

## Chapter 2.012

### EMERGENCY MANAGEMENT

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#### **Section 2.012.010 Purpose and declaration of policy.**

The purpose of this ordinance is to set out and clarify the authority of the city and of its officers with regard to local, regional and national emergency and disaster situations. It is intended, in conformity with Article 11, Section 11 of the Washington State Constitution and with Ch. 38.52 RCW, to provide the city with the broadest power permitted by constitutional and statutory authority to preserve the public peace, health, safety and welfare.

(M-3513, Added, 10/02/2000, Sec 1 - Effective 11/29/2000)

#### **Section 2.012.020 Definitions.**

When used in this ordinance, the following words, terms and phrases, and their derivations, shall have the meanings ascribed to them in Ch. 38.52 RCW and this section, except where the context clearly indicates a different meaning:

"Civil emergency" means a riot, unlawful assembly, insurrection, enemy attack, sabotage, or other hostile action; or a natural or human caused disaster, including fire, flood, storm, explosion, earthquake, volcanic disturbance or other natural cause.

"Executive head" means the person designated by the city in conformity with state law and this ordinance as the head of the city government for emergency management and disaster preparedness purposes pursuant to Ch. 38.52 RCW.

(M-3513, Added, 10/02/2000, Sec 1 - Effective 11/29/2000)

#### **Section 2.012.030 Declaration of emergency.**

A. Whenever a civil emergency, or the imminent threat thereof, occurs in the city and results in, or threatens to result in the death or injury of persons or the destruction of or damage to property to such extent as to require, in the judgment of the city manager or designate, extraordinary and immediate measures to protect the public peace, safety and welfare, the city manager or designate shall forthwith:

1. If the city council is in session, request the city council to declare the existence or threatened existence of a civil emergency; or
2. If the city council is not in session, issue such declaration, subject to council ratification and confirmation, modification or rejection as soon as practicable;
3. In the absence of the city manager or designate, if the city council is not in session, such a civil emergency may be declared by the mayor, and in the absence of the city manager, designate and mayor, by the mayor pro tempore;
4. Declarations of civil emergency issued by the council, city manager, city manager's designate, mayor or mayor pro tempore shall as soon as practicable be filed with the city clerk as soon as practicable;
5. Declarations of civil emergency issued by the city manager, designate, mayor or mayor pro tempore shall as soon as practicable be filed with the city clerk and presented to the city council for ratification and confirmation, modification or rejection. Such council ratification and confirmation, modification or rejection shall be by a majority of council then present and voting. Declarations which are rejected shall, after vote, be void. Declarations shall be considered in full force and effect until the council shall act.
  - a. Where practicable and appropriate, the city manager, designate, mayor, or mayor pro tempore shall consult prior to issuing a declaration of civil emergency with local, state and federal emergency management agencies.
  - b. Such declaration of civil emergency may be in addition to or as an alternative to the proclamation of state or emergency by the governor.
  - c. The council or officer issuing a declaration of civil emergency shall terminate the declaration of civil emergency when order has been restored in the affected area of the city.  
(M-3513, Added, 10/02/2000, Sec 1 - Effective 11/29/2000)

**Section 2.012.040 Authorized emergency orders.**

- A. Upon the declaration of a civil emergency, and during the existence of such civil emergency, the city manager or designate may make and proclaim any or all of the following orders and delegate enforcement authority therefore to law enforcement officers and designated emergency personnel.
1. An order imposing a general curfew applicable to the city as a whole, or to such geographical area or areas of the city and during such hours, as the city manager or designate deems necessary, and from time to time to modify the hours such curfew will be in effect and the area or areas to which it will apply;
  2. An order requiring any or all business establishments to close and remain closed until further order;
  3. An order requiring the closure of any or all bars, taverns, liquor stores, and other business establishments where alcoholic beverages are sold or otherwise dispensed; provided that with respect to those business establishments which are not primarily devoted to the sale of alcoholic beverages and in which such alcoholic beverages may be removed or made secure from possible seizure by the public, the portions thereof utilized for the sale of items other than alcoholic beverages may, in the discretion of the council, be allowed to remain open;

