

CHAPTER 7

DISASTER AND EMERGENCY MANAGEMENT

Article 1. Disaster and Emergency Management.

- Section 7-1-1. Definitions.
- Section 7-1-2. Agency organization; appointments.
- Section 7-1-3. Duties; functions.
- Section 7-1-4. Emergency management plans.
- Section 7-1-5. Utilization of existing government services.
- Section 7-1-6. Emergency powers.

Article 2. Disaster Control.

- Section 7-2-1. Loitering during tsunami warning.
- Section 7-2-2. Loitering and refusal to evacuate during impending disaster or disaster.
- Section 7-2-3. Unauthorized parking in designated area prohibited.
- Section 7-2-4. Penalty.

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CHAPTER 7**DISASTER AND EMERGENCY MANAGEMENT ***

* **Editor's Note:** Chapter 7 "Civil Defense," was renamed "Disaster and Emergency Management" by Ordinance 22-103.

Article 1. Disaster and Emergency Management. *

* **Editor's Note:** Article 1 was repealed in its entirety and replaced by Ordinance 22-103.

Section 7-1-1. Definitions.

As used in this chapter, unless it is apparent from the context that a different meaning is intended:

"Administrator" means the civil defense administrator with delegated authority from the mayor who is responsible for the administrative and operational functions of the civil defense agency during emergency management and non-emergency periods.

"Alerting organization" means an organization with the designated authority to alert and warn the public when there is an impending natural or human-made disaster or threat.

"Authorized persons" means a person approved or assigned by the civil defense agency to perform a specific type of duty or duties or to be at a specific location or locations.

"Civil defense agency" means the agency responsible for performing emergency management and homeland security functions within the County and outside the County, as may be required pursuant to chapter 127A and chapter 128A of the Hawai'i Revised Statutes.

"Comprehensive emergency management plan" means a plan for managing all types of emergencies and disasters by coordinating the actions of numerous agencies.

"Continuity of operations plan" means a plan that addresses an organization's or agency's capacity to carry out its essential duties while providing resources for emergency response in the event of an emergency.

"Disaster" means any emergency, or imminent threat, that results or may likely result in loss of life or property and that requires, or may require, assistance from other Counties or States or from the Federal government.

"Emergency" means any occurrence, or imminent threat, which results or may likely result in substantial injury or harm to the population or substantial damage to or loss of property.

"Emergency management" means a comprehensive integrated system at all levels of government, and also in the private sector, which develops and maintains an effective capability to prevent, prepare for, respond to, mitigate, and recover from emergencies or disasters.

"Integrated preparedness plan" means a comprehensive plan designed to develop and maintain core capabilities in the County.

“Land mobile radio system” means a system that facilitates routine and emergency wireless communication between first responders in the field, other field units, and dispatch centers.

“Loitering” means to stand or wait around idly or without apparent purpose.

“Mitigation” means sustained actions designed to reduce or eliminate risk of hazards and impacts of disaster events on people and property.

“Multi-hazard mitigation plan” means a County-wide plan that identifies risks, vulnerabilities, and ways to minimize damage and losses from natural and manmade disasters.

“Prevention” means to avoid or stop an imminent, threatened, or actual natural or manmade disaster.

“Protection” means to take necessary actions to avoid or minimize damage, injury, or destruction to residents, visitors, property, and assets.

“Recovery” means the process of returning to a normal state of affairs including timely restoration, strengthening and revitalization of infrastructure, housing and a sustainable economy, as well as the health, social, cultural, historic, and environmental fabric of communities affected by natural and manmade disasters.

“Response” means actions designed to save lives, protect property and the environment, and meet basic human needs in the aftermath of an emergency or disaster.

“Stakeholder preparedness review” means a three-step self-assessment of a community’s capability levels based on the core capability targets established in the threat hazard identification risk assessment. The stakeholder preparedness review identifies any change (lost, sustained, or built) in capabilities from the previous year, any gaps between the target and current capability, actions to take to close gaps or maintain the capability, and how funding sources (County, State, and Federal grants) have affected the capability.

“State of disaster or emergency” means an occurrence that requires efforts by local, State, or Federal government to protect property, public health, welfare, or safety in the event of a disaster or emergency, or to reduce the threat of a disaster or emergency.

“Threat and hazard identification and risk assessment” means an assessment process that helps communities understand risks and how to address those risks.

