

**CITY OF SNOHOMISH  
Snohomish, Washington**

**ORDINANCE 2306**

**AN ORDINANCE OF THE CITY OF SNOHOMISH AMENDING PORTIONS OF ORDINANCES 2026 AND 2220 CODIFIED AS CHAPTER 2.86 “EMERGENCY MANAGEMENT” OF THE SNOHOMISH MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.**

**WHEREAS**, the Revised Code of Washington ( RCW) Ch. 38.52 and the Washington Administrative Code (WAC) 118-30 require the City to have both an Emergency Management Ordinance or Resolution and an Emergency Management Plan; and

**WHEREAS**, on June 3, 2003 the Snohomish City Council adopted Ordinance No. 2026 to establishing Snohomish Municipal Code (SMC) Chapter 2.86 “EMERGENCY MANAGEMENT”, and on July 19, 2011 the Snohomish City Council adopted Ordinance No. 2220 amending Chapter 2.86; and

**WHEREAS**, on April 19, 2016 the Snohomish City Council passed Resolution 1342 adopting the revised “City of Snohomish Comprehensive Emergency Management Plan Annex (SNO-CEMP)” dated December 7, 2015 or as after amended, by reference; and

**WHEREAS**, on April 19, 2016, the Snohomish City Council passed Resolution No. 1343 adopting the “2015 edition of the Snohomish County Hazard Mitigation Plan”; and

**WHEREAS**, during the 2015 State legislative session, definitions within RCW 38.52 were updated; and

**WHEREAS**, the Snohomish City Council finds it to be in the public interest to amend SMC Chapter 2.86 to be consistent with RCW 38.52, the “City of Snohomish Comprehensive Emergency Management Plan Annex” adopted by Resolution No. 1342 and the “2015 edition of the Snohomish County Hazard Mitigation Plan” adopted by Resolution No. 1343;

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

**Section 1.** SMC Chapter 2.86 entitled “Emergency Management” is amended to read as follows:

## Chapter 2.86

### EMERGENCY MANAGEMENT

Sections:

- 2.86.010 Purpose
- 2.86.020 Emergency Management Policy
- 2.86.030 Emergency Management Defined
- 2.86.040 Emergency or Disaster Defined
- 2.86.050 Emergency Management Coordinator Defined
- 2.86.060 ~~Emergency Management Plan~~ Comprehensive Emergency Management Plan Annex (SNO-CEMP)
- 2.86.061 Snohomish County Comprehensive Emergency Management Plan (SC-CEMP)
- 2.86.062 Snohomish County Hazard Mitigation Plan (SCHMP)
- 2.86.063 Snohomish County, Department of Public Works, Solid Waste Division, Disaster Debris Management Plan
- 2.86.070 Emergency Management Program Organization
- 2.86.080 City Manager Duties and Powers
- 2.86.090 City Manager Succession
- 2.86.100 Emergency Management Coordinator-Powers and Duties
- 2.86.110 Functions and Duties of Departments and Employees
- 2.86.120 ~~Private~~ Liability
- 2.86.130 Violation-Penalties
- 2.86.140 Severability

**2.86.010 Purpose.** ~~The declared purposes of this~~ This chapter are to provide for the preparation ~~and carrying out of plans~~ for emergency mitigation, preparedness, response, and recovery for persons and property within the City of Snohomish in the event of an emergency or disaster; ~~and~~ to provide for the coordination of emergency functions and services of the City of Snohomish; and with those at of other public agencies and affected private persons, corporations, and organizations. 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 property within the City of Snohomish. (Ord. 2026, 2003)

**2.86.020 Emergency Management Policy.**

A. It is the policy of this City of Snohomish city to make the best possible effective preparation and use of manpower, resources, and facilities for dealing with any emergency or disaster that may occur, and to cooperate to the extent possible with adjacent jurisdictions in order to make maximum use of local emergency response and recovery resources.

