

**CITY OF MONROE
ORDINANCE NO. 008/2020**

AN ORDINANCE OF THE CITY OF MONROE,
WASHINGTON, AMENDING CHAPTER 2.60 EMERGENCY
MANAGEMENT; PROVIDING FOR SEVERABILITY; AND
FIXING A TIME WHEN THE SAME SHALL BECOME
EFFECTIVE.

WHEREAS, the City of Monroe has a local organization for emergency management, and has adopted and codified regulations governing said utilities at Chapter 2.60 MMC; and

WHEREAS, the City Council desires to amend said regulations;

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

Section 1. Amendment to Chapter 2.60 MMC. Chapter 2.60 of the Monroe Municipal Code is hereby amended as follows:

Chapter 2.60
EMERGENCY MANAGEMENT

Sections:

- 2.60.010 Purpose.
- 2.60.020 Emergency management policy.
- 2.60.030 **Definitions**((Emergency management defined)).
- 2.60.040 **Mayor – Duties and powers**((Emergency or disaster defined)).
- 2.60.050 **Emergency or disaster proclamation**
- 2.60.060 **Mayor - Succession**((Emergency management director defined)).
- 2.60.070 **Local organization for emergency management**((Emergency management plan)).
- 2.60.080 Emergency management **director**((program)).
- 2.60.090 **Comprehensive emergency management plan**((Mayor – Duties and powers)).
- 2.60.100 **Emergency management coordinating committee** ((Mayor – Succession)).
- ((2.60.100 – Emergency management director – Powers and duties.
- 2.60.110 – Functions and duties of department employees.))

- 2.60.120 Private liability.
- 2.60.130 Violation – Penalties.
- 2.60.140 Severability.
- 2.60.010 Purpose; **construction.**

The declared purposes of this chapter are to:

- 1.** Provide for the preparation and carrying out of plans for emergency mitigation, preparedness, response, and recovery for persons and property within the city of Monroe in the event of an emergency or disaster; and to
- 2.** Provide for the coordination of emergency functions and services of the city of Monroe 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, **planning, training, and exercises;** shall be deemed conclusively to be for the direct protection and benefit of ~~((the inhabitants))~~ **persons** and property within the city of Monroe.

This chapter shall be construed and administered in accordance with applicable state law, including without limitation chapter 38.52 RCW and chapter 39.04 RCW.

- 2.60.020 Emergency management policy.

It is the policy of this city to make effective preparation and use of staff, 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 Monroe to respond to protect life, public health, property, **economic well-being** and essential city services. Therefore, ~~((citizens))~~ **residents** are advised to be prepared to be on their own for **at least two weeks** ~~((up to seventy-two hours))~~ should an emergency or disaster occur.

- 2.60.030 **Definitions** ~~((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 manmade, and to provide support for search and rescue operations for persons and property in distress.))~~

- 2.60.040 ~~Emergency or disaster defined.))~~

In this chapter, unless the context clearly requires otherwise,

- A.** “Emergency” or “disaster” ~~((as used in this chapter shall))~~ means an event or set of circumstances which:

- 1. Present a real, immediate threat to the proper performance of essential functions and services; or**

2. ~~((A) demands))~~ **Demands** immediate action to preserve public health, protect life, protect property, **maintain economic well-being,** or to provide relief to any area within the city~~((stricken neighborhood overtaken by such occurrences))~~; or
 3. **Will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken; or**
 4. ~~((B) reaches))~~ **Reaches** such a dimension or degree of destructiveness as to warrant the **mayor or** city council proclaiming **an** emergency~~((the existence of a disaster))~~ or the Governor **proclaiming**~~((declaring))~~ a state of emergency **pursuant to RCW 43.06.010**~~((in accordance with appropriate local and state statute))~~.
- B. "Emergency management" means the preparations for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible,**
1. **To mitigate, prepare for, respond to and recover from emergencies and disasters;**
 2. **To aid victims suffering from injury or damage resulting from disasters caused by all hazards, whether natural or human caused, and**
 3. **To provide support for search and rescue operations for persons and property in distress pursuant to chapter 38.52 RCW.**
- C. "Director" means the emergency management director for the city of Monroe.**
- D. "Office" means the city of Monroe emergency management office.**

