

POWERS

SECTION 1.10

(X) = Courthouse EOC File

A. PURPOSE:

Policies for the use of extraordinary powers are hereby established.

B. OPERATING CONCEPTS:

1. Authority

a. The authority to use an extraordinary power is given in the sections referenced at the bottom of this page.

b. Incident Commanders decide when to use an extraordinary power.

c. If the power is outside the authority of the Incident Commander, he should contact another 'Incident Commander' who has the authority, or consult with the City (County) Attorney.

d. Notwithstanding questions of authority, Incident Commanders have the duty to immediately and unilaterally use powers identified in this Plan whenever all of the following conditions exist:

- (1.) Persons or property are directly exposed to severe danger;
- (2.) The impact of the danger is in progress or is imminent; and:
- (3.) The time lost in obtaining approval from authorities would prevent successful protective measures.

e. The use of an extraordinary power which has not been approved by specified authorities shall be limited to those measures which will eliminate the immediate danger.

f. Having used an extraordinary power without the benefit of approval, the Incident Commander shall immediately seek confirmation from the specified authority.

C. SPECIAL SITUATIONS:

Scope Of Application

This Section does not restrict emergency powers granted by law to Incident Commanders.

D. RESOURCES:

1. Reference

- a. Missoula County Attorney Opinion No. 84-5. (X) Section 1.03 B.
- b. Missoula City Attorney Opinion No. 85-14. (X) Section 1.03 B.
- c. Montana Attorney General Opinion, 24 Jul 85 (Evacuation). (X)

For additional information extraordinary power involving:

- Evacuation. See Section 2.09.
- Closure of Roads and Streets. See Section 2.16.
- Closure of Public Places and Buildings. See Section 2.17.
- Restricting Area Access. See Section 2.19.
- Debris removal and entering private property. 10-3-315 (2.)(b.) M.C.A.