

# CITY OF MAPLE VALLEY, WASHINGTON

## ORDINANCE NO. O-12-505

### **AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, ADDING A NEW CHAPTER 2.90 TO TITLE 2 OF THE MAPLE VALLEY MUNICIPAL CODE ENTITLED EMERGENCY MANAGEMENT; ESTABLISHING PENALTIES; PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE AND PROVIDING FOR CORRECTIONS.**

WHEREAS, the Washington Emergency Management Act, Chapter 38.52 RCW, incorporated herein by reference, directs that each political subdivision of the state establish a local organization for emergency management, together with a plan and program for emergency management, and to obtain certification of that plan for consistency with the state comprehensive emergency management plan; and

WHEREAS, each local organization for emergency management is required to appoint a director of emergency management; and

WHEREAS, the City desires to comply with the law and to establish an organization to ensure preparation for and meaningful response to emergencies or a large-scale disaster; and

WHEREAS, the City intends to fund the emergency management organization through available funding sources including, the City's general fund and available grants;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. New Chapter adopted. Title 2 of the Maple Valley Municipal Code, Administration and Personnel, is hereby amended by the addition of a new Chapter 2.90, Emergency Management, as follows:

Sections:

2.90.010 Definitions

2.90.020 Purpose

2.90.030 Emergency Management policy

2.90.040 Comprehensive Emergency Management Plan

2.90.050 Emergency Management

2.90.060 Disaster and Emergency Powers of the Mayor

2.90.070 Authority of the City Manager

2.90.075 Continuity of Government

2.90.080 Functions

2.90.090 Purchases and Expenditures

2.90.100 Regional Disaster Plan adopted

2.90.110 Penalties

**2.90.010 Definitions.**

A. “City or City” means the City of Maple Valley, King County, Washington.

B. “Comprehensive Emergency Management Plan (CEMP)” means the emergency plan adopted by the City Council and reviewed and accepted by the Washington Military Department, Emergency Management Division as the City of Maple Valleys plan for disaster mitigation, prevention, preparedness, response, and recovery activities within the City of Maple Valley.

C. “Director of Emergency Management” shall mean the person identified as such in the comprehensive emergency management plan who shall be responsible for the administration and operation of the comprehensive emergency management plan for the City of Maple Valley.

D. “Emergency or disaster” as used in this chapter shall mean an event or set of circumstances which:

1. Demands immediate action to preserve public health, protect life, protect public property or to provide relief to any stricken area within the City overtaken by such event or set of circumstances; or

2. Reaches such a dimension or degree of destructiveness as to warrant the issuance of a proclamation of emergency by any person so authorized by this ordinance or by statute, rule or other legal authority, or by the Governor.

E. “Emergency management” shall mean the preparation 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 proclaimed 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 where the City has access to and availability of needed resources. “Emergency management” does not mean preparation for emergency evacuation or relocation of City residents in anticipation of nuclear attack.

F. “Local Emergency Management Organization” shall mean an organization created in accordance with the provisions of Chapter 38.52 RCW to perform local emergency management functions.

**2.90.020 Purpose.**

The declared purposes of this chapter are to provide for the preparation and carrying out of the City of Maple Valley comprehensive emergency management plan for mitigation, preparedness, response and recovery for persons and property within the City of Maple Valley in the event of a proclaimed emergency or disaster, and to provide for the coordination of emergency functions

and services of the City with private and other affected public agencies and private persons, corporations and organizations. It is a further purpose of this chapter to make provisions for the continuity of government in the event that an emergency or disaster injures or claims the life of any elected or appointed official of the City so that governmental operations can continue. 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 public property of the City and its mutual aid partners.

#### **2.90.030 Emergency management policy.**

It is the policy of the City of Maple Valley to make effective preparation for and use of available personnel, resources and facilities necessary for dealing with any proclaimed emergency or disaster that may occur. Disasters and emergencies, by their very nature, may disrupt or destroy existing public systems as well as the capability of the City to provide public services, protect life, public health and public property. Therefore, citizens are advised to be prepared to be on their own without any governmental assistance from the City for at least 72 hours should any emergency or disaster occur.

#### **2.90.040 Comprehensive emergency management plan.**

The comprehensive emergency management plan (CEMP), prepared at the direction of the City Manager and approved by Resolution of the City Council, is the official emergency management plan of the City of Maple Valley. The CEMP shall be updated as necessary and not less than every two years.

#### **2.90.050 Emergency management.**

A. There is hereby created, in accordance with Chapter 38.52 RCW, a local emergency management organization within the City of Maple Valley. The purpose of the local emergency management organization is to perform local emergency management functions. The organization shall represent only the City of Maple Valley and operate only within the City's incorporated limits.

B. The City's Director of Emergency Management shall have direct responsibility for the implementation of the CEMP, and shall report directly to the City Manager. The Director of Emergency Management shall be responsible for assuring that emergency preparedness, mitigation, response and recovery activities are carried out within the City through the implementation of the CEMP.

C. The Director of Emergency Management shall develop and maintain the comprehensive emergency management plan and shall have such other duties as specified in the CEMP.

D. An emergency planning team as identified in the CEMP shall provide staff support in the event of an emergency or disaster and will staff the City's emergency operations center, provide policy recommendations to the City Council during emergency and recovery periods and perform any other necessary functions during an emergency or disaster. The team shall consist of such key City personnel as are designated in the CEMP, as well as personnel from outside professional

and volunteer organizations having key roles in emergency preparedness, planning and response activities.

### **2.90.060 Disaster and emergency powers of the mayor.**

The Mayor shall be responsible for:

A. Proclaiming a state of emergency or disaster after seeking counsel from relevant federal, state and county Emergency Management officials and the City Manager. The City's continuity of government provisions in Section 2.90.075 determines lines of succession for the Mayor and City Manager.

