

**53-2a-205 Authority of chief executive officers of political subdivisions -- Ordering of evacuations.**

- (1)
  - (a) In order to protect life and property when a state of emergency or local emergency has been declared, the chief executive officer of each political subdivision of the state is authorized to:
    - (i) carry out, in the chief executive officer's jurisdiction, the measures as may be ordered by the governor under this part; and
    - (ii) take any additional measures the chief executive officer may consider necessary, subject to the limitations and provisions of this part.
  - (b) The chief executive officer may not take an action that is inconsistent with any order, rule, regulation, or action of the governor.
- (2) When a state of emergency or local emergency is declared, the authority of the chief executive officer includes:
  - (a) utilizing all available resources of the political subdivision as reasonably necessary to manage a state of emergency or local emergency;
  - (b) employing measures and giving direction to local officers and agencies which are reasonable and necessary for the purpose of securing compliance with the provisions of this part and with orders, rules, and regulations made under this part;
  - (c) if necessary for the preservation of life, issuing an order for the evacuation of all or part of the population from any stricken or threatened area within the political subdivision;
  - (d) recommending routes, modes of transportation, and destinations in relation to an evacuation;
  - (e) suspending or limiting the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles in relation to an evacuation, except that the chief executive officer may not restrict the lawful bearing of arms;
  - (f) controlling ingress and egress to and from a disaster area, controlling the movement of persons within a disaster area, and ordering the occupancy or evacuation of premises in a disaster area;
  - (g) clearing or removing debris or wreckage that may threaten public health, public safety, or private property from publicly or privately owned land or waters, except that where there is no immediate threat to public health or safety, the chief executive officer shall not exercise this authority in relation to privately owned land or waters unless:
    - (i) the owner authorizes the employees of designated local agencies to enter upon the private land or waters to perform any tasks necessary for the removal or clearance; and
    - (ii) the owner provides an unconditional authorization for removal of the debris or wreckage and agrees to indemnify the local and state government against any claim arising from the removal; and
  - (h) invoking the provisions of any mutual aid agreement entered into by the political subdivision.
- (3)
  - (a) If the chief executive is unavailable to issue an order for evacuation under Subsection (2)(c), the chief law enforcement officer having jurisdiction for the area may issue an urgent order for evacuation, for a period not to exceed 36 hours, if the order is necessary for the preservation of life.
  - (b) The chief executive officer may ratify, modify, or revoke the chief law enforcement officer's order.
- (4) Notice of an order or the ratification, modification, or revocation of an order issued under this section shall be:
  - (a) given to the persons within the jurisdiction by the most effective and reasonable means available; and

(b) filed in accordance with Subsection 53-2a-209(1).

Renumbered and Amended by Chapter 295, 2013 General Session