

Ordinance No. 118896

The City of Seattle
Council Bill/Ordinance

Council Bill No. 112043

AN ORDINANCE relating to citizen requests for emergency assistance; and amending Chapter 10.06 Emergency Control of Drainage Problems, Earth Slides and Mud Flows of the Seattle Municipal Code.

OK

4-0 recommended

2-2-98 Full C

CF No. _____

Date Introduced: <u>JAN 25 1998</u>	
Date 1st Referred: <u>JAN 25 1998</u>	To: (committee) <u>4-0 Harold Ad Hoc</u>
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: <u>2-2-98</u>	Full Council Vote: <u>9-0</u>
Date Presented to Mayor: <u>2-2-98</u>	Date Approved: <u>2-4-98</u>
Date Returned to City Clerk: <u>2-4-98</u>	Date Published: <u>3/98</u> T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetted by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

This file is complete and ready

Law Department

Law Dept. Review

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The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: PAGELER
Councilmember

Committee Action:

4-0 recommended by committee to move to Full Council
2-2-98 Full Council Action: Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____
(initial/date)

Law Department



Law Dept. Review OMP Review City Clerk Review Electronic Copy Loaded Indexed

ORDINANCE 118896

1
2 AN ORDINANCE relating to citizen requests for emergency assistance; and amending Chapter 10.06
3 Emergency Control of Drainage Problems, Earth Slides and Mud Flows of the Seattle Municipal Code.

4 WHEREAS, Seattle, Washington, is located in an area that is subject to severe weather and geologic
5 conditions that can result in the creation of hazards to public and private property; and

6 WHEREAS, the City of Seattle (the "City"), during an emergency, dispatches crews and equipment
7 and/or hires private contractors to protect the public and restore City services and facilities; and

8 WHEREAS, while responding to an emergency, City crews and/or contractors may be asked to provide
9 assistance to private property owners or occupants to remove or stabilize a physical hazard to
10 private property; and

11 WHEREAS, the City desires to protect public safety in an efficient manner by providing emergency
12 assistance to such owners or occupants; NOW, THEREFORE,

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

14 Section 1. Chapter 10.06 of the Seattle Municipal Code, entitled Emergency Control of Drainage
15 Problems, Earth Slides and Mud Flows is renamed and section 10.06.010 therein is amended to read as
16 follows:

17 **Chapter 10.06 Emergency Control of Drainage Problems, Earth Movement, ~~((Slides and))~~ Mud
18 Flows, Windstorm Damage and Other Hazards.**

19 **10.06.010 ~~((Owner))~~ Citizen requests for assistance -- Authority of Department Directors ~~((of
20 Seattle Public Utilities))~~.**

21 A. For the emergency control of drainage problems, earth movement, ~~((slides and))~~ mud flows,
22 windstorm damage, and other hazards occurring or threatening to occur on private property, ~~((the))~~
23 Department Directors are ~~((of Seattle Public Utilities is))~~ authorized upon the request of the owner or
24 occupant of any such property to render necessary emergency assistance. City crews or contractors
under the direction of a City employee may provide this assistance to citizens during an emergency
when working in an area to restore City facilities or protect public safety under the following conditions:

- 1 1. Assistance may be provided to reduce or relieve a hazardous condition or the threat of a hazardous
2 condition, not simply as a convenience to the citizen;
- 3 2. Assistance may be provided to the extent that City resources are sufficient to perform the work;
- 4 3. Assistance may be provided to the extent that the City crew determines it will not interfere with
5 higher priority emergency work;
- 6 4. Assistance may be provided if the City crew determines it will not place the City crew or contractors
7 in an unsafe situation; and
- 8 5. Assistance may be provided if the City crew determines the work can be done without causing
9 additional damage.

10 ~~((for such period of time as will enable such owner or occupant to arrange with private agencies to carry~~
11 ~~on the work, and for such purpose the Director of Seattle Public Utilities is))~~

12 B. Department Directors are authorized to enter into agreements with any such owner or occupant
13 providing for reimbursement of the City's cost of performing such emergency assistance, and is further
14 authorized to collect such costs. Such agreements may include a waiver protecting the City from claims
15 arising from the work to be performed as a result of the request for assistance and a cost estimate for the
16 work to be performed based on current rates for labor, equipment, materials and other costs. In order to
17 collect such costs, there must be an agreement with such owner or occupant and the City may seek
18 reimbursement up to the amount estimated or actual costs, whichever is less.

19 Section 2. Any action taken consistent with the authority and prior to the effective date of this ordinance is
20 ratified, approved and confirmed.

21 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by
22 the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall
23 take effect as provided by Municipal Code Section 1.04.020.
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Passed by the City Council the ~~2nd~~ day of February, 1998 and signed by me in open session in authentication of its passage this ~~2nd~~ day of February, 1998.

John A. McDonald
President of the City Council

Approved by me this 4th day of February, 1998

Paul Schell
Paul Schell, Mayor

Filed this 4 day of February, 98.