4. An order requiring the discontinuance of the sale, distribution or giving away of alcoholic beverages in any or all parts of the city;
5. An order requiring the discontinuance of the sale, distribution or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;
6. An order closing to the public any or all public places including streets, alleys, public ways, schools, parks, beaches, amusement areas, and public buildings;
7. An order establishing economic controls in aid of and supplementary to and consistent with federal orders relating to price stabilization or controls including: the convening and establishing of ration boards; auditing retail and wholesale ration accounts; monitoring price control operations and reporting violations to appropriate authorities; assisting in providing essential supplies to disaster victims; advising appropriate authorities concerning rationing, price control, wage and rent controls and allocation of food and other essential commodities;
8. An order directing the use of public and private health, medical, and convalescent facilities and equipment to provide emergency health and medical care for injured persons;
9. An order authorizing, in cooperation with utility management and appropriate state and federal agencies, the shutting off, restoration, and operation of utility services in accordance with priorities established for combating such civil emergency.
10. An order providing for the evacuation and reception of the population of the city or any part thereof; and
11. Such other orders as are imminently necessary for the protection of life and property.

B. In the absence of the city manager or designate, emergency orders may be issued by the mayor, and in the absence of the city manager, designate and mayor, emergency orders may be issued by the mayor pro tempore.

C. Emergency orders shall be filed with the city clerk and presented as soon as practicable to the city council for ratification and confirmation, modification or rejection. Such council ratification and confirmation, modification or rejection shall be by a majority of council then present and voting. Orders which are rejected shall, after vote, be void. Emergency orders shall be considered in full force and in effect until the council shall act.

(M-4046, Amended, 03/18/2013, Sec 1 - Effective 04/18/2013; M-3513, Added, 10/02/2000, Sec 1-Effective 11/29/2000)

### **Section 2.012.050 Notice of declarations of emergency and emergency orders.**

Notice of any declaration of civil emergency or emergency order issued by pursuant to the authority of this chapter shall be given as soon as practicable by such means as are practicable to news media within the general area of the city, the public, the governor, the state military department, and the Clark County department of emergency management or successor agency.

(M-3513, Added, 10/02/2000, Sec 1-Effective 11/29/2000)

**Section 2.012.060 Designation of manager of emergency services and executive head of the city.**

The city manager or designate shall serve as the manager of emergency services and the executive head of the city government for purposes of emergency management pursuant to Ch. 38.52 RCW.  
(M-3513, Added, 10/02/2000, Sec 1-Effective 11/29/2000)

**Section 2.012.070 General duties of manager or emergency services and executive head.**

The manager of emergency services and executive head shall be responsible for the following:

1. To issue or request issuance of declarations of civil emergency pursuant to VMC 2.012.030.
2. To issue emergency orders pursuant to VMC 2.13.040.
3. To request that the governor proclaim a state of emergency or disaster when in the opinion of the city manager, the resources of the city, area or region are inadequate to cope with the emergency or disaster.
4. To oversee preparation, implementation and periodic reviews and updates of the city's emergency management plan as required by law.
5. To promulgate the city's emergency management plan in conformity with law; provided that such shall designate a line of succession for city administrative officers in the event that the city manager and designate are unable to serve as manager of emergency services and executive head in time of emergency and shall describe the line of secession for the mayor, mayor pro tempore and council in conformity with the provisions of city charter and state law.
6. To direct coordination and cooperation between departments, divisions, services and staff in carrying out the provisions of the emergency management plan, and to resolve questions of authority and responsibility that may arise among them.
7. To act in coordination with the state and other governmental agencies to plan and implement joint jurisdictional planning and disaster services plans and mutual aid agreements.
8. To consult with the city attorney in planning and exercise of emergency powers.