~~Disasters and emergencies, by their very nature, may disrupt or destroy existing systems and the capability of the City of Snohomish to respond to protect life, public health, property, and essential City services. Therefore, citizens are advised to be~~

~~prepared to be on their own for up to 72 hours, should an emergency or disaster occur. (Ord. 2026, 2003)~~

- B. All personnel of the City of Snohomish are directed to support the emergency and disaster preparedness, response and recovery activities of the emergency management organization as defined in the approved Comprehensive Emergency Management Plan.
- C. Because the demands of the emergency may prevent the City from meeting all of the immediate needs of the community, each citizen is encouraged to prepare for at least seven (7) days without outside help.

**2.86.030 Emergency Management Defined.** “Emergency Management” or “comprehensive 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, technological, or ~~man-made~~ human-caused, and to provide support for search and rescue operations for persons and property in distress. However, “emergency management” or “comprehensive emergency management” does not mean preparation for emergency evacuation or relocation of residences in anticipation of nuclear attack. (Ord. 2026, 2003)

**2.86.040 Emergency or Disaster Defined.** “Emergency or Disaster” as used in this chapter shall mean an event or set of circumstances which: (a) demands immediate action to preserve public health, protect life, protect property, protect public property, or to provide relief to any stricken neighborhood overtaken by such occurrences, or (b) reaches such a dimension or degree of destructiveness as to warrant the City Council or City Manager proclaiming the existence of a disaster or emergency or the Governor declaring a state of emergency in accordance with appropriate local and State statute. (Ord. 2026, 2003; Ord. 2220, 2011)

**2.86.050 Emergency Management Coordinator Defined.** Under the direction of the City Manager, performs administrative and technical work in the development, implementation and coordination of the City’s Emergency Management Program; the City’s Comprehensive Emergency Management Plan; coordinates and acts as liaison for the City’s disaster recovery efforts; oversees the disaster training, exercises and public awareness programs; and performs related duties as assigned. The Chief of Police, or their designee, ~~or in the absence of the Chief pursuant to Police Department Chain of Command protocol or the Chief’s designee~~, shall be the Emergency Management Coordinator for the City of Snohomish. Where the Chief of Police, or their designee is unavailable to act as the Emergency Management Coordinator during an event, the City Manager may designate City Staff to act in the Emergency Management Coordinator capacity. ~~The Emergency Management Coordinator shall review the Comprehensive Emergency Management Plan (CEMP) at least once a year with the Fire District and report to the City Manager.~~ (Ord. 2026, 2003; Ord. 2220, 2011)

**2.86.060 Emergency Management Plan – Comprehensive Emergency Management Plan Annex (SNO-CEMP).**

A. The City of Snohomish Comprehensive Emergency Management Plan Annex (SNO-CEMP) provides the framework for mitigation, preparedness, response and recovery activities that establishes functions and responsibilities to save lives, protect public health, safety, property, the economy and the environment and foster a return to a normal way of life. prepared by the Emergency Management Coordinator and adopted by the City Manager is the official Emergency Management Plan of the City of Snohomish. The City Manager shall review the CEMP at least annually and has authority to update and make and adopt amendments and revisions to the CEMP that are consistent with this Chapter and/or necessary in the City Manager’s discretion. The City Manager will report any updates, amendments, and revisions to the CEMP to the City Council. The Emergency Management Coordinator shall file a copy of said CEMP in the office of the City Clerk, and distribute copies of said CEMP to appropriate City departments. (Ord. 2026, 2003; Ord. 2220, 2011)

B. The SNO-CEMP is developed as an annex of the Snohomish County Comprehensive Emergency Management Plan (SC-CEMP).

C. The City of Snohomish Comprehensive Emergency Management Plan Annex (SNO-CEMP) is hereby adopted and incorporated by reference as though fully set forth in this Chapter, as now or hereafter amended.