B. Providing visible leadership to the community when the Governor has declared complete martial law, but the Mayor shall not have authority to assume any of the duties of the City Manager as set forth in this chapter.

### **2.90.070 Authority of the City Manager.**

Nothing in this Section authorizes the City Manager to assume any powers that would be prohibited by the declaration of complete martial law, or limited military law by the Governor, as set forth in Chapter 38.08 RCW, as written or hereafter amended. In the event of a City proclamation of emergency or disaster or upon the proclamation of a state of emergency or a state of complete martial law or limited military law by the Governor, the City Manager is hereby empowered as set forth in this Section:

A. To take command of the police, maintain law and enforce order following the issuance by the Mayor of a proclamation of emergency or disaster which shall be in effect until such time that it is determined that the extraordinary measures detailed therein are no longer required for the protection of the public peace, safety and welfare, in which case the proclamation shall be terminated by executive order.

B. To issue executive orders on matters reasonably related to the purpose of the proclamation of emergency or disaster for the protection of lives, public peace, safety and welfare.

C. To request the county executive to proclaim a local emergency when, in the opinion of the City Manager, the resources of the City are inadequate to cope with the emergency or disaster.

D. To obtain vital supplies and equipment needed for the protection of lives and public property City and, if required immediately, to commandeer the same for public use.

E. To control and direct the efforts of the emergency management organization of the City for the accomplishment of the purposes of this chapter and to carry out the purposes of the CEMP.

F. To command the services and equipment of as many citizens of the City as may be deemed necessary in the execution of the City Manager's duties; and to provide to such persons all privileges, benefits and immunities as are provided by state law for registered emergency workers.

G. To requisition necessary material and equipment of any City department; to direct City employees to work 'out of class' or in emergency assignments outside of employees' regular work duties and assignments.

H. To execute an order directing evacuation of citizens and/or the clearing of debris and wreckage caused by an emergency or disaster from publicly owned lands and waters. A similar order may direct the clearing of debris and wreckage caused by an emergency or disaster from privately owned lands and waters only if such is necessary to protect lives or public health or to clear transportation life lines.

J. If the City Council is unable to assemble, to issue an executive order imposing a general curfew applicable to the City as a whole, or to an area or areas within the City and specifying the hours such curfew will be in effect and the penalties for violating the curfew. Any executive order imposing a general curfew shall be terminated and the curfew adopted legislatively by the City Council as soon as possible thereafter.

K. To issue an order requiring any or all business establishments located within the City to temporarily close and remain closed until further order.

L. To recommend for adoption by the City Council from time to time emergency management plan updates, ordinances, interlocal agreements, contracts for services, and mutual aid agreements.

N. To represent the emergency management organization of the City in dealing with issues pertaining to emergency management.

O. To supervise the Director of Emergency Management and provide oversight for the maintenance of the CEMP.

P. Other duties as deemed appropriate by the City Council through legislative action.

### **2.90.075 Continuity of Government**

A. In the event the Mayor is injured and unable to assume his/her duties, or in the event the Mayor is deceased, the Deputy Mayor shall assume the Mayor's duties. In the event the Deputy Mayor is injured and unable to assume his/her duties, or in the event the Deputy Mayor is deceased, the City Council member with the longest tenure as a City Council member for the City of Maple Valley shall assume the duties of the Mayor. If no City elected official is able to assume the duties of Mayor, any vacancy(ies) of the City council shall be filled according to the provisions of state law.

B. In the event the City Manager is injured and unable to assume his/her duties, or in the event the City Manager is deceased, the Finance Director shall assume the duties of the City Manager. In the event the Finance Director is injured and unable to assume the duties of the City Manager,

or in the event the Finance Director is deceased, the persons who shall succeed in the place of the Finance Director are listed below, in order of succession:

1. Public Works Director
2. Community Development Director
3. Parks Director

In the event that none of the above-listed persons are able to assume the duties of the City Manager, the City Council shall appoint a qualified administrative officer to assume the City Manager's duties, pursuant to RCW 35A.13.150, as written or hereafter amended. If it is not possible for the City Council to assemble in order to make this appointment, the Mayor may appoint a qualified administrative officer to serve as City Manager. In the event that no qualified administrative officer is available, the Mayor may appoint any qualified person to serve as City Manager. The person appointed by the Mayor shall be confirmed by the City Council at the earliest opportunity.

#### **2.90.080 Functions.**

It shall be the duty of the Director of Emergency Management or his/her designee to perform all local emergency management functions within the City subject to the direction and control of the City Manager.

#### **2.90.090 Purchases and expenditures.**

A. Chapter 2.75 MVMC and RCW 38.52.070(2), adopted herein by reference, provides for the contracting and procurement procedures of the City during times of emergency.

#### **2.90.100 Regional disaster plan adopted.**

A. The currently adopted Regional Disaster Plan for Public and Private Organizations in King County.

B. The City Manager is hereby authorized to affix his/her signature to the signatory documentation sheet for the Regional Disaster Plan for Public and Private Organizations in King County.

#### **2.90.110 Penalties.**

A. Any person who shall violate any rule, regulation, or order issued under the authority of Chapter 38.52 RCW is guilty of a misdemeanor.

B. A second offense under subsection A., herein, is a gross misdemeanor.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

Section 4. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 23<sup>rd</sup> DAY OF JULY, 2012.

CITY OF MAPLE VALLEY

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William T. Allison, Mayor

ATTEST/AUTHENTICATED:

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Shaunna Lee-Rice, City Clerk

Approved as to form:

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Christy A. Todd, City Attorney

Date of Adoption: July 23, 2013

Date of Publication: July 31, 2012