(M-3513, Added, 10/02/2000, Sec 1-Effective 11/29/2000)

**Section 2.012.080 Emergency procurements.**

The city manager or designate, including but not limited to the purchasing manager, may make emergency procurements consistent with the provisions of those portions of Section 2 of Ordinance M-2129 codified at VMC 3.05.030 (Emergency procurement).

(M-3513, Added, 10/02/2000, Sec 1-Effective 11/29/2000)

**Section 2.012.090 Emergency powers under governor's declaration of emergency or disaster.**

In addition to or as an alternative to those emergency powers prescribed by this ordinance upon the declaration of a civil emergency, the city manager or designate shall have, upon proclamation of a state of emergency or disaster by the governor pursuant to Ch, 43.06 RCW and Ch. 38.52 RCW, the authority to

exercise authority on behalf of the city all emergency powers set forth in RCW 38.52.070(2), including without limitation:

A. To determine, subject to city budget procedures, the city's contribution to the cost of a joint local emergency management organization upon a fair and equitable basis:

B. To act directly or through delegates as the director of emergency management for the city or by joint action with other local political subdivision executive heads, appoint the director of a joint organization for emergency management.

C. To accept and receive, with the consent of the governor, on behalf of the city, offers from the federal government of services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of emergency management, the state, acting through the governor.

D. To accept and receive on behalf of the city from any person, firm, or corporation offers of services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for the purposes of emergency management, subject to the terms of the offer.

E. In cases where there is damage to the equipment borrowed from other cities under a mutual aid agreement, to receive the filing of claims for such damage within 60 days after the damage is incurred.

F. To utilize existing services and facilities to the maximum extent practicable notwithstanding any other provision of law, in the event of a disaster, after proclamation by the governor of the existence of such disaster, to have the power to command the service and equipment of many citizens as considered necessary in the light of the disaster proclaimed; provided that citizens so commandeered shall be entitled during the period of such service to all privileges, benefits and immunities as are provided by Ch. 38.52 RCW and federal and state emergency management regulations for registered emergency workers.

(M-3513, Added, 10/02/2000, Sec 1-Effective 11/29/2000)

**Section 2.012.100 Violations of emergency proclamation, rule or order - Penalties.**

Violations of a declaration of civil emergency issued pursuant to VMC 2.012.030 or of a subsequent emergency order issued pursuant to VMC 2.012.040, or any other order or directive given by a law enforcement officer or designated emergency services personnel pursuant to authority of such declaration or orders is a misdemeanor; provided that a second or subsequent offense hereunder shall be a gross misdemeanor. Such violations shall be punished as provided in VMC 7.04.050.

(M-3513, Added, 10/02/2000, Sec 1-Effective 11/29/2000)

**Section 2.012.110 Continuance of existing agreements.**

Nothing in this ordinance shall be deemed to affect any existing interlocal agreements entered into by the city with Clark County or other cities and towns of Clark County pursuant to Ch. 38.52 RCW regarding emergency planning or with any unit of state or local government regarding the giving of mutual aid; provided that for the purposes of such agreements, they city manager or designate shall exercise all powers as executive head of the city under such agreements in conformity with RCW 38.52.010.

(M-3513, Added, 10/02/2000, Sec 1-Effective 11/29/2000)

**Section 2.012.120    General public duty created.**

A. It is expressly the purpose of this ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons or individual who will or should be especially protected or benefited by the terms of this ordinance.

B. Nothing contained in this ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this ordinance by its officers, employees or agents.

(M-3513, Added, 10/02/2000, Sec 1-Effective 11/29/2000)

**Section 2.012.130    Severability.**

The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held invalid or unconstitutional or if the application of this ordinance to any person or circumstances shall be held invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clause or phrases of this ordinance.

(M-3513, Added, 10/02/2000, Sec 1-Effective 11/02/2000)