D. A copy of the SNO-CEMP shall be filed in the office of the City Clerk.

**2.86.061 Snohomish County Comprehensive Emergency Management Plan (SC-CEMP) Adopted by Reference.** The current edition of the Snohomish County Comprehensive Emergency Management Plan (SC-CEMP) as promulgated by the Snohomish County Department of Emergency Management and adopted by the Snohomish County Council, is adopted and incorporated by reference as though fully set forth in this Chapter, as now or hereafter amended.

**2.86.062 Snohomish County Hazard Mitigation Plan (SCHMP) Adopted by Reference.** The current edition of the Snohomish County Hazard Mitigation Plan (SCHMP) as approved by the Federal Emergency Management Agency (FEMA) and adopted by the Snohomish City Council, is adopted and incorporated by reference as though fully set forth in this Chapter, as now or hereafter amended.

**2.86.063 Snohomish County Department of Public Works, Solid Waste Division, Disaster Debris Management Plan (DDMP) Adopted by Reference.** The Federal Emergency Management Agency (FEMA) requires that municipalities adopt a disaster debris management plan. As an emergency management partner with Snohomish County, the City of Snohomish utilizes the current edition of the Snohomish County Department of Public Works, Solid Waste Division, Disaster Debris Management Plan (DDMP). The current edition of the Snohomish County Department of Public Works, Solid Waste Division, Disaster Debris Management Plan (DDMP) is adopted and

incorporated by reference as though fully set forth in this Chapter, as now or hereafter amended.

**2.86.070 Emergency Management Program—Organization.** The Emergency Management ~~Program~~ Organization of the City of Snohomish is hereby created, and shall consist of:

- A. The City of Snohomish has the authority and responsibility to respond and direct disaster operations within its borders pursuant the adopted Comprehensive Emergency Management Plan Annex (SNO-CEMP).
- B. The City Manager shall be the administrative head of, and have direct responsibility for, the organization, administration, and operation of the Emergency Management Organization and Program for the City of Snohomish and for the emergency operations of the City.
- C. The Emergency Management Coordinator shall develop and maintain the Comprehensive Emergency Management Plan Annex (SNO-CEMP), and shall have such other duties as may be assigned by the City Manager or as provided in the approved SNO-CEMP.
- D. The City Council, during emergency operations, provides guidance to the City Manager on matters of public policy, budget authorizations and emergency declarations and other matters as they may arise.

~~A. The City Manager 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 Snohomish and for the emergency operations of the City. The City Council is advisory and will provide guidance to the City Manager on matters of Public Policy and will be called upon as needed for certain authorizations and other matters at the discretion of the City Manager. (Ord. 2026, 2003; Ord. 2220, 2011)~~

~~B. The Emergency Management Coordinator 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 City Manager. (Ord. 2026, 2003; Ord. 2220, 2011)~~

~~C. The City may establish its own Department of Emergency Management, or be a member of a joint local organization pursuant to RCW 38.52. (Ord. 2026, 2003)~~

**2.86.080 City Manager Duties and Powers.** The City Manager is hereby empowered to:

- A. Request the City Council to proclaim or declare the existence, or threatened existence, of a disaster or emergency and the termination thereof, or if the City Council is not in session or unavailable, the City Manager may issue such

proclamation or declaration of disaster or emergency, subject to confirmation by the City Council at the earliest practicable time if necessary; (Ord. 2026, 2003; Ord. 2220, 2011)

- B. Direct coordination and cooperation between departments and staff ~~of the departments of this city~~ in carrying out the provisions of the Comprehensive Emergency Management Plan Annex (SNO-CEMP), and to resolve questions of authority and responsibility that may arise; ~~among them~~; (Ord. 2026, 2003)
- C. Preserve and provide the continuity of the administrative and executive branch of government pursuant Section 35.18.010 RCW;
- ~~D. C. Prepare Report~~ adopted amendments and revisions to the SNO-CEMP to the City Council and recommend for adoption by the City Council mutual aid plans and agreements and other matters that require City Council authorization, ~~and approval and/or adoption~~; (Ord. 2026, 2003; Ord. 2220, 2011)
- ~~E. 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 City Manager 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 reported at the earliest practicable time to 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 where applicable to bind the City for the fair value thereof, and, if required immediately, to commandeer the same for public use:
    - a. To control and direct the efforts of the Emergency Management organization of this city for the accomplishment of the purposes of this chapter;
    - b. 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 ~~the~~ city is located, to command the aid of as many citizens of the city as may be deemed necessary in the execution of the City Manager'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 RCW 38.52;
    - c. To requisition necessary personnel or material of any City department or agency;

