

## Chapter 2.09

### EMERGENCY POWERS

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#### **2.09.010 Proclamation of civil emergency – Emergency defined.**

- 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 Mayor, extraordinary measures to protect the public peace, safety and welfare, the Mayor shall forthwith proclaim in writing the existence of a civil emergency. In the absence of the Mayor, the Mayor Pro Tem may declare a civil emergency and issue orders, and in the absence of the Mayor Pro Tem, the City Clerk may declare a civil emergency and issue orders. The authority granted to the Mayor in this Chapter is in addition to and not in limitation of other policies allowing the Mayor to declare an emergency and take action necessary to deal with such emergency. For the purposes of this chapter a civil emergency shall mean:
  - 1. A riot, unlawful assembly, insurrection, enemy attack, sabotage, terrorist act, or other hostile action; or
  - 2. A natural or human caused disaster, including fire, flood, storm, explosion, earthquake, volcanic disturbance or other natural cause; or
  - 3. Any emergency or disaster as defined by RCW 38.52.010.
- B. Proclamations of civil emergencies issued by the Mayor shall as soon as practicable, be filed with the City Clerk and presented to the City Council for ratification and confirmation, modification or rejection. Proclamations which are rejected shall, after vote, be void. Proclamations shall be considered in full force and effect until the City Council shall act. (Ord. 920, March 2013; Ord. 876, Nov. 2010)

#### **2.09.020 Action which may be taken.**

- A. Upon the proclamation of a civil emergency by the Mayor, and during the existence of such emergency the Mayor may make and proclaim any or all of the following orders:
  - 1. An order imposing a general curfew application to the City as a whole, or to such geographical area or areas of the City and during such

hours as he 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 all business establishments within the geographic area impacted by the civil emergency 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 Mayor, be allowed to remain open.
  4. 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 property affixed to a motor vehicle.
  5. An order closing to the public any or all public places, including streets, alleys, public ways, schools, parks, amusement areas and public buildings.
  6. An order waiving the public works competitive bidding requirements and awarding contracts to address the emergency situation in accordance with RCW Chapters 38.52 and 39.04, and waiving other time-consuming procedures and formalities consistent with RCW 38.52.070(2).
  7. An order directing the use of all public and private health, medical and convalescent facilities and equipment to provide emergency health and medical care for injured persons.
  8. 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.
  9. An order providing for the evacuation and reception of the population of the City or any part thereof.
  10. Such other orders as are immediately necessary for the protection of life and property.
- B. Provided, however, that any such orders shall, at the regular or special meeting of the City Council next following the date the orders are issued, be presented to the City Council for ratification and confirmation by Resolution

of the City Council, and if not so ratified and confirmed shall be of no further effect. Provided further, in the event an order is issued under subparagraph 6 above, then the Mayor shall also make a finding that an emergency existed within two (2) weeks from the date the order was issued and post the contract and findings on the City's website. If the City's website is down due to the emergency, then the Mayor shall take reasonable steps to notify the public of the award of the contract and the substance of his findings in accordance with State law. (Ord. 920, March 2013; Ord. 876, Nov. 2010)

**2.09.030**     **Delivery to news media.** The Mayor shall cause any proclamation issued by him pursuant to the authority of this chapter to be delivered to all news media within Benton County and shall utilize such other available means, including public address systems, as shall be necessary, in his judgment, to give notice of such proclamations to the public. (Ord. 876, November 2010)

**2.09.035**     **Continuity of Government.** In the event that the Mayor and the Mayor Pro Tem are unavailable by reason of civil emergency to exercise the powers and discharge the duties of the office, then those members of the City Council available for duty shall by majority vote, select one of their members to act as the executive head of the City. (Ord. 920, March 2013)

**2.09.040**     **Violation – Penalty.** It is unlawful for anyone to fail or refuse to obey any such order proclaimed by the Mayor. Anyone convicted of a violation of this chapter is punishable by a fine of not more than \$1,000.00, or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment. (Ord. 876, November 2010)

**2.09.050**     **Severability.** If any section, subsection, sentence, clause, paragraph, phrase or word of this chapter should be held to be invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality hereof shall not affect the validity or Constitutionality of any other section, subsection, sentence, clause, paragraph, phrase or work of this chapter. (Ord. 876, November 2010)