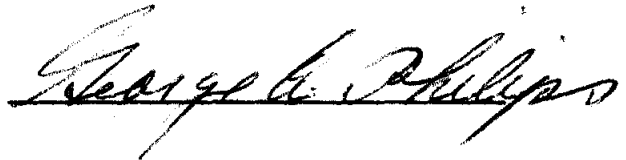


RESOLUTION NO. 168

Whereas an Emergency Conflagration Act was passed by the legislature of the State of Oregon, known as Chapter 112, 1940 Laws of Oregon. That the Act granted certain powers to the Governor relating to the safeguard of human life and property against fire. That the council shall designate the officer in the City under whose direction and command the fire fighting forces and equipment shall be controlled when the Governor declares an emergency.

NOW, THEREFORE, BE IT RESOLVED that the council of the City of Albany, Oregon does accept the responsibilities under the Emergency Conflagration Act and hereby designate the Chief of the Fire Department of the City of Albany, Oregon, as the person under whose direction the fire fighting forces and equipment are placed during such emergency as may be declared by the Governor and while this Act is in force.



Dated this 23 day of August, 1950

EMERGENCY CONFLAGRATION ACT

Granting certain powers to the governor relating to the safeguarding of human life and property against fire.

Section 1. This act shall be known as the "Emergency Conflagration Act".

Section 2. It hereby is found and declared that many of the emergency powers to provide for the health, safety and welfare of the people of the state of Oregon granted to the governor by the terms of chapter 140, Oregon Laws 1943, were of great value to the people and that some of such powers should be retained to protect the public peace, health and safety and to preserve the lives and property of the people, even though the need for many of the provisions of said chapter ceased to exist upon the termination of the war emergency.

Section 3. In order to protect life and property against the dangers of fire, the governor hereby is authorized and empowered to assign and make available for use and duty in any county, city, town or district, under the direction and command of such officer as he may designate for the purpose, any part of the fire-fighting forces and equipment of any fire-fighting organization in this state other than one possessing but one pumping unit movable under its own power.

2. The chief executive of any county, city, town or fire protection district or the head of any fire department of any political subdivision of this state, if so ordered by the governor, after the governor has declared martial law as provided in section 103-242, O.C.L.A., shall assign and make available for duty and use in any county, city, town or fire district under the direction and command of such officer as may be designated by the governor for the purpose, any part of the fire-fighting forces and equipment under his control; provided, that any equipment made available by loan, or otherwise, to any county, city, town or fire district in the state by the United States government or any agency thereof, shall at all times be subject to the order of the United States government or such agency in accordance with the terms and conditions upon which such equipment shall have been made available.

3. Whenever the fire-fighting forces of any county, city, town or fire district are rendering outside aid pursuant to this act, the officers and members of such fire-fighting forces shall have the same powers, duties, rights, privileges and immunities as though they were performing their duties in the political subdivision in which they are normally employed.

4. When any equipment is used pursuant to this act the state shall be liable for any loss thereof, or damage thereto and shall pay any expense incurred in the operation or maintenance thereof. No claim for any such loss, damage or expense shall be allowed unless, within 60 days after it shall have been sustained or incurred, or within such extension of such time as may have been obtained from the board of control, an itemized notice of such claim, under oath, is served by mail or personally upon the board of control of the state, and such loss, damage or expense shall be payable from the emergency fund of the state.

5. Whenever aid is supplied pursuant to this act the state shall reimburse the political subdivision supplying such aid for the compensation paid to employees supplied under this act during the time the rendition of such aid prevents them from performing their duties in the political subdivision by which they are employed and shall defray the actual traveling and maintenance expenses of such employees while they are rendering such aid. The term "employee" as used herein shall mean, and the

provisions of this act shall apply with equal effect to, all firemen, whether paid, volunteer or call.

6. Substitute firemen within any county, city, town or fire district from which regular firemen are taken under the provisions of subsection 2 hereof, not exceeding the number of regular firemen, may be appointed by the same persons authorized by law to appoint regular firemen; provided, that such appointments shall not be subject to the requirements of the civil service law or rules and that such substitute firemen shall not be entitled to any pension or retirement rights or privileges. The substitute firemen appointed under this act shall have the powers, functions and duties of regular firemen. The compensation of such substitute firemen shall not be greater than the lowest rate of pay for regular firemen. Persons appointed as substitute firemen shall exercise their powers, functions and duties only when called upon, during the period all, or any part, of the regular fire-fighting forces of any county, city, town or fire district for which they were appointed and shall be audited, for no longer than two days after the return to duty of the part of the regular fire-fighting forces for which they are substituting. The compensation of such substitute firemen and any allowable expense necessarily incurred by them in the performance of their duties shall be charged against the county, city, town or district for which they were appointed and shall be audited, allowed and paid as other charges against it are audited, allowed and paid, and shall be subject to reimbursement by the state of Oregon as provided in subsections 4 and 5 hereof.

7. The governor may make, amend and rescind such orders, rules and regulations as are necessary or advisable to carry out the provisions of subsections 2 and 3 hereof. Any order issued by the governor in relation to carrying out the provisions of this act may be either written or oral. If written, a copy thereof shall be filed in the office of the secretary of state and another copy dispatched forthwith to the chief executive of any county, city, town or fire protection district affected and immediately thereafter such order, rule or regulation shall be in effect. Oral orders may be made by the governor when in his opinion the emergency is such that delay in issuing a written order would be dangerous to the welfare of the people of the state; however, written copies of such oral order shall be filed and dispatched as soon after issuing such oral order as is conveniently possible in the manner above provided for written orders.

Section 4. It shall be the duty of the state fire marshal to prepare plans for the effective carrying out of the provisions of this act and to provide advice and counsel to the governor for the most practical utilization of the fire-fighting resources of this state in time of grave fire emergency.

Section 5. The secretary of the state of Oregon hereby is authorized and directed to audit all duly approved claims lawfully incurred in pursuance of this act and to draw his warrants on the state treasurer for the payment thereof.

Section 6. Neither the state of Oregon, nor any county, city, town or fire district or other political subdivision of the state, nor any fireman acting as the agent of either, shall be liable for any injury to person or property resulting from the performance of any duty imposed by the authority of this act. In carrying out the provisions of this act or while acting within the scope of any duty imposed by authority of this act no person shall incur civil liability; provided that no person shall escape full liability for injury to person or property resulting from the willful misconduct or the gross negligence of such person.

Section 7. Any person who violates any of the provisions of this act, shall upon conviction thereof be guilty of a misdemeanor and punished as provided by law. (L. 1947, ch. 112.)