

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2220

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON,
AMENDING ORDINANCE 2026 CODIFIED IN THE SNOHOMISH
MUNICIPAL CODE CHAPTER 2.86 “EMERGENCY MANAGEMENT;”
PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE**

WHEREAS, the Revised Code of Washington, RCW 38.52 and the Washington Administrative Code, WAC 118-30 require the City to have both an Emergency Management Ordinance or Resolution and an Emergency Management Plan; and

WHEREAS, on June 3, 2003, the City Council adopted Emergency Management Ordinance 2026 codified in Snohomish Municipal Code (SMC) Chapter 2.86 entitled “EMERGENCY MANAGEMENT;” and

WHEREAS, on May 17, 2011, the City Council passed Resolution 1273 adopting the Revised Comprehensive Emergency Plan (CEMP) dated May 17, 2011, or as hereinafter amended by reference; and

WHEREAS, it is prudent for the City to regularly update the CEMP to reflect Federal, State, and local recommendations, procedures, and lessons learned; and

WHEREAS, the City Council desires to update and amend SMC 2.86;

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SNOHOMISH,
WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. Snohomish Municipal Code Chapter 2.86 entitled “EMERGENCY MANAGEMENT” is amended to read as follows:

Chapter 2.86

EMERGENCY MANAGEMENT

Sections:

- 2.86.010 Purpose
- 2.86.020 Emergency Management Policy
- 2.86.030 Emergency Management Defined
- 2.86.040 Emergency or Disaster Defined
- 2.86.050 Emergency Management Coordinator Defined
- 2.86.060 Emergency Management Plan
- 2.86.070 Emergency Management Program
- 2.86.080 City Manager Duties and Powers
- 2.86.090 City Manager Succession
- 2.86.100 Emergency Management Coordinator-Powers and Duties

- 2.86.110 Functions and Duties of Departments and Employees
- 2.86.120 Private Liability
- 2.86.130 Violation-Penalties
- 2.86.140 Severability

2.86.010 Purpose. The declared purposes of this chapter 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 of Snohomish in the event of an emergency or disaster, and to provide for the coordination of emergency functions and services of the City of Snohomish with all other public agencies and affected private persons, corporations, and organizations. Any expenditure made in connection with such emergency management activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property within the City of Snohomish. (Ord. 2026, 2003)

2.86.020 Emergency Management Policy. It is the policy of this city to make effective preparation and use of manpower, resources, and facilities for dealing with any emergency or disaster that may occur. Disasters and emergencies, by their very nature, may disrupt or destroy existing systems and the capability of the City of Snohomish to respond to protect life, public health, property, and 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. (Ord. 2026, 2003)

2.86.030 Emergency Management Defined. “Emergency Management” shall mean the preparations for, and the carrying out of, all emergency functions, other than functions 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 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. (Ord. 2026, 2003)

2.86.040 Emergency or Disaster Defined. “Emergency or Disaster” as used in this chapter shall mean an event or set of circumstances which: (a) demands immediate action to preserve public health, protect life, protect 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 City Council or City Manager proclaiming the existence of a disaster or emergency or the Governor declaring a state of emergency in accordance with appropriate local and State statute. (Ord. 2026, 2003)

2.86.050 Emergency Management Coordinator Defined. The Chief of Police, or in the absence of the Chief pursuant to Police Department Chain of Command protocol or the Chief’s designee, shall be the Emergency Management Coordinator for the City of Snohomish. The Emergency Management Coordinator shall review the Comprehensive Emergency Management Plan (CEMP) at least once a year with the Fire District and report to the City Manager. (Ord. 2026, 2003)

2.86.060 Emergency Management Plan. The Comprehensive Emergency Management Plan (CEMP) prepared by the Emergency Management Coordinator and adopted by the City Manager is the official Emergency Management Plan of the City of Snohomish. The City Manager shall review the CEMP at least annually and has authority to update and make and adopt amendments and revisions to the CEMP that are consistent with this Chapter and/or necessary in the City Manager's discretion. The City Manager will report any updates, amendments, and revisions to the CEMP to the City Council. The Emergency Management Coordinator shall file a copy of said CEMP in the office of the City Clerk, and distribute copies of said CEMP to appropriate City departments. (Ord. 2026, 2003)

2.86.070 Emergency Management Program. The Emergency Management Program of the City of Snohomish is hereby created, and shall consist of:

- A. The City Manager shall be the administrative head of, and have direct responsibility for, the organization, administration, and operation of the Emergency Management Program for the City of Snohomish and for the emergency operations of the City. The City Council is advisory and will provide guidance to the City Manager on matters of Public Policy and will be called upon as needed for certain authorizations and other matters at the discretion of the City Manager.
- B. The Emergency Management Coordinator shall develop and maintain the Emergency Management Plan and Program of the City, and shall have such other duties as may be assigned by the City Manager.
- C. The City may establish its own Department of Emergency Management, or be a member of a joint local organization pursuant to RCW 38.52.
(Ord. 2026, 2003)