By: *Janice E. Papp*
City Clerk

(SEAL)



City of Seattle

Norman B. Rice, Mayor

Executive Department - Office of Management and Planning

Judy Bunnell, Director

January 13, 1998

Honorable Sue Donaldson, President
Seattle City Council
Seattle, Washington

Dear Council President Donaldson:

By this letter, the Executive is transmitting a proposed ordinance that will clarify the City's policy on providing emergency assistance to citizens. This ordinance is the result of work by the City's Landslide Policy Group that includes representatives from OMP, Seattle Transportation, Seattle Public Utilities, and the Parks & Recreation Department. The group briefed the City Council's Ad Hoc Committee on Landslides last month on proposed changes in debris clearance policies and was asked by committee members to prepare an ordinance implementing these changes.

While responding to emergencies, City crews are often asked to assist property owners in removing debris from private property. Situations can range from City Light crews removing downed trees to SPU and SEATLAN crews removing landslide debris. On receiving such requests, crews have to consider a number of factors, including:

- Does the crew have the authorization to do this work?
- Does removing the debris represent a hazard to the crew?
- Can the debris be safely removed without causing damage or increasing the hazard?
- What other higher priority work is there to do?
- Can the work be done with existing resources?
- Should the citizen be billed for this work?

During prior storms and emergencies, crews have been left to their own best judgment about responding to requests for assistance. As a result, the City's response has varied, not only with the situation, but also with the department or crew chief involved. The City has not had an established policy about debris cleanup to provide guidance to field crews. In fact, some departments have been unaware that there was an ordinance authorizing the City to provide assistance in emergencies.

Outlined below are policies on debris cleanup to provide guidance to City departments.

1. City crews are authorized to provide assistance to private citizens during an emergency. This authorization is based on ordinance 102112 that allows the City to render assistance, bill for services provided, and collect for these costs.

Seattle Municipal Building, 600 Fourth Avenue, Seattle, WA 98104-1826

Tel: (206) 684-8080, TDD (206) 684-8118, FAX: (206) 233-0085

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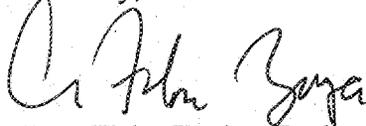


2. Assistance should be provided only to reduce or relieve a hazardous condition, not simply as a convenience to the citizen. Downed trees and landslide debris pressing on a building may represent hazards that the City should help in reducing, even if the threat is only to private property.
3. Assistance should be provided only to the extent that it does not interfere with higher priority emergency work. Crews and field managers need to assess emergency conditions across the City and ensure that resources are assigned to deal with the most hazardous situations.
4. Assistance should be provided only if it does not place City crews in an unsafe situation. This is true whether the work is in the public right-of-way or on private property. Technical assistance should be consulted if there is some doubt about the safety of the work.
5. Assistance should be provided only if removal of the debris can be done without causing additional damage. In some cases, removing debris may trigger additional slides. Technical assistance should be consulted if there is some doubt about the impact of the work.
6. Citizens will be billed unless it is determined that the City has some responsibility as a good neighbor or the City is legally responsible. In cases where public property or facilities are involved, the City may decide not to bill for the work as part of a "good neighbor" policy.
7. Citizens will be asked to sign a waiver for the assistance protecting the City from claims arising from the request for assistance. This waiver does not preclude citizens from filing claims for the initial damage that occurred.

The proposed ordinance extends existing authority to render assistance to cover all departments and outlines the circumstances under which this assistance will be provided. Field crews will be trained in the implementation of this ordinance and its effectiveness will be reviewed after the next emergency.

If you have additional questions, please contact Jim Echert, Office of Management & Planning, at 684-8894.

Sincerely,



Anne Fiske-Zuniga, Budget Director
Office of Management & Planning

cc: Councilmember Richard McIver, Seattle City Council
Councilmember Margaret Pageler, Seattle City Council
Councilmember Peter Steinbrueck, Seattle City Council
Lisa Fitzhugh, Special Assistant to the Mayor
Jim Echert, Office of Management & Planning



City of Seattle

Norman B. Rice, Mayor

Executive Department - Office of Management and Planning

Judy Bunnell, Director

COPY RECEIVED
98 JAN 12 AM 11
SEATTLE CITY ATTORNEY

January 9, 1998

The Honorable Mark Sidran
City Attorney
City of Seattle

OK plc 1/15/98

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT:

Management and Planning

SUBJECT:

AN ORDINANCE relating to citizen requests for emergency assistance; and amending Chapter 10.06 Emergency Control of Drainage Problems, Earth Slides and Mud Flows of the Seattle Municipal Code.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Jim Echert at 4-8894

Sincerely,

Paul Schell
Mayor

by

for 
LIZANNE LYONS
Director

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Enclosure

Seattle Municipal Building, 600 Fourth Avenue, Seattle, WA 98104-1826

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TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Margaret Pfeiffer

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:

PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

89735
City of Seattle, City Clerk

—ss.

No. ORDINANCE IN

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 12th 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:ORD 118896

was published on

02/12/98

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

H. Patterson

Subscribed and sworn to before me on

02/12/98

M. [Signature]

Notary Public for the State of Washington,
residing in Seattle