2.60.040 Mayor – Duties and powers.

- A. To the maximum extent allowed by law, the mayor shall have general responsibility for and control of the administration and operation of the emergency management office and for the emergency operations of the city.**
- B. To the maximum extent allowed by law , the mayor is hereby empowered to:**
 - A. Delegate emergency management functions to the director;**
 - B. Direct coordination and cooperation between departments and staff of the departments of this city in carrying out the provisions of emergency management plans, and to resolve questions of authority and responsibility that may arise among them;**
 - C. Recommend for adoption by the city council emergency management plans and mutual aid plans and agreements;**
 - D. Facilitate and participate in the city's compensation board for processing claims as provided in Chapter 38.52 RCW;**

- E. Issue a proclamation of the existence or threatened existence of an emergency, pursuant to MMC 2.60.050;
- F. To take such other actions as are provided for the executive head of a political subdivision by the Washington Emergency Management Act, chapter 35.82 RCW or other applicable state law.

2.60.050 Emergency or disaster proclamation.

- A. Whenever an emergency or disaster threatens or results in the death or injury of persons, the destruction of property, or the environment, to such an extent as to require, in the judgment of the mayor, extraordinary measures to protect the public peace, safety, welfare, and economic wellbeing, the mayor may proclaim in writing the existence of such emergency.
- B. In the event of the proclamation of an emergency, to the maximum extent allowed by law, the mayor is empowered:
 - 1. To issue, amend, and rescind orders on matters reasonably related to the protection of life, property, and economic well-being as affected by such emergency including but not limited to:
 - a. An order directing evacuation or clearing of debris and wreckage caused by an emergency or disaster from publicly and privately owned lands and waters;
 - b. An order imposing and modifying a general curfew applicable to the City of Monroe as a whole, or to any geographical area or areas of the City of Monroe during any hours, as the executive deems necessary;
 - c. An order requiring any or all business establishments to close and remain closed until a further order;
 - d. An order closing to the public any or all public places including but not limited to, streets, alleys, public ways, schools, parks, beaches, amusement areas and public buildings;
 - e. An order temporarily suspending City of Monroe permit procedures for public work projects, as defined by RCW 39.04.010, responding to conditions of the emergency or for restoration of public facilities damaged as a result of the emergency, PROVIDED, that all projects must comply with all applicable code requirements; and
 - f. Any other orders as are imminently necessary for the protection of life, property, and the economic well-being of residents and businesses;
 - 2. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection life, property, and the economic well-being of residents and businesses and to bind the

city for the fair value thereof, and, if required immediately, to commandeer the same for public use;

3. To utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the state, political subdivisions, and all other municipal corporations thereof including but not limited to districts and quasi municipal corporations organized under the laws of the state of Washington to the maximum extent practicable. The officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the Monroe emergency management office upon request notwithstanding any other provision of law;
 4. To command the aid of as many persons within the city as may be deemed necessary; except for first informer broadcasters; such persons are entitled to all privileges, benefits and immunities as are provided by state law for registered emergency workers, pursuant to Chapter 38.52 RCW;
 5. To execute all of the special powers conferred upon the mayor by this chapter, or by any other statute, agreement or lawful authority, as necessary.
- C. Any orders issued by the mayor pursuant to this chapter shall be presented at the earliest practicable time to the city council. Such orders shall remain in effect until cancelled, suspended, or upon the issuance of a proclamation ending the emergency unless terminated by ordinance.
- D. Proclamations issued by the mayor pursuant to this chapter shall be presented at the earliest practicable time to the city council. Such proclamations shall remain in effect until issuance of a proclamation ending the emergency unless terminated by ordinance.
- E. Upon receipt of an emergency proclamation or order the city council shall confirm the proclamation or order by motion or terminate such proclamation or order by ordinance.

