

ORDINANCE NO. 729

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING SECTION 2.35.080 OF THE UNIVERSITY PLACE MUNICIPAL CODE; RELATING TO EMERGENCY MANAGEMENT

WHEREAS, disasters and emergencies may disrupt or destroy existing systems upon which we depend, and thus would diminish the capability of the City of University Place to respond to protect life, public health and public property; and

WHEREAS, the City of University Place is in the midst of a declared emergency relating to COVID-19; and

WHEREAS, the City Council finds that the above circumstances and facts continue to present significant public health and safety issues for the City of University Place and its residents and citizens, and necessitates urgent further actions to mitigate the risks and threat to public health and safety and the City's economy caused by the COVID-19 pandemic; and

WHEREAS, the City is confronted with exigent financial circumstances related to this public health emergency to protect its citizens and residents, and to protect the community, and must take immediate measures to reduce the public health risk caused by COVID-19; and

WHEREAS, the improvement and timeliness of the City's responses in this emergency situation can both accelerate the City's response to both the underlying emergency and place the community on firmer footing as it begins the path to recovery;

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

Section 1. Amendment of Section 2.35.080 UPMC. Section 2.35.080 of the University Place Municipal Code, entitled, "Director – Emergency powers" is amended to read as follows:

2.35.080 Director – Emergency powers.

In the event of a proclamation of a disaster or emergency as provided in this chapter, or upon the proclamation of an emergency by the Governor covering the region in which the City of University Place is located, the emergency management director is hereby empowered:

A. 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 are confirmed at the earliest practical time by the City Council.

B. Upon the proclamation of a state of emergency and prior to terminating such, may issue an order or orders concerning waiver or suspension of obligations or limitations for those regulatory obligations or limitations if strict compliance with the provision of any municipal code provision, ordinance, resolution, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the disaster or emergency. This waiver or suspension may extend to include fees imposed under the City's fee schedule. A waiver or suspension of such obligations under this subsection is not allowed in those circumstances where either (i) authority to waive or suspend a specific statutory or regulatory obligation or limitation has been expressly granted to another agency or the City Council, (ii) the waiver or suspension would conflict with requirements that are a prescribed condition to the allocation of funds to the City; (iii) conflict with any provision of state or federal law; or (iv) the Municipal Code or other legislation of the City expressly precludes a waiver. Any orders issued under this subsection must be confirmed by the City Council at the earliest practical time;

CB. To delegate to individuals, as necessary, the authority to accomplish specific or general emergency actions in conduction with the emergency response.

DC. 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.

ED. To require emergency services of any city employee, ~~or to reassign the duties of any City officer or employee which the Code may delegate to a specific officer or employee, unless prohibited by either state law or professional licensing or credentialing requirements, and in the event of the city council's or emergency management director's proclamation of the existence or threatened existence of a disaster or the proclamation of a state of emergency by the Governor in the region in which the city of University Place is located,~~ to command the aid of as many citizens of the city of University Place as may be deemed necessary in the execution of the director's duties, and such persons to be entitled to all privileges, benefits and immunities as are provided by state law for registered emergency workers.

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

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 3. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 4. Savings. No offense committed, no declaration or emergency or ratification thereof, emergency order, no penalty or forfeiture incurred prior to the effective date of this Ordinance, nor any proceeding undertaken to enforce this Ordinance, nor any actions to safeguard public health, public safety public property or the public peace shall be affected by this Ordinance and the same shall proceed in all respects as if this Ordinance had not been enacted. Furthermore, any act, claim or action undertaken pursuant to any provision of this Section is not intended to be lost, impaired or affected by this Ordinance.

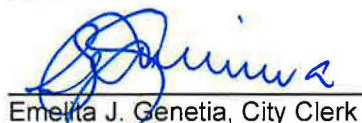
Section 5. Ratification of Actions Taken. The actions taken and expenditures made by the City Manager and City departments in responding to the emergency continue to generally fall within their authority and where processes were not followed, it was in the interest of responding timely to the emergency. As such, any and all actions taken to date by the City Manager or City staff in response to the emergency are hereby ratified, confirmed and approved.

Section 6. Effective Date. This Ordinance, being necessary for the protection of public health, public safety, public property or the public peace, and having been approved by a majority plus one of the whole membership of the Council, shall be effective upon adoption.

PASSED BY THE CITY COUNCIL ON JUNE 1, 2020.


Caroline Belleci, Mayor

ATTEST:


Emelita J. Genetia, City Clerk

APPROVED AS TO FORM:



Matthew S. Kaser, City Attorney

Date of Publication: 06/03/20

Effective Date: Upon Adoption

UNOFFICIAL DOCUMENT

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WHEREAS, the City Council finds that the above circumstances and facts continue to present significant public health and safety issues for the City of University Place and its residents and citizens, and necessitates urgent further actions to mitigate the risks and threat to public health and safety and the City's economy caused by the COVID-19 pandemic; and

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WHEREAS, the improvement and timeliness of the City's responses in this emergency situation can both accelerate the City's response to both the underlying emergency and place the community on firmer footing as it begins the path to recovery;

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A. 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 are confirmed at the earliest practical time by the City Council.

B. Upon the proclamation of a state of emergency and prior to terminating such, may issue an order or orders concerning waiver or suspension of obligations or limitations for those regulatory obligations or limitations if strict compliance with the provision of any municipal code provision, ordinance, resolution, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the disaster or emergency. This waiver or suspension may extend to include fees imposed under the City's fee schedule. A waiver or suspension of such obligations under this subsection is not allowed in those circumstances where either (i) authority to waive or suspend a specific statutory or regulatory obligation or limitation has been expressly granted to another agency or the City Council, (ii) the waiver or suspension would conflict with requirements that are a prescribed condition to the allocation of funds to the City; (iii) conflict with any provision of state or federal law; or (iv) the Municipal Code or other legislation of the City expressly precludes a waiver. Any orders issued under this subsection must be confirmed by the City Council at the earliest practical time;

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

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

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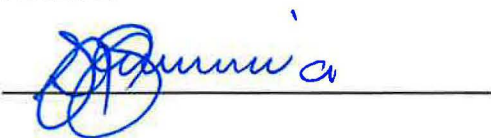
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Caroline Belleci, Mayor

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Emelita J. Genetia, City Clerk

APPROVED AS TO FORM:



Matthew S. Kaser, City Attorney

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Effective Date: 06/08/20

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