“Warning point” means a division within the civil defense agency that is charged with receiving and disseminating emergency and non-emergency information to and from State partners, first responders, and local governments in a timely manner.

(2022, ord 22-103, sec 3.)

Section 7-1-2. Agency organization; appointments.

The civil defense agency shall perform emergency management functions pursuant to chapter 127A and chapter 128A of the Hawai‘i Revised Statutes and shall consist of the following:

- (1) The head of the civil defense agency, who shall be the mayor of the County.
- (2) A full-time civil defense administrator, who shall be responsible for administrative functions and emergency management operations during non-emergency periods and, within the delegated scope of authority, have all the duties and responsibilities of the mayor during declared emergencies. The administrator shall be hired according to the provisions of chapter 76 of the Hawai‘i Revised Statutes.
- (3) Sufficient staff to carry out the duties and functions of the agency.
- (4) The employees and resources of all County departments, agencies, and offices in emergency management activities as needed.
- (5) Non-governmental organizations offering emergency management services pursuant to an agreement with the County, or accepted by the County when no agreement exists.

(2022, ord 22-103, sec 3.)

Section 7-1-3. Duties; functions.

The civil defense agency shall:

- (1) Organize, administer, and operationalize a comprehensive emergency management program that includes prevention, protection, mitigation, response, and recovery operations within the County;
- (2) Facilitate development and maintenance of all plans necessary to ensure preparedness, emergency management, hazard mitigation, and continuity of operations;
- (3) Maintain liaison with all State and Federal emergency management agencies and ensure necessary systems are established to receive State and Federal funds during times of disaster or emergency;
- (4) Manage the emergency operations center as the central coordinating entity during major disasters or emergencies;
- (5) Monitor any and all threats, emergencies, or disasters that pose a risk to the lives and safety of residents and visitors, and advise the mayor on proposed solutions for how to best protect people and property from danger;
- (6) Coordinate with all alerting organizations on issuance of emergency public information and warnings;
- (7) Establish a warning point that will be a primary means of coordination with alerting organizations and of issuing emergency public information and that will operate twenty-four hours-a-day and seven days-a-week;
- (8) Manage the County’s land mobile radio system to ensure system capability, responsiveness, and capacity;

- (9) Enter into memorandums of agreement with other jurisdictions and non-governmental organizations to provide aid and assistance to residents and visitors during emergency response and short-term recovery;
 - (10) Educate the public through community engagement as to the actions necessary and required to prepare and protect persons and property in the event of a natural or man-made disaster or emergency event; and
 - (11) Conduct training and exercises to ensure the efficient mobilization and coordination of emergency management forces and familiarize residents and organizations with emergency management plans, procedures, and operations.
- (2022, ord 22-103, sec 3.)

Section 7-1-4. Emergency management plans.

- (a) The following comprehensive emergency management plans shall be developed and maintained by the civil defense agency to ensure coordination in all phases of emergency management and filed with the County council:
 - (1) The comprehensive emergency management plan shall be developed by March 1, 2023 and reviewed annually.
 - (2) The threat and hazard identification and risk assessment shall be completed in April every three years, with a stakeholder preparedness review conducted annually.
 - (3) The integrated preparedness plan shall be prepared in June every three years, and be informed by the threat and hazard identification and risk assessment.
 - (4) The multi-hazard mitigation plan shall be developed every five years, by a mitigation work group with representation from the civil defense agency, planning department, and department of research and development, with additional representatives added on a temporary basis to address specific actions or issues.
 - (b) The administrator shall report to the County council in August of every year, summarizing the previous fiscal year's actions to implement and update the various comprehensive emergency management plans. The report shall include a brief description of the agency's collaborative work with community organizations.
- (2022, ord 22-103, sec 3.)

Section 7-1-5. Utilization of existing government services.

- (a) Each County department, agency, and office shall cooperate with and extend its services, materials, and facilities to the civil defense agency as requested by the mayor.
- (b) Each County department, agency, and office shall designate, in writing no later than December 31 of each year, one representative and two alternates to serve as liaisons to the civil defense agency. Liaisons shall have extensive knowledge of and delegated authority to assign departmental capabilities and available resources during a disaster or emergency event.

- (c) To facilitate emergency preparedness planning for the County of Hawai'i, all County departments, agencies, and offices shall prepare and periodically revise a continuity of operations plan pursuant to directions and technical assistance provided by the civil defense agency. The maintenance of the continuity of operations plan shall be the responsibility of appointed liaisons.

