

**AN ORDINANCE AMENDING CHAPTER 2 – EMERGENCY
MANAGEMENT CODE OF THE BEAVERTON CITY CODE**

Whereas, the Emergency Management Code was added to the City Code in 1993 to establish the City of Beaverton’s (City) authorities in responding to disasters; and,

Whereas, the changes identified in this ordinance will address requirements found in national emergency management accreditation standards; and,

Whereas, this ordinance clarifies the process for making emergency and disaster declarations; and,

Whereas, this ordinance is intended to ensure the City’s ability to effectively respond to a disaster; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

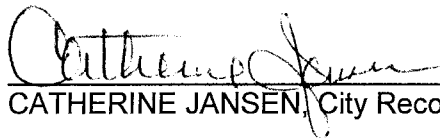
Chapter 2.01 of the Beaverton City Code is amended to read as shown in the attached Exhibit A.

First reading this 2 day of June, 2015.

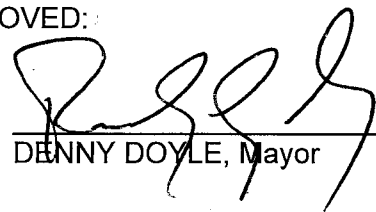
Passed by the Council this 9 day of June, 2015.

Approved by the Mayor this 10 day of June, 2015.

ATTEST:


CATHERINE JANSEN, City Recorder

APPROVED:


DENNY DOYLE, Mayor

Chapter 2.01
EMERGENCY MANAGEMENT CODE

Sections:

- 2.01.010 Short Title.
- 2.01.011 Emergency Management Agency
- 2.01.012 “State of Emergency” Defined.
- 2.01.020 Adoption of the National Incident Management System.
- 2.01.025 Emergency Management Plan
- 2.01.030 Executive Responsibilities and Line of Succession.
- 2.01.040 Emergency and Disaster Declarations.
- 2.01.045 Ratification of Emergency and Disaster Declarations
- 2.01.050 Declaration of Emergency – Authorized Procedures.
- 2.01.060 Violations; Penalties.

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.” [BC 2.01.010, added by Ordinance No. 3847, 5/3/93]

2.01.011 Emergency Management Agency

Pursuant to ORS 401.305, related to the emergency management powers of local governments, the City’s Emergency Management Program is the Emergency Management Agency for the City of Beaverton. The Emergency Program Manager shall be responsible for the organization, administration, and operation of the Emergency Management Agency.

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, terrorist attack and war. [BC 2.01.012, added by Ordinance No. 3847, 5/3/93; amended by Ordinance No. 4012, 7/7/98]

2.01.020 Adoption of the National Incident Management System.

The City adopts the principles and policies of the National Incident Management System (NIMS) as the foundation for its incident command, coordination, and support activities.

A. A core component of NIMS is the Incident Command System (ICS). The City will utilize ICS to manage major emergencies and disaster operations within its jurisdiction.

B. City staff responsible for managing and/or supporting major emergency and disaster operations will be provided appropriate training on NIMS and its core components. [BC 2.01.020, added by Ordinance No. 3847, 5/3/93; Ordinance No. 4309, 5/18/04; Ordinance No. 4366, 9/12/05]

2.01.025 Emergency Management Plan

The Emergency Management Plan consists of the Emergency Operations Plan, Basic Plan, Functional Annexes, Hazard Specific Annexes, and other corresponding hazard-specific plans and procedures. The Emergency Program Manager, in coordination with any affected Departments, shall have the authority to amend other sections of, or documents associated with, the Plan.

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 the Basic Plan of the Emergency Management Plan. The Mayor, or the Mayor's designee is responsible for ensuring emergency management functions assigned under the Emergency Management plan are carried out.

A. The Mayor or the Mayor's designee is responsible for administering the implementation of policies contained in the Emergency Management Plan.

B. The Mayor is the executive and administrative head of the city government and lines of succession need to be maintained for both functions to ensure continuity during emergencies and disasters. 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:

Executive	Administrative
1. Council President	1. Chief Administrative Officer
2. Immediate Past Council President*	2. Chief of Police
3. First Councilor Reached	3. Finance Director

*Provided the person continues to hold office as a Councilor

C. 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. [BC 2.01.030, added by Ordinance No. 3847, 5/3/93; amended by Ordinance No. 4012, 7/7/98]

2.01.040 Emergency and Disaster Declarations.

A. When the Emergency Program Manager, Emergency Management Officer, or designated Incident Commander reasonably believes that a state of emergency exists in the City of Beaverton, the Emergency Program Manager, Emergency Management

Officer, or designated Incident Commander shall request that the Mayor make an emergency declaration or disaster declaration.

1. An Emergency Declaration is issued to implement specific local measures and emergency authorities necessary to protect life, public health, or property and/or to suspend rules or procedures in order to expedite response operations. The emergency declaration must specify the time, duration and area impacted by the incident.

2. A Disaster Declaration is used to request assistance from the next higher level of government (local-county-state-federal), to include requesting a "state of emergency" declaration from the Governor and asking the Governor to seek a presidential emergency or major disaster declaration which would initiate actions necessary for local governments and individuals to receive federal disaster assistance.

B. If the Emergency Manager, Emergency Management Officer, or designated Incident Commander is unable to reach the Mayor in a reasonable amount of time, then the Emergency Manager, Emergency Management Officer, or Incident Commander shall attempt to contact the next person indicated in Line of Succession under BC 2.01.030. If the Mayor and the persons identified under BC 2.01.030 are unable to be reached in a reasonable amount of time, and a state of emergency exists within the City of Beaverton, then the Emergency Manager, Emergency Management Officer or designated Incident Commander shall issue the emergency declaration or disaster declaration.

C. The emergency declaration and disaster 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.

D. A disaster declaration shall also 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.

2.01.045 Ratification of Emergency and Disaster Declarations

A. The City Council shall convene as soon as practical to ratify the emergency or disaster declaration.

B. The ratification by the City Council of a state of emergency shall:

1. Provide 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 issued through a declaration 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, with Council action. [BC 2.01.040, added by Ordinance No. 3847, 5/3/93; amended by Ordinance No. 4012, 7/7/98]

2.01.050 Declaration of Emergency – Authorized Procedures.

Whenever a state of 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. Restricting or prohibiting the sale of products deemed dangerous, including but not limited to alcohol, flammable liquids and explosives;

EXHIBIT A

6. Prohibiting or restricting the possession of any weapons to the extent permitted by law on public streets, in public places, or at any outdoor place;
7. Curtailment or suspension of commercial activity;
8. Interruption or termination of water, gas, or electrical service;
10. Redirection of City funds for emergency use and implementation of City emergency 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. [BC 2.01.050, added by Ordinance No. 3847, 5/3/93; amended by Ordinance No. 4012, 7/7/98]

2.01.060 Violations; Penalties.

A violation of the lawful restrictions imposed by BC 2.01.050 is a Class I Civil Infraction, punishable as provided in BC 2.10.010 to 2.10.045 of the Beaverton Code. [BC 2.01.060, added by Ordinance No. 3847, 5/3/93]