2.86.080 City Manager Duties and Powers. The City Manager is hereby empowered to:

- A. Request the City Council to proclaim or declare the existence, or threatened existence, of a disaster or emergency and the termination thereof, or if the City Council is not in session, the City Manager may issue such proclamation or declaration of disaster or emergency, subject to confirmation by the City Council at the earliest practicable time if necessary;
- B. Direct coordination and cooperation between departments and staff of the departments of this city in carrying out the provisions of the Emergency Management Plan, and to resolve questions of authority and responsibility that may arise among them;
- C. Report adopted amendments and revisions to the CEMP to the City Council and recommend for adoption by the City Council mutual aid plans and agreements and other matters that require City Council authorization and approval;

- D. In the event of the proclamation of a disaster as herein provided, or the proclamation of a state of extreme emergency by the Governor or the State Director of Emergency Management, the City Manager is hereby empowered:
1. 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 must be reported at the earliest practicable time to the City Council;
 2. 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:
 - a. To control and direct the efforts of the Emergency Management organization of this city for the accomplishment of the purposes of this chapter;
 - b. To require emergency services of any City officer or employee, and in the event of the proclamation of a state of extreme emergency by the Governor in the region in which this city is located, to command the aid of as many citizens of the city as may be deemed necessary in the execution of the City Manager's duties; such persons to be entitled to all privileges, benefits, and immunities as are provided by State law for registered emergency workers, pursuant to RCW 38.52;
 - c. To requisition necessary personnel or material of any City department or agency;
 - d. To execute all of the special powers conferred upon the City Manager by this chapter, or by any other statute, agreement, or lawful authority, as necessary. (Ord. 2026, 2003)

2.86.090 City Manager Succession. For the purpose of the City of Snohomish Emergency Management Program, the issuance of emergency proclamations, and the performance of duties as outlined in Section 2.86.080, the order of succession shall be:

- A. City Manager, if incapacitated or unavailable; then
- B. Emergency Management Coordinator/Chief of Police, if incapacitated or unavailable; then
- C. Public Works Director, if incapacitated or unavailable; then
- D. Director of Support Services, if incapacitated or unavailable; then

- E. Emergency Management Coordinator – per Police Department Chain of Command protocol or the Chief’s designee.
(Ord. 2026, 2003)

2.86.100 Emergency Management Coordinator-Power and Duties. The Emergency Management Coordinator is hereby empowered to:

- A. Represent the City of Snohomish in dealing with issues pertaining to emergency management;
- B. Prepare, maintain, and implement the Comprehensive Emergency Management Plan (CEMP) of the City and manage the day-to-day responsibilities of the Emergency Management Program activities of the City. (Ord. 2026, 2003)

2.86.110 Functions and Duties of Departments and Employees. The City hereby assigns to the various departments, and to the officers and employees thereof, the functions, duties, and powers set forth in the Emergency Management Plan referenced in Section 2.86.070 of this chapter. (Ord. 2026, 2003)

2.86.120 Private Liability. No individual, firm, association, corporation, or other party owning, maintaining, or controlling any building or premises, who voluntarily and without compensation, grants to the City of Snohomish a license or privilege or otherwise permits said 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. (Ord. 2026, 2003)

2.86.130 Violation-Penalties. Any person who:

- A. Willfully obstructs, hinders, or delays any member of the Emergency Management organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter or in the performance of any duty imposed upon such member by virtue of this chapter;
- B. Performs any act forbidden by any lawful rules or regulations issued pursuant to this chapter if such act is of such a nature as to give, or be likely to give, assistance to the enemy, or to imperil the lives or property of inhabitants of this city, or to prevent, hinder, or delay the defense of protection thereof;

C. Wears, carries, or displays, without authority, any means of identification specified by the Emergency Management agency of the State; shall be in violation of the provisions of this ordinance and shall be a misdemeanor, and any person found guilty thereof shall be punished by a fine not to exceed one thousand dollars (\$1,000) or imprisonment in jail, not to exceed ninety (90) days, or by both such fine and imprisonment, in the discretion of the court. (Ord. 2026, 2003)

2.86.140 Severability. If any portion of this ordinance is now or hereafter amended, or its application to any person or circumstances, is held invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part thereof not adjudged to be invalid or unconstitutional and its application to other persons or circumstances shall not be affected. (Ord. 2026, 2003)

Section 2. **Effective date.** This ordinance shall take effect five days after the date of its publication by summary.

ADOPTED by the City Council and **APPROVED** by the Mayor this 19th day of July, 2011.

CITY OF SNOHOMISH

By _____
Karen Guzak, Mayor

ATTEST:

By _____
Torchie Corey, City Clerk

Approved as to form:

By _____
Grant K. Weed