section III.I.A.1. c) of this plan. Each Town Supervisor and Village Mayor can also issue emergency orders for their jurisdiction following the declaration of a local state of emergency by that same executive.
4. Local Emergency Orders must be written.
5. Local Emergency Orders may be amended, modified or rescinded at any time by the Chief Executive during the State of Emergency.
6. Local Emergency Orders should include the time and date they take affect, the reason for the declaration, the area involved, and the duration.
7. A Local Emergency Order expires automatically after five (5) days. It can be rescinded before that by its own terms, or by a recision by the Chairman of the Board of Supervisors. It is also automatically rescinded when the State of Emergency is rescinded.
8. The Chairman of the Board of Supervisors may extend Local Emergency Orders for periods not to exceed five (5) days each during the State of Emergency.
9. Local Emergency Orders must be published as soon as practicable in a newspaper of general circulation in the area affected by the order. It should be published under the paid legal advertisement section. It must also be provided to radio and television media for broadcast.
10. Local Emergency Orders must be executed in triplicate and filed within 72 hours or as soon as practicable in the Office of the County Clerk, and the Office of the Secretary of State.

11. Local Emergency Orders must be refiled if they are extended.
12. Any person who knowingly violates any Local Emergency Order of a Chief Executive issued pursuant to Section 24 of the Executive Law can be found guilty of a class B misdemeanor.

D. Sample Local Emergency Order

Local Emergency Order Evacuating Vulnerable Areas:

I, _____, the Chairman of the Board of Supervisors of Delaware County, in accordance with a declaration of a State of Emergency issued on _____, 200____, and pursuant to Section 24 of the State Executive Law, hereby order the evacuation of all persons from the following zones: (locales)

Zone 1. _____

Zone 2. _____

This evacuation is necessary to protect the public from _____

This order is effective immediately and shall apply until removed by order of the Chief Executive.

Failure to obey this order is a criminal offense.

Signed this _____ day of _____, 200____
(date) (month)

at _____ o'clock, in _____, New York
(time) (municipality)

Signed: _____

Title: _____

Witness: _____

Title: _____