

## CHAPTER 32

### EMERGENCY PRODEDURES OF BENTON COUNTY

**32.005 Short Title.** This Chapter of the Benton County Code shall be known as the EMERGENCY PROCEDURES OF BENTON COUNTY and may be so pleaded and referred to. [Ord. 2002-0180]

**32.010 Purpose.** The purpose of Chapter 32 is to provide a procedure to minimize injury to persons and property, to clearly establish when and who may close county roads and local access roads and to preserve the established civil authority in the event a local state of emergency exists within the unincorporated areas of Benton County or within the incorporated areas of Benton County if assistance is requested by such incorporated jurisdiction. [Ord. 2002-0180]

#### **32.015 Definitions.**

(1) **“Emergency”** means any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering or financial loss, and includes, but is not limited to, 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, crisis influx of persons unmanageable by the county, terrorism, activities that threaten the environment civil disturbance, riot, sabotage and war.

(2) **“Local State of Emergency”** means verbal or written declaration that an emergency has occurred or is imminent.

(3) **“Closure Order”** means a verbal or written order issued by the Benton County Sheriff after the declaration of a local state of emergency closing any county road or local access road in Benton County.

(4) **“County Road”** has that meaning provided in ORS 368.001(1), to-wit: “a public road under the jurisdiction of county that has been designated as a County Road under ORS 368.016.”

(5) **“Local Access Road”** has that meaning provided in ORS 368.001(3), to-wit: “a public road that is not a county road, state highway or federal road.” [Ord. 2002-0180]

**32.020 Authority of County.** Under the provisions of ORS Chapter 401, the authority and responsibility for responding to emergencies is placed at the local government level. ORS Chapter 401 further mandates that the county shall establish an emergency management agency to perform emergency program management functions to include, but not be limited to, program development, fiscal management, coordination with nongovernmental agencies and organizations, public information, personnel training and development and implementation of exercises to test the system. [Ord. 2002-0180]

### **32.025 Declaration of Emergency.**

(1) A local state of emergency may be declared after a determination is made that an emergency has occurred or is imminent. A declaration of local state of emergency may be verbal or in writing and shall specify the geographical area covered by the declaration. Such area, event description and event duration shall be no larger than necessary to effectively respond to the emergency.

(2) In order of descending authority, the following persons shall have the authority to declare a local state of emergency or its termination. No such person shall declare or terminate a local state of emergency unless, despite reasonable efforts to contact each and every person of a higher authority to make such a declaration, such efforts were unsuccessful and if the situation presents such a grave risk of loss of life or serious physical injury as to necessitate declaration of a local state of emergency immediately. However, all reasonable and practical attempts to contact persons of higher authority shall be made as soon as the situation so allows.

- (a) Chair of the Benton County Board of Commissioners.
- (b) Vice-chair of the Benton County Board of Commissioners.
- (c) Commissioner of the Benton County Board of Commissioners.
- (d) Sheriff of Benton County or a successor by Chain of Command.

(3) As soon as practical after the declaration of a local state of emergency, if not already terminated, the Benton County Board of Commissioners shall meet in person or by telephone, and determine whether existing conditions require the continuation of the state of emergency. Upon a determination that the emergency no longer exists, or when the threat of an emergency has passed, the local state of emergency shall be terminated in accordance with this section. [Ord. 2002-0180]

**32.030 Regulation and Control.** Whenever a state of emergency has been declared to exist within unincorporated Benton County, or upon the request of a municipality's governing body, the Board of County Commissioners is empowered to order and enforce the measures necessary to meet the emergency. However, if circumstances prohibit the timely action of the Board of County Commissioners, the Chair of the Board may order emergency measures provided that approval from a majority of the Board of County Commissioners is sought and obtained at the first available opportunity, or the Chair's order will become null and void. A partial list of emergency measures which may be ordered by the Board of Commissioners includes:

(1) Establish a curfew for the area designated as an emergency area which fixes the hours during which all persons other than officially authorized personnel may not be upon the public streets or other public places.