2.60.060 Mayor – Succession.

For the purposes of this chapter and when acting as the executive head for purposes of chapter 38.52 RCW the order of succession shall be:

- A. Mayor; if absent, or unable to perform the duties, then;
- B. Mayor pro tem; if absent, or unable to perform the duties, then;
- C. City administrator; if absent, or unable to perform the duties, then;
- D. Emergency management director; if absent, or unable to perform the duties, then;
- E. Police chief; if absent, or unable to perform the duties, then;

- F. City Clerk; if absent, or unable to perform the duties, then;
- G. Finance director; if absent, or unable to perform the duties, then;
- H. Public Works Director; if absent, or unable to perform the duties, then;
- I. Community Development Director; if absent, or unable to perform the duties, then;
- J. Parks & Recreation Director; if absent, or unable to perform the duties, then;
- K. Human Resources Director.

2.60.070 Local organization for emergency management.

- A. As authorized and directed by RCW 38.52.070, the City of Monroe hereby establishes a local organization for emergency management. This organization shall be known as the Monroe Emergency Management Office.

2.60.080((050)) Emergency management director((-defined)).

- ~~A. The mayor shall designate an emergency management director, ((, who shall be responsible for the organization, administration, and operation of the Monroe emergency management office, subject to the direction and control of the mayor and to legal requirements.))~~

- B. Subject to the direction and control of the mayor, as applicable, and to applicable legal requirements, the emergency management director is responsible for:**

- 1. The organization, administration, and operation of the office;**
- 2. The preparation, maintenance, and implementation of emergency management plans of the city;**
- 3. Representing the city of Monroe in dealing with issues pertaining to emergency management; and**
- 4. Performing all functions vested in the director by Chapter 38.52 RCW or other applicable state law.**

2.60.090((060)) Comprehensive e((E))mergency management plan.

The **comprehensive** emergency management plan prepared by the emergency management director and promulgated by the mayor is the official emergency management plan of the city of Monroe. The emergency management director shall file a copy of said plan in the office of the city clerk, and distribute copies of said plan to appropriate city departments; **and to the state division of emergency management per WAC 118-30-040(2).**

2.60.100 Emergency management coordinating committee.

There shall be an emergency management coordinating committee consisting of representatives of city departments, subject matter experts, and community stakeholders who have a key role or responsibility in emergency mitigation, prevention, protection, preparedness, response, or recovery.

- A. The city of Monroe emergency management coordinating committee is hereby established. Except as otherwise provided by state law, the committee shall be the coordinating body for emergency management issues. The committee shall act in an advisory capacity to the emergency management office to promote, advise, assist, and review emergency management issues and to enhance preparedness for city of Monroe employees and the departments that they serve.**
- B. The committee shall consist of regular members and ad hoc members, as follows:**
- 1. Regular members shall be at least one representative from each city department as designated by the head of each department;**
 - 2. Ad hoc members may include subject matter experts, and community stakeholders who have a key role or responsibility in emergency mitigation, prevention, protection, preparedness, response, or recovery, as needed.**
- C. The director shall chair the emergency management coordinating committee.**
- D. The emergency management coordinating committee shall meet at the places and times as shall be prescribed by the director, no less than quarterly, and shall:**
- 1. Address issues and concerns relating to emergency preparedness, planning, response, and mitigation brought forward by members on behalf of the department or agency they represent;**
 - 2. Assist in the review, development, and maintenance of the comprehensive emergency management plan;**
 - 3. Assist in the review, development, and maintenance of department and agency continuity of operations plans;**
 - 4. Participate in regional strategic planning to identify and document objectives that will strengthen resilience;**
 - 5. Assist in the review, development, and maintenance of any other plans, programs, rules and policies concerning emergency management.**
 - 6. Strategically plan and build capabilities for city-wide emergency preparedness;**
 - 7. Recommend expenditures for disaster preparations and training.**
- E. The emergency management office may convene subcommittees of the emergency management committee as necessary to focus greater attention to any specific emergency management initiatives.**

