

**CHAPTER 3.15
CIVIL EMERGENCIES**

- 3.15.001 TITLE: This ordinance shall be known and may be referred to as the “Pottawattamie County, Iowa, Civil Emergencies Ordinance”. (Ordinance #2011-02/6-24-11)
- 3.15.002 PURPOSE: The purpose of this ordinance is to protect and preserve the rights, privileges, and property of the County and/or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents by authorizing orders of mandatory evacuations and/or mandatory curfews in the unincorporated areas of Pottawattamie County in the event there is a civil emergency. (Ordinance #2011-02/6-24-11)
- 3.15.003 JURISDICTION: The provisions of this ordinance shall apply to all of the unincorporated areas of Pottawattamie County, Iowa. (Ordinance #2011-02/6-24-11)
- 3.15.004 APPLICABILITY: In the event of a difference between the provisions of this ordinance and those contained in applicable state rules and regulations, the most stringent standards will prevail. (Ordinance #2011-02/6-24-11)
- 3.15.005 DEFINITIONS: Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application. (Ordinance #2011-02/6-24-11)

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Ordinance. (Ordinance #2011-02/6-24-11)

- .01 TENSE: Words used in the present tense include the future tense. (Ordinance #2011-02/6-24-11)
- .02 NUMBER: Words used in the singular include the plural, and words used in the plural include the singular. (Ordinance #2011-02/6-24-11)
- .03 SHALL AND MAY: The word “shall” is mandatory; the word “may” is permissible. (Ordinance #2011-02/6-24-11)
- .04 GENDER: The masculine shall include the feminine and the neuter. (Ordinance #2011-02/6-24-11)

- .05 PERSON: The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. (Ordinance #2011-02/6-24-11)
- .06 HEADINGS: In the event that there is a conflict or inconsistency between the heading of a chapter, section or subsection of this Ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context. (Ordinance #2011-02/6-24-11)
- .07 CHAIRMAN: The Chairman of the Board of Supervisors of Pottawattamie County, Iowa. (Ordinance #2011-02/6-24-11)
- .08 CHAIRMAN PRO-TEM: The Chairman Pro-Tem of the Board of Supervisors of Pottawattamie County, Iowa. (Ordinance #2011-02/6-24-11)
- .09 CIVIL EMERGENCY. For the purposes of this Ordinance a Civil Emergency shall include, when proclaimed so by the Board of Supervisors, any natural disaster or human-made catastrophe, including but not limited to flood, fire, cyclone, tornado, earthquake or explosion occurring in or significantly impacting the unincorporated areas of Pottawattamie County when the same results or is likely to result in the death or injury of persons or the destruction of or significant damage to property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare. A Civil Emergency shall also include any instance in which the Governor of the State of Iowa has proclaimed there to be a state of disaster emergency in and for any portion of unincorporated Pottawattamie County. (Ordinance #2011-02/6-24-11)
- .10 COUNTY: Pottawattamie County, Iowa. (Ordinance #2011-02/6-24-11)
- .11 COUNTY SHERIFF: The County Sheriff of Pottawattamie County, Iowa or an individual duly deputized by the State of Iowa.

3.15.006 MANDATORY EVACUATION. After it has been determined, pursuant to the above definition, that there is a civil emergency in the unincorporated area of Pottawattamie County, the Chairman of the Board of Supervisors, or if the Chairman is unavailable the Chairman Pro-Tem, may issue an Order of Mandatory Evacuation for any part of unincorporated Pottawattamie County the Chairman, or when appropriate the Chairman Pro-Tem, deems advisable as necessary to protect or preserve life or property; as necessary to assist in disaster mitigation, response or

recovery; or as necessary to otherwise carry out the purposes of this ordinance. (Ordinance #2011-02/6-24-11)

- 3.15.007 FORM OF ORDER OF MANDATORY EVACUATION. Any Order of Mandatory Evacuation shall be made in writing and communicated in such a manner as to reasonably apprise the affected residents and the general public of the specific location of the areas to be evacuated. It shall indicate the date and time by which said areas shall be evacuated. (Ordinance #2011-02/6-24-11)
- 3.15.008 ACCESS TO EVACUATED AREA(S). In addition to the evacuation of the designated areas, ingress and egress to and from an area subject to an Order of Mandatory Evacuation shall be limited to authorized law enforcement, emergency management personnel and other authorized government officials. (Ordinance #2011-02/6-24-11)
- 3.15.009 MANDATORY CURFEW. After it has been determined, pursuant to the above definition, that there is a civil emergency in the unincorporated area of Pottawattamie County, the Chairman of the Board of Supervisors, or if the Chairman is unavailable the Chairman Pro-Tem, may issue an Order of Mandatory Curfew for any part of unincorporated Pottawattamie County the Chairman deems advisable as necessary to protect or preserve life or property; as necessary to assist in disaster mitigation, response or recover; or as necessary to otherwise carry out the purposes of this ordinance. (Ordinance #2011-02/6-24-11)
- 3.15.010 FORM OF ORDER OF MANDATORY CURFEW. Any Order of Mandatory Curfew shall be made in writing and published in such a manner as to reasonably apprise the affected residents and the general public of the specific times and location of the areas to be under curfew. It shall indicate the date and time by which said areas shall be under curfew, not to exceed ten days without further order. (Ordinance #2011-02/6-24-11)
- 3.15.020 EXEMPTIONS: Exemptions to the curfew order shall be limited to authorized law enforcement, emergency management personnel and other necessary government officials and those individuals directed by law enforcement, emergency management personnel and other authorized government officials. (Ordinance #2011-02/6-24-11)
- 3.15.030 ENFORCEMENT: It shall be the duty of the County Sheriff to administer and enforce this ordinance in accordance with its provisions. (Ordinance #2011-02/6-24-11)

3.15.040 VIOLATIONS AND PENALTIES: The penalty for violating the provisions of this Ordinance shall be as set forth in Chapter 1.75. (Ordinance #2011-02/6-24-11)