- (2) Prohibit or limit the number of persons who may gather or congregate upon any public street, public place, or any outdoor place within the area designated as an emergency area.
- (3) Barricade streets and roads, as well as access points onto streets and roads, and prohibit vehicular or pedestrian traffic, or restrict or regulate the same in any reasonable manner in the area designated as an emergency area for such distance or degree of regulation as may be deemed necessary under the circumstances.
- (4) Evacuate persons from the area designated as an emergency area.
- (5) Close taverns or bars and prohibit the sale of alcoholic beverages throughout Benton County or a portion thereof.
- (6) Commit to mutual aid agreements.
- (7) Suspend standard procurement procedures to obtain necessary services and/or equipment.
- (8) Redirect funds for emergency use.
- (9) Direct agencies in county government to utilize and employ county personnel, equipment, and facilities for the performance of any activities designed to prevent or alleviate actual or threatened damage due to an emergency.
- (10) Order such other measures as are found to be immediately necessary for the protection of life and/or property.
- (11) Suspend or control the distribution of gasoline from public fueling points, to insure availability of fuel during the state of emergency.
  - (a) Shutdown fuel points during riots to prevent fire and destruction
  - (b) Ration fuel to response agencies/vehicles responding to the state of emergency
  - (c) Pump fuel tanks and move fuel to more secure locations for protection/distribution. [Ord. 2002-0180]

**32.035 Powers of the Sheriff.** Upon the declaration of a local state of emergency, the Sheriff of Benton County, or a designee, shall have the following powers:

- (1) To issue a closure order closing to all persons any county road or local access road in Benton County. Any closure order issued by the Sheriff, or a designee, shall be no larger than reasonably

necessary to effectively respond to the emergency.

(2) To request other public agencies, private persons or private entities for permission to issue a closure order for roads, waterways or other property under their jurisdiction or control.

(3) To prohibit any person from entering or remaining in an area subject to a closure order.

(4) Coordinate with Benton County Public Works to maintain traffic flow and conduct mitigation measures to minimize the impact to citizens using the closed area.

(5) Authorize the Rural Fire Chief of the affected unincorporated area in Benton County to order and conduct evacuation measures as determined by the Rural Fire Chief. [Ord. 2002-0180]

**32.040 Acquisition of Resources.** Under this section, the Board of County Commissioners is authorized to extend government authority to nongovernmental resources (i.e. personnel, equipment) that may support regular government forces during an emergency and may enter into agreements with other public and private agencies for use of resources. When real or personal property is taken under power granted by this section, the owner of the property shall be entitled to reasonable compensation.

Under the provisions of ORS Chapter 401, state resources are available when the appropriate response to an emergency is beyond the capability of the county in which it occurs, the county fails to act, or the emergency involves two or more counties and the Governor determines that lack of coordination is hampering the effectiveness of response to the emergency. [Ord. 2002-0180]

**32.045 Penalty.**

(1) Any person, firm, corporation, association or entity who violates any emergency measure taken by the Board of County Commissioners under authority of this Chapter shall be subject, upon conviction, to a fine of not more than \$1,000.00 per offense.

(2) Each day of violation shall be deemed a separate offense for purposes of imposition of penalty.

(3) This Chapter shall be enforceable by the Benton County Sheriff's Office. [Ord. 2002-0180]

**32.050 Responsibility for Emergency Management.** For the purposes of this Chapter, in accordance with ORS Chapter 401, the emergency management agency for Benton County shall be the Benton County Sheriff's Office, Division of Emergency Services. The Benton County Sheriff is designated as the Director of Emergency Services. The emergency program may be managed by an Emergency Services Program Manager as appointed by the Director. Specific duties shall include but not be limited to:

- (1) Develop, update and revise the County's Basic Emergency Operations Plan.
- (2) Coordinate the activities of county departments, cities and other agencies with emergency services capabilities in the development of individual operational annexes to the Basic Emergency Operations Plan.
- (3) Provide for the coordination of emergency plans, programs and operations within the county, cities, neighboring jurisdictions and other public and private agencies with emergency services responsibilities.
- (4) Develop working agreements with the cities, neighboring jurisdictions and service districts to assure coordinated response to an emergency affecting Benton County.
- (5) Provide for the procurement of personnel, equipment, materials and supplies from higher authority, and for the accounting thereof for use in the event of a declared emergency.
- (6) Provide for coordinated operations under simulated emergency conditions.
- (7) Recommend to the Board of Commissioners any ordinances, policies or procedures which would assist the Board and other county officials in the performance of their duties in preparing for, responding to and recovering from an emergency. [Ord. 2002-0180]

**32.055 Separability.** If any section, subsection, sentence, clause, phrase or portion of this Chapter 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 Chapter. [Ord. 2002-0180]