

Ordinance No. 124136

# The City of Seattle - Legislative Department

Council Bill No. 117702

Council Bill/Ordinance sponsored by: Samy Linn

AN ORDINANCE relating to the filing of proclamations and orders in response to civil emergencies, amending Sections 10.02.010, 10.02.020, and 10.02.030 of Seattle Municipal Code.

## Committee Action:

Date	Recommendation	Vote
3/5/13	Pass	3(SC, TR, RC) - 0

### Related Legislation File:

Date Introduced and Referred: <b>2.4.13</b>	To: (committee): <b>Economic Resiliency &amp; Regional Relations</b>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <b>3/11/13</b>	Date Presented to Mayor: <b>3/12/13</b>
Date Signed by Mayor: <b>3.15.13</b>	Date Returned to City Clerk: <b>3.19.13</b>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text <input type="checkbox"/>	Date Passed Over Veto:
Date Veto Published:	Date Returned Without Signature:

This file is complete and ready for presentation to Full Council.

## Full Council Action:

Date	Decision	Vote
<b>March 11, 2013</b>	<b>passed</b>	<b>W-D (excused: Bagshaw, Conlin, Licata)</b>

*Law Department*

**CITY OF SEATTLE**  
**ORDINANCE** 124136  
**COUNCIL BILL** 117702

AN ORDINANCE relating to the filing of proclamations and orders in response to civil emergencies, amending Sections 10.02.010, 10.02.020, and 10.02.030 of Seattle Municipal Code.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 10.02.010 of the Seattle Municipal Code, which section was last amended by Ordinance 123668, is amended as follows:

**10.02.010 - Proclamation of civil emergency((+))**

A. Whenever riot, unlawful assembly, insurrection, other disturbance, the imminent threat thereof, or any fire, flood, storm, earthquake or other catastrophe or disaster occurs in the City and results in or threatens to result in the death or injury of persons or the destruction of property or the disruption of local government to such extent as to require, in the judgment of the Mayor, extraordinary measures to prevent the death or injury of persons and to protect the public peace, safety and welfare, and alleviate damage, loss, hardship or suffering, the Mayor shall forthwith proclaim in writing of the existence of a civil emergency.

B. Such civil emergency shall cease to exist upon the issuance of a proclamation by the Mayor or by a resolution passed by a vote of not less than ~~((two-thirds))~~ ~~((2/3))~~ of all the members of the City Council terminating the same. Such proclamation shall be issued by the Mayor or by a resolution passed by a vote of not less than ~~((two-thirds))~~ ~~((2/3))~~ of all the members of the City Council when such extraordinary measures are no longer required for the protection of the public peace, safety and welfare. Before a civil emergency is declared



1 terminated, either by proclamation by the Mayor or by a resolution passed by a vote of not less  
2 than ~~((two-thirds))~~ ~~((2/3))~~ of all the members of the City Council, the Mayor or Council will  
3 consult with the City's Police Chief, Fire Chief, Director of Public Health—Seattle & King  
4 County and the Director of Emergency Management to determine if there are any fiscal, public  
5 safety response or disaster recovery imperatives that require the continuation of emergency  
6 measures.

7  
8 C. Any such proclamation by the Mayor shall ~~((7))~~ be filed immediately after ~~((within~~  
9 ~~((forty-eight (48) hours of))~~ issuance of the proclamation, or as soon as practical, ~~((be filed))~~  
10 with the City Clerk for presentation to the City Council for ratification and confirmation,  
11 modification, or rejection. The Council may, by resolution, modify or reject the proclamation  
12 and if rejected, it shall be void. If the Council modifies or rejects the proclamation, said  
13 modification or rejection shall be prospective only, and shall not affect any actions taken prior to  
14 the modification or rejection of the proclamation. The Council shall endeavor to act on any  
15 proclamation of civil emergency within ~~((forty-eight))~~ 48 hours of its being presented to the  
16 Council by the Mayor.

