



# CITY OF BEAVERTON

## CITY ORDINANCES

**ORDINANCE** #3847-AMENDING B.C. BY ADDING NEW PROVISIONS, BC 2.01.010

TO 2.01.060, "EMERGENCY MANAGEMENT CODE", FOR PURPOSE OF ESTABLISHING  
LOCAL EMERGENCY MANAGEMENT PROGRAM, PROVIDING PRODECURES FOR THE  
DECLARATION OF STATE OF EMERGENCY AND FOR DETERMINING EMERGENCY POWERS  
AND LINE OF SUCCESSION; REPEALING BC 2.02.010 & 2.02.012; AND DECLARING  
AN EMERGENCY

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ORDINANCE NO. 3847

**CODE**

AN ORDINANCE AMENDING THE BEAVERTON CODE  
BY ADDING NEW PROVISIONS,  
BC 2.01.010 TO 2.01.060, "EMERGENCY MANAGEMENT CODE",  
FOR THE PURPOSE OF ESTABLISHING  
A LOCAL EMERGENCY MANAGEMENT PROGRAM, PROVIDING  
PROCEDURES FOR THE DECLARATION OF A STATE OF EMERGENCY  
AND FOR DETERMINING EMERGENCY POWERS AND LINE OF SUCCESSION;  
REPEALING BC 2.02.010 AND 2.02.012; AND  
DECLARING AN EMERGENCY.

**WHEREAS**, the Oregon Revised Statutes, ORS 401.305, state each county of this state shall establish, and each city may establish, an emergency management program to mitigate against, prepare for, respond to, and recover from emergencies; and

**WHEREAS**, the Beaverton City Council finds that a disaster could occur at any time, and a local organization for emergency management is necessary for continuity of government and to coordinate City services for the maximum protection of life and property of its citizens; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** BC 2.01.010 to 2.01.060, "Emergency Management Code," is hereby added to the Beaverton Code and shall read as follows:

**"EMERGENCY MANAGEMENT CODE**

2.01.010 Short Title. BC 2.01.010 to 2.01.060 shall be known and may be cited as the 'Emergency Management Code' and also may be referred to herein as 'this ordinance.'

2.01.012 'State of Emergency' Defined. A 'state of emergency' exists whenever the City or an area therein is suffering or in imminent danger of suffering an event that may cause injury or death to persons, or damage to or destruction of property to the extent that extraordinary measures must be taken to protect the public health, safety, and welfare. Such an event shall include but not be limited to the following: fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material as defined in ORS 466.605, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, and war.

2.01.020 Adoption of an Incident Command System. The City adopts the Incident Command System (ICS) of the National Interagency Incident Management System (NIIMS) as a model for managing emergencies within its jurisdiction.

2.01.030 Executive Responsibilities and Line of Succession. The City Council is responsible for setting policy direction for emergency management through the adoption of an Emergency Management Plan. The Mayor is responsible for ensuring emergency management functions assigned under the plan are carried out.

A. The Mayor or his designee is responsible for administering the implementation of policies contained in the Emergency Management Plan. If the Mayor, for any reason, is unable or unavailable to perform the duties identified under this ordinance, the duties shall be performed in the following order of succession:

1. Assistant to the Mayor
2. Council President
3. Fire Chief, or his/her designee
4. Police Chief, or his/her designee

B. The powers of the successor to the Mayor shall be limited to those granted under this ordinance and the Charter; the duration of succession shall be until such time as the Mayor is able and available to perform the duties.

2.01.040 Declaration and Ratification of a State of Emergency. When the Mayor determines that a state of emergency exists, the Mayor shall make a declaration to that effect, and within 24 hours, call a special meeting of City Council to ratify the declaration of emergency.

A. The declaration by the Mayor of a state of emergency shall state the following:

1. The nature of the emergency; and
2. Location or geographic area affected; and
3. Number of individuals at risk, killed, or injured; and
4. Description of emergency conditions or threat; and
5. Description of damage or potential damage, if any; and
6. Resources committed and actions initiated by the City to alleviate the situation;

and

7. The type of County/State assistance and/or resources required.

B. In addition to the statements enumerated in Section 6-A, the ratification by the City Council of a City state of emergency shall:

1. State the duration of time during which the area so designated shall remain an emergency area; and
2. Approve or modify specific emergency measures recommended by the Mayor for the duration of the emergency period set forth in the declaration.

C. The state of emergency declared by the Mayor or by his/her successor shall exist for the period set forth in the declaration, but shall not exceed two weeks in duration. However, the state of emergency may be extended for additional periods of two weeks.

**2.01.050 Declaration of Emergency - Authorized Procedures.**

Whenever a state of emergency has been declared within the City, the one or more of the following measures may be taken for the protection of life or property:

1. Establishment of a curfew for the area designated as an emergency area which fixes the hours during which all persons, other than officially recognized personnel, may not be upon the public streets or other public places;

2. Prohibition or limitation of the number of persons who may gather or congregate upon any public street, public area, or any outdoor place within the area designated as an emergency area;

3. Barricading of streets and other areas; and vehicular and pedestrian traffic may be prohibited or regulated on streets leading to the area designated as the emergency area for such distance as may be deemed necessary under the circumstances;

4. Evacuation of persons from the emergency area;

5. Prohibition of the sale of alcoholic beverages;

6. Curtailment or suspension of commercial activity;

7. Interruption or termination of water, gas, or electrical service;

8. Redirection of City funds for emergency use and suspension of standard City procurement procedures;

9. Other measures which are imminently necessary for the protection of life or property, including entering into or upon private property to prevent or minimize danger to lives or property.

**2.01.060 Violations; Penalties.** A violation of the lawful restrictions imposed by section 2.01.050 is a Class I Civil Infraction, punishable as provided in section 2.10.010 to 2.10.045 of the Beaverton Code."

**Section 2. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 3.** BC 2.02.010 and 2.02.012 are hereby repealed.

**Section 4. Emergency Clause.** In order to carry out the intent of this ordinance and effectively protect the public welfare of the City with the greatest possible speed, realizing that

an emergency can occur at any time, an emergency is hereby declared to exist for the purpose that this ordinance shall take effect immediately upon adoption by this Council and signature of the Mayor.

First reading this 19th day of April, 1993.  
Adopted by the Council this 3rd day of May, 1993.  
Approved by the Mayor this 4th day of May, 1993.

ATTEST:

Jill Nelson  
ANN-L. JOHNSON, CITY RECORDER  
*deputy*

APPROVED:

Rob Drake  
ROB DRAKE, MAYOR