

ORDINANCE NO. 4012

AN ORDINANCE RELATING TO THE EMERGENCY  
MANAGEMENT CODE, AMENDING BEAVERTON CODE  
SECTIONS 2.01.012, 2.01.030, 2.01.040, and 2.01.050 AND  
DECLARING AN EMERGENCY

**WHEREAS**, the use of the term "State of Emergency," as currently listed in the code, is a source of confusion when distinguishing between declarations of emergency made by the City and declarations of emergency made by the state; and

**WHEREAS**, the potential of terrorist attacks is a new hazard that threatens the City; and

**WHEREAS**, there have been changes to the City's organizational structure; and

**WHEREAS**, the emergency management code currently does not outline why declarations of local emergencies may be made; and

**WHEREAS**, the code does not adequately describe the types of information that needs to be contained in a declaration of local emergency; and

**WHEREAS**, there are additional protective measures that should be made available to City emergency service workers, for implementation as part of a local declaration of emergency, to further protect lives and property, now, therefore,

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

**Section 1.** Beaverton Code Section 2.01.012 is amended as follows:

2.01.012 "Local Emergency" Defined. A "local 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, terrorist attack and war.

**Section 2.** Beaverton Code Section 2.01.030 A, is amended as follows:

A. The Mayor or the Mayor's 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. Police Chief, or the Police Chief's designee.

**Section 3.** Beaverton Code Section 2.01.040 is amended as follows:

2.01.040 Declaration and Ratification of a Local Emergency.

When the Mayor determines that a local 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. A declaration of local emergency can be made to:

1. Implement specific local measures which may be taken to further protect life or property; and/or
2. Request assistance from the county and state, to include requesting a declaration of a "state of emergency" be made by the governor; and/or
3. Request the governor to ask for a presidential "declaration of a major disaster or emergency", which would initiate actions necessary for local governments and individuals to receive federal disaster assistance.

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

1. The nature of the emergency; and
  2. Location or geographic area affected; and
  3. Description of emergency conditions or threat; and
  4. Description of damage or potential damage, if any;
- and
5. Specific measures to be taken to further protect lives and properties

C. If the declaration is made to request assistance it should include:

1. Resources committed and actions initiated by the City to alleviate the situation; and

2. A statement requesting the governor to consider the City an "emergency area" and declare a state of emergency and request a presidential declaration if warranted by the situation; and
3. The type of County/State assistance and/or resources required.

D. In addition to the statements enumerated in Section C, the ratification by the City Council of a local 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.

E. The local emergency declared by the Mayor or by the Mayor's successor shall exist for the period set forth in the declaration, but shall not exceed two weeks in duration. However, the local emergency may be extended for additional periods of two weeks, with Council action.

**Section 4.** Beaverton Code Section 2.01.040 is amended as follows:

2.01.050 Declaration of Emergency - Authorized Procedures.

Whenever a local emergency has been declared to exist within the City, one or more of the following measures may be taken to further protect 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 areas designated as emergency area for such distance as may be deemed necessary under the circumstances;
4. Mandatory Evacuation of persons from designated emergency areas;
5. Prohibition of the sale of alcoholic beverages;
6. Prohibit or restrict the sale of gasoline or other flammable liquids;

7. Prohibit or restrict the sale, carrying or possession of any weapons or explosives of any kind on public streets, public places, or any outdoor place.

8. Curtailment or suspension of commercial activity;

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

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

11. 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.

**Section 5. Emergency Clause.** The Council finds that immediate adoption of these amendments is necessary for the public's safety and welfare in the event of a disaster or major emergency. Since such disasters and emergencies may occur at anytime without advance warning, the Council declares an emergency to exist, and this Ordinance shall take effect immediately on its passage.

First reading this 29<sup>th</sup> day of June, 1998.

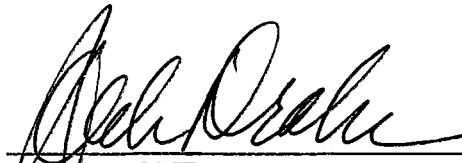
Passed by the Council this 29<sup>th</sup> day of June, 1998.

Approved by the Mayor this 7<sup>th</sup> day of JULY, 1998.

ATTEST:

APPROVED:

  
DARLEEN COGBURN, City Recorder

  
ROB DRAKE, Mayor