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18 Section 2. Section 10.02.020 of the Seattle Municipal Code, which section was last  
19 amended by Ordinance 120606, is amended as follows:

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21 **10.02.020 - Authority of Mayor to issue certain orders~~((:))~~**

22 A. Upon the proclamation of a civil emergency by the Mayor, and during the existence  
23 of such civil emergency, the Mayor may, in a form that meets the requirements of Section  
24 10.02.025, make and proclaim any or all of the following orders:  
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1            ((A))1. An order imposing a general curfew applicable to the City as a whole, or  
2 to such geographical area or areas of the City and during such hours, as he deems necessary,  
3 which effective hours and affected area or areas may be modified from time to time;

4            ((B))2. An order requiring any or all business establishments to close and remain  
5 closed until further order;

6            ((C))3. An order requiring the closure of any or all bars, taverns, liquor stores, and  
7 other business establishments where alcoholic beverages are sold or otherwise dispensed;  
8 provided that with respect to those business establishments which are not primarily devoted to  
9 the sale of alcoholic beverages and in which such alcoholic beverages may be removed or made  
10 secure from possible seizure by the public, the portions thereof utilized for the sale of items other  
11 than alcoholic beverages may, in the discretion of the Mayor, be allowed to remain open;

12            ((D))4. An order requiring the discontinuance of the sale, distribution or giving  
13 away of alcoholic beverages in any or all parts of the City;

14            ((E))5. An order requiring the discontinuance of the sale, distribution or giving  
15 away of firearms and/or ammunition for firearms in any or all parts of the City;

16            ((F))6. An order requiring the discontinuance of the sale, distribution or giving  
17 away of gasoline or other liquid flammable or combustible products in any container other than a  
18 gasoline tank properly affixed to a motor vehicle;

19            ((G))7. An order requiring the closure of any or all business establishments where  
20 firearms and/or ammunition for firearms are sold or otherwise dispensed; provided that with  
21 respect to those business establishments which are not primarily devoted to the sale of firearms  
22 and/or ammunition and in which such firearms and/or ammunition may be removed or made  
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1 secure from possible seizure by the public, the portions thereof utilized for the sale of items other  
2 than firearms and ammunition may, in the discretion of the Mayor, be allowed to remain open;

3 ((H))8. An order closing to the public any or all public places including streets,  
4 alleys, public ways, schools, parks, beaches, amusement areas, and public buildings;

5 ((F))9. An order prohibiting the carrying or possession of a firearm or any  
6 instrument which is capable of producing bodily harm and which is carried or possessed with  
7 intent to use the same to cause such harm, provided that any such order shall not apply to peace  
8 officers or military personnel engaged in the performance of their official duties;

9 ((J))10. An order requesting federal and/or state assistance in combating such civil  
10 emergency;  
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12 ((K))11. An order establishing economic controls in aid of and supplementary to  
13 and consistent with federal orders relating to price stabilization or controls including: the  
14 convening and establishing of ration boards; auditing retail and wholesale ration accounts;  
15 monitoring price control operations and reporting violations to appropriate authorities; assisting  
16 in providing essential supplies to disaster victims; advising appropriate authorities concerning  
17 rationing, price control, wage and rent controls and allocation of food and other essential  
18 commodities;  
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20 ((L))12. An order directing the use of all public and private health, medical, and  
21 convalescent facilities and equipment to provide emergency health and medical care for injured  
22 persons;  
23  
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1           ~~((M))~~13. An order authorizing, in cooperation with utility management and  
2 appropriate state and federal agencies, the shutting off, restoration, and operation of utility  
3 services in accordance with priorities established for combating such civil emergency;

4           ~~((N))~~14. An order providing for the evacuation and reception of the population of  
5 the City or any part thereof; and

6           ~~((O))~~15. Such other orders as are imminently necessary for the protection of life  
7 and property~~((;))~~.

