

BEFORE THE BOARD OF COMMISSIONERS

MULTNOMAH COUNTY, OREGON

Ordinance No. 455

An Ordinance restricting public access to certain areas in the event of an explosion, accident, hostage-taking, riot, or similar emergency; imposing penalties for violations; and declaring an emergency.

Multnomah County ordains as follows:

SECTION 1. FINDINGS AND PURPOSE

The Board finds that certain emergencies may require the responding peace officers to immediately restrict public access to the area effected, before the area has been designated as an emergency area by the Chairman of the Board of County Commissioners or the Sheriff, pursuant to MCC 7.40.100. It is necessary that peace officers who respond to such emergencies have authority to restrict access to the area affected, in order to protect the health, welfare and safety of the people of Multnomah County. This Ordinance shall be liberally construed to effectuate the purposes expressed herein.

SECTION 2. AUTHORITY TO RESTRICT ACCESS TO CERTAIN AREAS

- A. Whenever a threat to the public health or safety is created by any fire, explosion, accident, cave-in, or similar emergency, catastrophe or disaster, or by disturbance, riot, presence of an armed person, hostage being held, or other disturbance, a peace officer of the rank of sergeant or above may restrict or deny access to persons to the area where such threat exists, for the duration of such threat, when the presence of such persons in such area would constitute a danger to themselves or when such officer reasonably believes that the presence of such persons would substantially interfere with the performance of police or other emergency services.
- B. Whenever it appears to be reasonably necessary to investigate, or to preserve or collect evidence of, criminal acts, a peace officer may restrict or deny access to any room, building or enclosure, or any open area, by cordoning off such area by the use of persons, vehicles, ropes, markers or any other means.

- C. As used in this section, "restrict or deny access" means that the peace officer has the authority to regulate or prohibit the presence or movement of persons or vehicles to, from, and within any area, to evacuate persons and to move or remove any property therefrom, until the reason for such restriction or denial of access no longer exists.
- D. It is unlawful for any person to enter or to refuse to leave any area closed or restricted in access pursuant to subsections A or B above, unless such person has specific statutory authority, or the permission of the on-scene ranking peace officer, to be within such area.
- E. In accordance with the authority granted by this Section, and in consideration of the law enforcement and emergency services needs involved, provisions shall be made for reasonable access to such areas by members of the media for the purpose of news gathering and reporting.

SECTION 3. INTERFERING IN EMERGENCIES

It is unlawful for any person to stop or remain in the vicinity of a fire, explosion, accident, cave-in, or similar emergency or disaster, or where such an emergency or disaster is threatened, or in the vicinity of a riot, affray or arrest, when his/her presence may be unsafe to him/herself or others, or may interfere with rescue, fire fighting or other emergency aid, after being notified by a peace officer to move to a place outside the area of danger or interference.

SECTION 4. PENALTIES

Any person convicted of a violation of this Chapter shall be punished by a term of not more than six (6) months in the Multnomah County Jail, or by a fine of not more than \$1,000.00, or both.

SECTION 5. SAVINGS CLAUSE

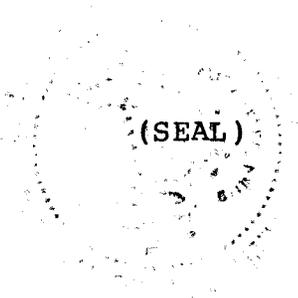
If any article, section, subsection, subdivision, phrase, clause, sentence, or word in this Chapter shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of the Chapter, but shall be confined to the article, section, subsection, subdivision, clause, phrase, sentence or word so held invalid or unconstitutional.

SECTION 6. DECLARING AN EMERGENCY

This Ordinance being necessary to protect the health, safety and welfare of the people of Multnomah County, an emergency is declared to exist. This Ordinance shall take effect immediately upon its adoption by the Board of County Commissioners and authentication by the County Executive.

Adopted this 7th day of February, 1985.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Earl Blumenauer
Presiding Officer

AUTHENTICATED this 7th day of February, 1985.

Dennis Buchanan
Dennis Buchanan, County Executive

APPROVED AS TO FORM

JOHN B. LEAHY, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By Wells Maii
Assistant County Counsel