(2022, ord 22-103, sec 3.)

Section 7-1-6. Emergency powers.

- (a) The power to declare a state of disaster or emergency by proclamation, promulgate emergency rules having the force and effect of law, and make allotments of funds appropriated or available for emergency management is conferred on the mayor.
- (b) All County employees are considered emergency workers during a declared emergency.
- (c) All County employees, accepted volunteers, and non-governmental organization workers providing services in coordination with the County, except in cases of willful misconduct, gross negligence, or recklessness shall not be liable for death and injury to persons or property damage as an act or omission in the course of employment of duties.
- (d) The mayor may exercise the following additional powers in an emergency period:
- (1) Suspend any County law that impedes or tends to impede or be detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions;
 - (2) Shut off water mains, gas mains, electrical power connections, or suspend other services;
 - (3) To the extent permitted by or under Federal law, authorize any actions necessary to ensure continuity of electronic media transmission; and
 - (4) Direct and control the mandatory evacuation of the civilian population.

(2022, ord 22-103, sec 3.)

Article 2. Disaster Control. *

* **Editor's Note:** Sections 7-5 through 7-7 were repealed by Ordinance 22-103.

Section 7-2-1. Loitering during tsunami warning. *

A person commits the offense of loitering during an emergency if during a tsunami warning period, or during and immediately after a tsunami that person knowingly:

- (1) Loiters, loafs, or idles upon any public highway, public place, sidewalk, or beach, on foot or on any vehicle, in any coastal area, or area subject to tsunami action.
- (2) Disobeys any direction or command of any police officer directing traffic.

- (3) Refuses or fails to leave any area, public or private, upon order of a police officer, which action impedes or tends to impede the effective and orderly handling of an evacuation or a disaster; provided that this section shall not prevent any authorized person from lawfully preserving, protecting, or salvaging any property, real or personal, or to prevent any other authorized person from performing any other lawful duty.

(2022, ord 22-103, sec 5.)

* **Editor’s Note:** Section 7-9, was renumbered section 7-2-1 by Ordinance 22-103.

Section 7-2-2. Loitering and refusal to evacuate during impending disaster or disaster.*

A person commits the offense of loitering during an emergency if during an impending disaster or a disaster that person knowingly:

- (1) Loiters, loafs, or idles upon any public highway, sidewalk, or public place, on foot or on any vehicle, in or close to an impending disaster or a disaster area.
- (2) Disobeys any direction or command of any police officer directing traffic.
- (3) Refuses or fails to leave any area, public or private, upon order of an authorized person, which action impedes or tends to impede the effective and orderly handling of the impending disaster or the disaster; provided that this section shall not prevent any authorized person from lawfully preserving, protecting, or salvaging any property, real or personal, or to prevent any other authorized person from performing any other lawful duty.
- (4) Refuses or fails to evacuate any area, public or private, upon order of an authorized person, which action impedes or tends to impede the effectiveness and orderly handling of the evacuation of persons from an impending disaster area.

(2022, ord 22-103, sec 5.)

* **Editor’s Note:** Section 7-10, was renumbered section 7-2-2 by Ordinance 22-103.

Section 7-2-3. Unauthorized parking in designated area prohibited. *

- (a) Except when authorized by an authorized person or specific traffic control device, no person shall stop, stand or park a vehicle within an impending disaster or disaster area as described in a Mayor’s and/or Governor’s emergency declaration.
- (b) The police officer citing any driver or owner for a violation of this section may have the motor vehicle towed to and stored at a private tow yard at the registered owner’s expense pursuant to section 291C-165.5(a) of the Hawai’i Revised Statutes.
- (c) Any person convicted of unauthorized parking in a designated area shall be punished by a fine of not more than \$100 for the first conviction; not more than \$200 for the second conviction of a second offense committed within one year after the date of the first offense; not more than \$500 for the third or subsequent conviction of a third or subsequent offense committed within one year after the date of the first offense.

(2022, ord 22-103, sec 5.)

* **Editor’s Note:** Section 7-12, was renumbered section 7-2-3 by Ordinance 22-103.

Section 7-2-4. Penalty. *

A person who has been convicted of any offense under this article, shall be sentenced to pay a fine not exceeding \$500 or imprisonment for a term of not more than thirty days.

(2022, ord 22-103, sec 5.)

* **Editor's Note:** Section 7-11, was renumbered section 7-2-4 by Ordinance 22-103.

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