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9           B. ~~((Provided, however, that any such))~~ Any order proclaimed according to subsection  
10 10.02.020.A shall~~((, within forty eight (48) hours of))~~ be filed with the City Clerk immediately  
11 after issuance of the order, or as soon as practical, ~~((be filed with the City Clerk))~~ for  
12 presentation to the City Council for ratification and confirmation, modification or rejection, and  
13 if rejected shall be void. The Council shall consider the statements set forth in Section 10.02.025  
14 and may, by resolution, modify or reject the order. If the Council modifies or rejects the order,  
15 said modification or rejection shall be prospective only, and shall not affect any actions taken  
16 prior to the modification or rejection of the order. The Council shall endeavor to act on any order  
17 within ~~((forty eight (48) ()))~~ hours of its being presented to the Council by Mayor.

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19           Section 3. Section 10.02.030 of the Seattle Municipal Code, which section was last  
20 amended by Ordinance 123361, is amended as follows:

21 **10.02.030 - Authority of Mayor to enter into contracts and incur obligations~~((;))~~**

22           A. Upon the proclamation by the Mayor of a civil emergency resulting from a disaster  
23 caused by enemy attack, sabotage, or other hostile action, or by fire, flood, storm, earthquake, or  
24 other natural cause, and during the existence of such civil emergency, the Mayor, in carrying out  
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1 the provisions of RCW Chapter 38.52, shall have the power by order to enter into contracts and  
2 incur obligations ("Order") necessary to combat such disaster, protect the health and safety of  
3 persons and property, and provide emergency assistance to the victims of such disaster. Such  
4 powers shall be exercised in the light of the exigencies of the situation without regard to time-  
5 consuming procedures and formalities prescribed by ordinance (excepting mandatory  
6 constitutional requirements), including, but not limited to, budget law limitations and  
7 requirements of competitive bidding and publication of notices pertaining to the performance of  
8 public work, entering into contracts, the incurring of obligations, the employment of temporary  
9 workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes,  
10 and the appropriation and expenditures of public funds; provided, that the Mayor shall, wherever  
11 practical, advise and consult with the City Council with respect to disaster response activities,  
12 and any such Order shall, immediately after issuance of the Order, or as soon as practical, ((at  
13 the earliest practical time)) be presented to the City Council pursuant to ((Section))subsection  
14 10.02.030.B ((herein)) for review and appropriate legislation including:  
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- 17 1. Findings by resolution with respect to actions taken;
- 18 2. Authorization of payment for services, supplies, equipment loans and  
19 commandeered property used during disaster response activities;
- 20 3. Approval of gifts, grants or loans accepted by the Mayor during the emergency;
- 21 and
- 22 4. Levy of taxes to meet costs of disaster response and recovery operations.

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24 B. Any such order shall ((, within 48 hours of issuance)) be filed immediately after  
25 issuance of the Order, or as soon as practical, ((be filed)) with the City Clerk for presentation to  
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1 the City Council for ratification and confirmation, modification or rejection, and if rejected any  
2 such Order shall be void.

3 If the City Council modifies the Order, such modification shall be effective only if it is  
4 agreed to by the ordered or contracting party. If the ordered or contracting party refuses to accept  
5 the modification, the Order shall be deemed to be rejected by the City Council. If the City  
6 Council rejects the Order, such rejection shall not affect the City's responsibility for any actions  
7 taken prior to the rejection of the Order, including the City's responsibility for the actual costs  
8 incurred by those who were ordered by or entered into contracts with the City.

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10 C. The Director of Finance and Administrative Services shall be authorized to draw and  
11 to pay the necessary warrants for expenditures made pursuant to Order and authorized by the  
12 City Council. If the applicable fund is solvent at the time payment is ordered, the Director may  
13 elect to make payment by check.  
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1 Section 4. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 11<sup>th</sup> day of March, 2013, and  
5 signed by me in open session in authentication of its passage this  
6 11<sup>th</sup> day of March, 2013.

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10 President \_\_\_\_\_ of the City Council

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12 Approved by me this 15<sup>th</sup> day of March, 2013.

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16 Michael McGinn, Mayor

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18 Filed by me this 19<sup>th</sup> day of March, 2013.

