

ORDINANCE NO. 117

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ESTABLISHING AN EMERGENCY MANAGEMENT ORGANIZATION, PROVIDING FOR AN EMERGENCY SERVICES DIRECTOR, ESTABLISHING POWERS AND RESPONSIBILITIES PURSUANT TO RCW 38.52, AND PROSCRIBING CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

WHEREAS, the City Council of the City of University Place, Washington, finds that the possibility of an occurrence of a disaster or emergency as defined in RCW 38.52, requires prudent planning to insure preparations by the city are adequate to deal with such a disaster or emergency, and

WHEREAS, the State of Washington authorizes and directs cities to establish a local organization for emergency management in accordance with the state emergency management plan and program; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Purposes. The purposes of this ordinance are to provide for the preparation and carrying out of plans for emergency mitigation, preparedness, response and recovery for persons and property within the City in the event of an emergency or disaster. Additionally the purpose is to provide for the coordination of emergency functions and services of the City with other public agencies and affected private persons, corporations and organizations.

Section 2. Emergency Management Policy It is the policy of the City to make effective preparation for and use of manpower, resources, and facilities to deal with any emergency or disaster that may occur. Emergencies and disasters by their very nature may disrupt or destroy existing systems and the capability of the City to respond to protect life, public health, public and private property and to provide essential City services. Therefore, citizens are advised to be prepared to be on their own for up to 72 hours should an emergency or disaster occur.

Section 3. Definitions.

"Emergency or disaster" shall mean an event or set of circumstances which: (a) demands immediate attention to preserve public health, protect life, protect public property, or to provide relief to any stricken neighborhood overtaken by such occurrences, or (b) reaches such a dimension or degree of destructiveness as to warrant the emergency services director proclaiming the existence of a disaster or the Governor declaring a state of emergency in accordance with appropriate local or state statute.

"Emergency management" shall mean the preparation for and the carrying out of all emergency functions, other than those for which the military forces are primarily responsible, to mitigate, prepare for, respond to and recover from emergencies and disasters, and to aid victims suffering from injury or property damage resulting from disasters caused by all hazards, whether natural or man-made, and to provide support for search and rescue operations for persons and property in distress.

"Emergency services director" shall mean the City Manager or authorized designee.

Section 4. Emergency Management Organization. The emergency management organization of the City shall include a Disaster and Emergency Management Team. The team shall be comprised of the City Manager who shall serve as Chair; the Community Services Director or Designee; the Director of Public Works; the Director of Planning and Community Development; the City Attorney; the City Clerk; the Chief of Police; and the Chief of Pierce County Fire Protection District No. 3 or designee.

Section 5. Emergency Management Plan and Program. The Emergency Services Director shall prepare an emergency management plan and program for the City no later than June 30, 1997. The emergency management plan and program shall be submitted to the City Council for approval. The plan and program shall also be transmitted to the Director of the Department of Community, Trade and Economic Development for certification of consistency with the state comprehensive emergency management plan. Upon approval by the City Council and certification by the State, the emergency management plan and program shall become the official emergency management plan of the City.

Section 6. Emergency Services Director-Emergency Management Responsibilities. The Emergency Services Director (the City Manager or designee as set forth below) has direct responsibility for the organization, administration and operation of the emergency management plan for the City. The emergency services director is responsible for directing the emergency operations of departments of the City of University Place. The emergency services director shall have such other duties as may be assigned to the director by the City Council. The Emergency Services Director is hereby empowered:

- (A) To request the City Council, if the City Council is in session, to proclaim the existence of or threatened existence of a disaster or an emergency, and the termination thereof. If the City Council is not in session, to issue a proclamation declaring the existence of a disaster or an emergency, subject to confirmation by the City Council at the earliest practical time; and

- (B) To direct coordination and cooperation between the staff of the departments and services of the city in carrying out the provisions of the emergency management plan and program, and to resolve questions of authority and responsibilities that may arise between them; and
- (C) To develop and implement appropriate mutual aid agreements.

Section 7. Chain of Command. If the City Manager for any reason is unable either to act as Emergency Services Director or to communicate to the Disaster and Emergency Management Team, the City Manager's choice of an authorized designee to act as both Chair Pro Tem of the Disaster and Emergency Management Team and Acting Emergency Services Director, then the members of the team in the sequence set forth in Section 4 of this ordinance shall serve both as Acting Chair of the team and Acting Emergency Services Director. An Acting Emergency Services Director shall have the same authority to act as the Director.

Section 8. Emergency Services Director-Emergency Powers. In the event of a proclamation of a disaster or emergency as provided in this ordinance, or upon the proclamation of an emergency by the Governor, the Emergency Services Director is hereby empowered:

- (A) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations are confirmed at the earliest practical time by the City Council.
- (B) To delegate to individuals as necessary, the authority to accomplish specific or general emergency actions in conduction with the emergency response.
- (C) To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people and to bind the City for the fair value thereof, and if required immediately, to commandeer the same for public use.
- (D) To require emergency services of any city employee and in the event of the City Council's or Emergency Services Director's proclamation of the existence or threatened existence of a disaster or the proclamation of a state of emergency by the Governor in the region in which the City of University Place is located, to command the aid of as many citizens of the City of University Place as may be deemed necessary in the execution of the Director's duties; and such persons to be entitled to all privileges, benefits and immunities as are provided by state law for registered emergency workers.
- (E) To execute all of the special powers conferred upon the Director by this ordinance, by any other statute, agreement or lawful authority, as necessary.

Section 9. Private Liability. No individual, firm association, corporation or other party owning, maintaining or controlling any building or premise, who voluntarily and without compensation grants to the City a license or privilege or otherwise permits the City to inspect, designate and use the whole or any part or parts of such building or premises for the purpose of sheltering persons during an actual, impending, mock or practice emergency or disaster, or their successors in interest, or the agents or employees of any of them, shall be subject to liability for injuries sustained by any person while in or upon said building or premises as a result of any act or omission in connection with the upkeep or maintenance thereof, except a willful act of misconduct, when such a person has entered or gone into or upon said building or premises for the purpose of seeking refuge therein during an emergency or disaster or an attack by enemies of the United States or during a disaster drill, exercise or test ordered by a lawful authority.

Section 10. Penalty


Any person who shall:

- (A) Willfully obstruct, hinder, or delay any member of the emergency management organization of the City in the enforcement of any lawful rule or regulation issued pursuant to this Section or in the performance of any duty imposed upon such member by virtue of this section;
- (B) do any act forbidden by any lawful rules or regulations issued pursuant to this section if such act is of such a nature as to imperil the lives or property of inhabitants of the City or to prevent, hinder or delay the protection thereof;
- (C) wear, carry or display, without authority, any means of identification specified by the emergency management agency of the State, shall upon conviction, be fined in a sum not exceeding One Thousand Dollars, or by imprisonment for a period not exceeding ninety days, or by both, such fine and imprisonment, at the discretion of the court.

Section 11. Severability. If any provision of this Ordinance or its application to any person or circumstances is held invalid by a court of competent jurisdiction, the remainder of the Ordinance or its application to other persons or circumstances shall not be affected.

Section 12. Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the city. This ordinance shall be effective five days after its publication.

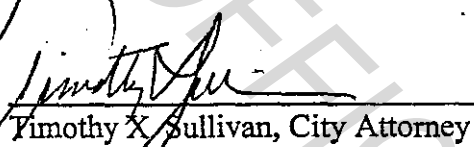
PASSED BY THE CITY COUNCIL ON SEPTEMBER 16, 1996


Linda Bird, Mayor Pro Tem

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM:


Timothy X. Sullivan, City Attorney

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