

## **CHAPTER 7**

### **CIVIL DEFENSE**

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**CHAPTER 7****CIVIL DEFENSE****Article 1. Civil Defense Organization.****Section 7-1. Purpose.**

Because of the possibility of disasters or emergencies of great destructiveness resulting from enemy attack, sabotage or other hostile action, or from fire, flood, tsunami, volcanic eruption, earthquake, or other natural causes, and in order to insure that preparations of this County will be adequate to deal with such disasters or emergencies, to make adequate provision against shortages of food supplies and essential commodities, to maintain the strength, resources and economic life of the community and provide for prompt and effective action, to promote the national defense and civil defense in cooperation with the State and Federal governments, and to protect the public health, safety and welfare, this article is found and declared to be necessary. (1983 CC, c 7, art 1, sec 7-1; am 2007, ord 07-121, sec 2.)

**Section 7-2. County civil defense agency created; organization.**

- (a) The County civil defense agency shall perform civil defense functions within the County, and shall conduct functions outside the County as may be required pursuant to chapter 128, Hawai'i Revised Statutes (Civil Defense and Emergency Act).
- (b) The head of the County civil defense agency who shall be the deputy director, shall be appointed by the director of the State civil defense agency with the approval of the council and may be removed by the State director. Should the mayor be appointed as the deputy director, during the time of the mayor's absence or inability to serve, the mayor's successor shall be as provided by section 5-1.6, County Charter and section 2-8, Hawai'i County Code.
- (c) A full-time civil defense administrator shall be the chief administrative assistant to the deputy director and shall, within the delegated scope of authority, have all the duties and responsibilities of the deputy director, subject to the control of the deputy director or the deputy director's successor. The deputy director shall appoint the civil defense administrator in accordance with the merit system and the civil defense administrator's appointment shall be approved by the State director.

(1983 CC, c 7, art 1, sec 7-2.)

**Section 7-3. Deputy director; duties.**

The deputy director is responsible for the organization, administration, and operation of the civil defense agency in the County. It is the duty of the deputy director to coordinate the activities of all organizations for civil defense within the County, public or private, and to maintain liaison with and cooperate to the fullest extent with the State director to insure that the plans and programs of the County for the relief and

general welfare of the people in the event of a disaster or emergency are fully integrated with the plans and programs of the State and Federal governments. The plans and programs shall be prepared by the deputy director and transmitted to the council for approval and shall be reviewed by the deputy director and resubmitted to the council for approval before March 31 of each year.

(1983 CC, c 7, art 1, sec 7-3.)

**Section 7-4. Utilization of existing government services.**

Each County department, agency and officer shall cooperate with and extend its services, materials and facilities to the County civil defense agency as may be requested by the deputy director.

(1983 CC, c 7, art 1, sec 7-4.)

**Article 2. Disaster Control.**

**Section 7-5. Purpose.**

Because of the possibility of disasters of great destructiveness resulting from tsunami, volcanic eruptions, flood, earthquake, fire, or other natural causes, or from enemy attack, sabotage or other hostile action, and in order to insure the orderly evacuation of persons and property and to protect the public peace, health, and safety, and preserve the lives and property of the people of the County, it is necessary to regulate certain activities.

(1983 CC, c 7, art 2, sec 7-5; am 2007, ord 07-121, sec 3.)

**Section 7-6. Definitions.**

As used in this article:

- (1) "Authorized person" means any:
  - (a) Police officer or County or State employee assigned to disaster duty during an impending disaster or disasters;
  - (b) National Guard members;
  - (c) Civil defense agency personnel, volunteers, or designees.
- (2) "Disaster" means any situation, usually catastrophic in nature, where numbers of persons are plunged into helplessness and suffering and as a result may be in need of food, clothing, shelter, medical care, or other necessities of life, and the governor of the State or the mayor of the County has declared a state of disaster or emergency.
- (3) "Impending disaster" means any situation where a catastrophe threatens an inhabited area and the civil defense agency has issued a warning that the inhabitants of the area should evacuate from the threatened area.

(1983 CC, c 7, art 2, sec 7-6; am 2005, ord 05-9, sec 2; am 2008, ord 08-53, sec 2.)

**Section 7-7. Mayor to declare state of emergency.**

The power to declare a state of disaster or emergency is conferred on the mayor.

(1983 CC, c 7, art 2, sec 7-7.)

**Section 7-8. Repealed.**

(1983 CC, c 7, art 2, sec 7-8; rep 2010, ord 10-62, sec 2.)

**Section 7-9. 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, loafes, 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.

(1983 CC, c 7, art 2, sec 7-9; am 2007, ord 07-121, sec 4.)

**Section 7-10. 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, loafes, 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.

(1983 CC, c 7, art 2, sec 7-10; am 2005, ord 05-9, sec 3; am 2007, ord 07-121, sec 5.)

**Section 7-11. 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.

(1983 CC, c 7, art 2, sec 7-11; am 2005, ord 05-9, sec 4.)

**Section 7-12. 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.

(2011, ord 11-49, sec 2.)