~~((2.60.070 — Emergency management program.~~

~~The emergency management program of the city of Monroe is hereby created, and shall consist of:~~

~~A. The mayor, who 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 Monroe and for the emergency operations of the city.~~

~~B. The emergency management director 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 mayor.~~

~~C. The city may establish its own department of emergency management, or be a member of a joint local organization pursuant to Chapter 38.52 RCW.~~

~~2.60.080 — Mayor — Duties and powers.~~

~~The mayor is hereby empowered to:~~

~~A. Request the city council to proclaim the existence, or threatened existence, of a disaster and the termination thereof or to issue such proclamation, if the city council is not in session, subject to confirmation by the city council at the earliest practicable time;~~

~~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. Recommend for adoption by the city council emergency management plans and mutual aid plans and agreements;~~

~~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 mayor 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 confirmed at the earliest practicable time by 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;~~

~~3. To control and direct the efforts of the emergency management organization of this city for the accomplishment of the purposes of this chapter;~~

~~4. 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 this city as may be deemed necessary in the execution of the mayor'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 Chapter 38.52 RCW;~~

~~5. To requisition necessary personnel or material of any city department or agency;~~

~~6. To execute all of the special powers conferred upon the mayor by this chapter, or by any other statute, agreement or lawful authority, as necessary.~~

~~2.60.090 — Mayor — Succession.~~

~~For the purpose of the city of Monroe emergency management program, the issuance of emergency proclamations, and the performance of duties as outlined in MMC 2.60.080, the order of succession shall be:~~

~~A. Mayor; if incapacitated or unavailable then;~~

~~B. Mayor pro tem; if incapacitated or unavailable then;~~

~~C. City administrator; if incapacitated or unavailable then;~~

~~D. Emergency management director; if incapacitated or unavailable then;~~

~~E. Finance director; if incapacitated or unavailable then;~~

~~F. Police chief.~~

~~2.60.100 — Emergency management director — Powers and duties.~~

~~The emergency management director is hereby empowered to:~~

~~A. Represent the city of Monroe in dealing with issues pertaining to emergency management;~~

~~B. Prepare, maintain, and implement the emergency management plan of the city and manage the day-to-day responsibilities of the emergency management program activities of the city.~~

~~2.60.110 — Functions and duties of department employees.~~

~~The city council hereby assigns to the various departments and to the officers and employees thereof the functions, duties and powers set forth in the emergency management program referenced in MMC 2.60.070.~~

~~2.60.120 — 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 Monroe 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.))~~

2.60.130 Violation – Penalties.

Any person who:

A. Willfully obstructs, hinders, or delays any ((member of the emergency management organization)) **emergency worker as defined in RCW 38.52.010** 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. Does 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 or protection thereof;

C. Wears, carries or displays, without authority, any means of identification specified by the **Monroe emergency management office or state division of emergency management**((emergency management agency of the state)); shall be in violation of the provisions of this chapter and shall be guilty of a misdemeanor, and any person found guilty thereof shall be punished by a fine not to exceed one thousand dollars or imprisonment in jail not to exceed ninety days or by both such fine and imprisonment, in the discretion of the court.

2.60.140 Severability.

If any portion of this chapter as 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 chapter 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.

Section 2. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 13th day of October, 2020.

First Reading: September 22, 2020

Adoption: October 13, 2020

Published: October 18, 2020

Effective: October 23, 2020

CITY OF MONROE, WASHINGTON:



Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:



Becky Hasart (Oct 15, 2020 07:31 PDT)

Rabecca R. Hasart, Interim City Clerk



Zach Lell (Oct 15, 2020 07:34 PDT)

J. Zachary Lell, City Attorney