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21 

22 Monica Martinez Simmons, City Clerk

23 (Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Legislative	Rebecca Herzfeld/684-8148	Not Applicable

**Legislation Title:**

AN ORDINANCE relating to the filing of proclamations and orders in response to civil emergencies, amending Sections 10.02.010, 10.02.020, and 10.02.030 of Seattle Municipal Code.

**Summary of the Legislation:**

This bill changes the amount of time that the Mayor has to file an emergency proclamation or order with the City Clerk, from 48 hours to immediately. The bill would not amend the current exception for filing later if it is not practical to meet this deadline.

**Background:**

Section 10.02.010 of the Seattle Municipal Code gives the Mayor the authority to take “extraordinary measures to prevent the death or injury of persons and to protect the public peace, safety and welfare, and alleviate damage, loss, hardship or suffering,” whenever riot, unlawful assembly... fire, flood, storm, earthquake, or other catastrophe or disaster occurs in the City and “results in or threatens to result in the death or injury of persons or the destruction of property or the disruption of local government.” In such cases, the Mayor may proclaim a civil emergency, assume extraordinary powers, and suspend procedures (such as for purchasing, hiring, and contracting) that are otherwise required by law. An emergency proclamation must be filed with the City Clerk for presentation to the City Council for ratification and confirmation, modification, or rejection within 48 hours, or “as soon as practical.”

Sections 10.02.020 and 10.02.030 give the Mayor authority to respond to an emergency by issuing orders. Such orders could set a curfew, require the closure of businesses and public places, and enter into contracts and incur obligations without regard to time-consuming procedures and formalities.

The proposed legislation would shorten the required time for filing emergency proclamations and orders with the City Clerk from 48 hours to immediately. Because some emergencies are short-lived, this will provide the City Council with more time to review the proclamation and determine whether it should be ratified. If immediate filing is not possible due the type and extent of the emergency, the current exception for filing later if it is not practical to meet the deadline would continue to apply.

X **This legislation does not have any financial implications.**

**Other Implications:**



- a) **Does the legislation have indirect financial implications, or long-term implications?**  
No.
- b) **What is the financial cost of not implementing the legislation?**  
None.
- c) **Does this legislation affect any departments besides the originating department?**  
This legislation affects the Mayor's Office.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**  
None.
- e) **Is a public hearing required for this legislation?**  
No.
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- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**  
No.
- g) **Does this legislation affect a piece of property?**  
No.
- h) **Other Issues:**  
None.



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STATE OF WASHINGTON -- KING COUNTY

--SS.

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295573

No.

CITY OF SEATTLE, CLERKS OFFICE

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:124135-124139 TITLE

was published on

03/28/13

The amount of the fee charged for the foregoing publication is the sum of \$83.00 which amount has been paid in full.



Affidavit of Publication

  
Subscribed and sworn to before me on

03/28/2013

  
Notary public for the State of Washington,  
residing in Seattle

## State of Washington, King County

### City of Seattle

The full text of the following legislation, passed by the City Council on March 11, 2013, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

#### ORDINANCE NO. 124135

AN ORDINANCE relating to historic preservation, imposing controls upon the

Admiral's House, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

#### ORDINANCE NO. 124136

AN ORDINANCE relating to the filing of proclamations and orders in response to civil emergencies, amending Sections 10.02.010, 10.02.020, and 10.02.030 of Seattle Municipal Code.

#### ORDINANCE NO. 124137

AN ORDINANCE accepting a Deed from Hire Industries, Inc., for property in Block 5 of J.H. Rengstorff's Addition for general municipal purposes, to be used initially for the Spring Street P-Patch; assigning jurisdiction for said property to the Department of Neighborhoods; and ratifying and confirming certain prior acts.

#### ORDINANCE NO. 124138

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Mayor to enter into a Memorandum of Agreement between the Washington State Department of Transportation, the University of Washington and the City of Seattle regarding Section 6(f) of the Land and Water Conservation Fund Act for the SR 520, I-5 to Medina Project.

#### ORDINANCE NO. 124139

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, March 28, 2013.

3/28(295573)