- d. To execute all of the special powers conferred upon the City Manager by this chapter, or by any other statute, agreement, or lawful authority, as necessary. (Ord. 2026, 2003; Ord. 2220, 2011)

**2.86.090 City Manager Succession.** For the purpose of the City of Snohomish Emergency Management Program, the issuance of emergency proclamations, and the performance of duties as outlined in Section 2.86.080, the order of succession shall be:

- A. City Manager, if incapacitated or unavailable; then
  - B. ~~Deputy City Manager Emergency Management Coordinator/ Chief of Police~~, if incapacitated or unavailable; then
  - C. Public Works Director, if incapacitated or unavailable; then
  - D. Director of Support Services, if incapacitated or unavailable; then
  - E. ~~Planning and Development Services Director. Emergency Management Coordinator—per Police Department Chain of Command protocol or the Chief’s designee.~~
- (Ord. 2026, 2003; Ord. 2220, 2011)

**2.86.100 Emergency Management Coordinator-Power and Duties.** The Emergency Management Coordinator is hereby empowered to:

- A. Represent the City of Snohomish in dealing with issues pertaining to emergency management; (Ord. 2026, 2003)
- B. Prepare, maintain, and implement the City of Snohomish Comprehensive Emergency Management Plan Annex (SNO-CEMP). ~~of the City and manage the day to day responsibilities of the Emergency Management Program activities of the City.~~ (Ord. 2026, 2003; Ord. 2220, 2011)

**2.86.110 Functions and Duties of Departments and Employees.** The City hereby assigns to the various departments, and to the officers and employees thereof, the functions, duties, and powers set forth in the City of Snohomish Comprehensive Emergency Management Plan Annex (SNO-CEMP) referenced in Section 2.86.070 of this chapter. (Ord. 2026, 2003)

**2.86.120 Private Liability – RCW 38.52.180 Adoption by Reference.** The City of Snohomish hereby adopts and incorporates by reference RCW 38.52.180 “Liability for property damage, bodily injury, death—Immunity—Assumption by state—Indemnification—Immunity from liability for covered volunteers.” as though fully set forth in this Chapter, as now or hereafter amended.

~~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 Snohomish 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. (Ord. 2026, 2003)~~

**2.86.130 Violation-Penalties.** Any person who:

- A. Willfully obstructs, hinders, or delays any member of the Emergency Management organization 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. Performs 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 of protection thereof;
- C. Wears, carries, or displays, without authority, any means of identification specified by the Emergency Management agency of the State; shall be in violation of the provisions of this ordinance and shall be a misdemeanor, and any person found guilty thereof shall be punished by a fine not to exceed one thousand dollars (\$1,000) or imprisonment in jail, not to exceed ninety (90) days, or by both such fine and imprisonment, in the discretion of the court. (Ord. 2026, 2003)

**2.86.140 Severability.** If any portion of this ordinance is 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 ordinance 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.** Severability. If any section, subsection, 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 preempted by state or federal law or regulation, such a decision or preemption shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other persons or circumstances.

**Section 3.** Effective Date. This ordinance shall be effective one year after adoption and publication by summary.

ADOPTED by the City Council and APPROVED by the Mayor this 21st day of June, 2016.

CITY OF SNOHOMISH

By \_\_\_\_\_  
Karen Guzak, Mayor

ATTEST:

By \_\_\_\_\_  
Pat Adams, City Clerk

APPROVED AS TO FORM:

By \_\_\_\_\_  
Grant Weed, City Attorney