



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

January 14, 2013

Ordinance 17510

Proposed No. 2012-0451.1

Sponsors Lambert

1 AN ORDINANCE relating to emergency powers; and
2 amending Ordinance 1058, Section 3, as amended, and
3 K.C.C. 12.52.030.

4 PREAMBLE:

5 Public safety is the most fundamental purpose of government, and citizens
6 rightfully expect government to respond rapidly in the face of significant
7 threats to life and property, emergencies, natural disasters and other
8 calamities. Federal law, state statute and county code have long
9 prescribed the powers of governments when emergencies or disasters
10 occur. This is true in King County where many of the code sections
11 describing the county's emergency powers were enacted over forty years
12 ago. The council has determined that, in addition to the importance of
13 acting proactively to address significant threats of emergencies, the county
14 needs to ensure that its code is updated to encompass changes in federal or
15 state law and to remain in every way current so as to not be challenged
16 when used during an emergency. Therefore, updating the county code
17 sections that delineate the emergency powers of the executive during an
18 emergency to conform to changes made in state statute, changes that the
19 courts have already determined pre-empt local law will assure that, when

20 needed, the county's emergency powers will not be in any way challenged
21 and can be fully enforced in times of emergency or disaster.

22 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

23 SECTION 1. Ordinance 1058, Section 3, as amended, and K.C.C. 12.52.030 are
24 each hereby amended to read as follows:

25 The executive shall see that the Washington ~~((S))~~state laws and ordinances of
26 King County are enforced, ~~((and))~~ shall direct and control all subordinate officers of the
27 county, ~~((except insofar as such))~~ unless the enforcement, direction and control ~~((is by~~
28 ~~King County Charter reposed))~~ rests in some other officer or board by the King County
29 Charter, and shall maintain the peace and order in King County.

30 A. Whenever an emergency or disaster occurs in King County and results in the
31 death or injury of persons or the destruction of property~~((;))~~ or involves the potential for
32 ~~((flowing [flooding]))~~ flooding arising out of the diminished capacity of the Howard
33 Hanson dam, to such an extent as to require, in the judgment of the executive,
34 extraordinary measures to protect the public peace, safety and welfare, the executive may
35 ~~((forthwith))~~ proclaim in writing the existence of such an emergency.

36 B. Upon the proclamation of an emergency by the executive, and during the
37 existence of such emergency, the executive may make and proclaim any or all of the
38 following orders:

39 1. An order recalling King County employees from vacation, canceling days off,
40 authorizing overtime~~((;))~~ or recalling selected retired employees;

41 2. An order waiving ~~((the requirements of))~~ K.C.C. chapters 4.04, 4.16, 4.18~~((;))~~
42 and 12.16 and K.C.C. 12.18.095 with reference to any contract relating to the county's

43 lease or purchase of supplies, equipment, personal services or public works as defined by
44 RCW 39.04.010, or to any contract for the selection and award of professional and/or
45 technical consultant contracts. ~~((Provided, h))~~ However, ~~((that))~~ an emergency waiver
46 ~~((of the requirements under))~~ K.C.C. chapters 4.18, 12.16 and 12.18 shall not amend the
47 annual utilization goals, unless the emergency makes it impossible to achieve the annual
48 utilization goals.

49 3. An order directing evacuation ~~((and/))~~ or clearing of debris and wreckage
50 caused by an emergency or disaster from publicly and privately owned lands and waters;

51 4. An order imposing a general curfew applicable to King County as a whole, or
52 to ~~((such))~~ any geographical area or areas of King County and during ~~((such))~~ any hours,
53 as the executive deems necessary ~~((, and from time to time to))~~. The executive may
54 modify the hours ~~((such))~~ curfew will be in effect and the area or areas to which it will
55 apply at any time;

56 5. An order requiring any or all business establishments to close and remain
57 closed until a further order;

58 6. An order requiring discontinuance of the sale, distribution or giving away of
59 alcoholic beverages in any or all parts of King County, ~~((and/))~~ or the closure of any and
60 all bars, taverns, liquor stores ~~((;))~~ and other business establishments where alcoholic
61 beverages are sold or otherwise dispensed ~~((; provided that))~~. However, with respect to
62 those business establishments ~~((which))~~ that are not primarily devoted to the sale of
63 alcoholic beverages and in which ~~((such))~~ alcoholic beverages may be removed or made
64 secure from possible seizure by the public, the portions ~~((thereof))~~ of the business

65 establishment utilized for the sale of items other than alcoholic beverages may, in the
66 discretion of the executive, be allowed to remain open;

67 7. An order requiring the discontinuance of the sale, distribution or giving away
68 of gasoline or other liquid flammable or combustible products in any container other than
69 a gasoline tank properly affixed to a motor vehicle;

70 8. An order closing to the public any or all public places including streets,
71 alleys, public ways, schools, parks, beaches, amusement areas and public buildings;

72 9. ~~((An order prohibiting the carrying or possession of firearms or any
73 instrument which is capable of producing bodily harm and which is carried or possessed
74 with intent to use the same to cause such harm; provided that any such order shall not
75 apply to peace officers or military personnel engaged in the performance of their official
76 duties;~~

77 ~~10.))~~ An order granting emergency postponement of King County permit
78 procedures for public work projects, as defined by RCW 39.04.010, responding to
79 conditions of the emergency ~~((and/))~~ or for restoration of public facilities damaged as a
80 result of the emergency. ~~((Such))~~ Any postponement~~((s))~~ under this subsection shall be
81 temporary. All projects must comply with all applicable code requirements. A permit
82 and inspection must be obtained as soon as possible after work has begun, but permit
83 application shall be made no later than six months after the date of the emergency
84 proclamation~~((:))~~; and

85 ~~((11/))~~ 10. ~~((Such))~~ Any other orders as are imminently necessary for the
86 protection of life and property.

87 C. Any executive order authorized by this section shall~~((,;))~~ be filed with the clerk
88 of the council not later than 10:00 a.m. of the second business day after it is issued,
89 except for orders waiving ~~((requirements of))~~ K.C.C. chapters 4.04, 4.16, 4.18, 12.16 and
90 12.18. Executive orders issued under authority of this section shall continue in force and
91 effect until terminated by order of the executive or action by the council by ordinance.
92 ~~((Provided, h))~~However, ~~((that))~~ orders waiving ~~((the requirements of))~~ K.C.C. chapters
93 4.04, 4.16, 4.18, 12.16 and 12.18 shall terminate as provided for in K.C.C. 4.16.050.

94 D. Any proclamation issued by the executive pursuant to the authority of this
95 chapter shall be delivered to all news media within King County and shall utilize such
96 other available means as ~~((shall be))~~ are necessary, in the executive's judgment, to give
97 notice of such proclamation to the public.

98 E. It shall be a misdemeanor for anyone to fail or refuse to obey any ~~((such))~~
99 order proclaimed by the executive under this section. Anyone convicted of a violation of

100 this section is punishable by a fine of not more than one thousand dollars or by
101 imprisonment for not more than ninety days, or both ((such)) fine and imprisonment.
102


Ordinance 17510 was introduced on 11/26/2012 and passed by the Metropolitan King
County Council on 1/14/2013, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr.
McDermott
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

RECEIVED
2013 JAN 25 PM 3:36
CLERK
KING COUNTY COUNCIL

APPROVED this _____ day of _____, 2013.

~~DEEMED ENACTED WITHOUT~~
COUNTY EXECUTIVE'S SIGNATURE.
DATED: 1/25/13

Dow Constantine, County Executive

Attachments: None