

Chapter 2.57

EMERGENCY SERVICES COUNCIL

Sections:

- 2.57.010 Purpose of provisions.**
- 2.57.020 Definitions.**
- 2.57.030 Created - Membership.**
- 2.57.040 Powers and duties.**
- 2.57.050 Director - Appointment and powers.**
- 2.57.060 Emergency powers of mayor or director.**
- 2.57.070 Violation - Penalty.**

2.57.010 Purpose of provisions.

The purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within the city in the event of a disaster, and to provide for the coordination of the emergency services functions of this city with all other public agencies and affected private persons, corporations, and organizations. Any expenditures made in connection with such emergency services activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city. [Ord. 8573 § 16(A), 1977].

2.57.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

“Emergency or disaster” as used in all sections of this chapter shall mean an event or set of circumstances which: (1) demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (2) reaches such a dimension or degree of destructiveness as to warrant the Governor declaring a state of emergency pursuant to RCW [43.06.010](#).

“Emergency services” means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action; or by epidemics; riot, but other than conditions resulting from a labor controversy; nuclear or chemical fiasco or holocaust; fire, flood, storm, earthquake, or other natural causes; and to provide support for persons and property in distress. These functions include, without limitations, fire fighting services; police services; medical and health services; rescue; engineering; air raid warning services; communications; radiological, chemical, and other special weapons defense; evacuations of persons from stricken areas; emergency welfare services; emergency transportation; existing or properly

assigned functions of plant protection; temporary restoration of public utility services and other functions related to civilian protection; together with all other activities necessary or incidental to the preparation and for carrying out of the foregoing functions. [Ord. 2013-11-080 § 1; Ord. 8573 § 16(B), 1977].

2.57.030 Created – Membership.

The emergency services council is created and shall consist of the following:

- A. The mayor, who shall be chairman;
- B. The director of emergency services, who shall be vice-chairman;
- C. The city council. [Ord. 8573 § 16(C), 1977].

2.57.040 Powers and duties.

- A. It shall be the duty of the emergency services council, and it is empowered, to review and recommend for adoption, emergency services and mutual aid plans and agreements and such resolutions, rules, and regulations as are necessary to implement such plans and agreements.
- B. The emergency services council shall meet upon call of the chairman or, in his absence from the city or inability to call such meeting, upon the call of the vice-chairman.
- C. All orders, rules, regulations, or resolutions prepared by the emergency services council during the pendency of a disaster shall be reviewed by the council at least once every 48 hours for the purpose of determining their continued efficacy due to changed circumstances. [Ord. 8573 § 16(D), 1977].

2.57.050 Director – Appointment and powers.

There is created the office of director of emergency services. Such officer shall be appointed by the mayor and shall perform such duties as the mayor shall dictate to effectuate the purposes of this chapter. The director may be empowered and directed with the prior approval of the mayor to do the following:

- A. Prepare an emergency services operating plan for the city conforming to the county and state emergency services plan and program;
- B. Control and direct the effort of the emergency services organization of this city for the accomplishment of the purposes of this chapter;
- C. Direct coordination and cooperation between divisions, services, and staff of the emergency services organization of this city, and to resolve questions of authority and responsibility that may arise among them;

D. Represent the emergency services organization of this city in all dealings with public or private agencies pertaining to emergency services. [Ord. 8573 § 16(E), 1977].

2.57.060 Emergency powers of mayor or director.

In the event of disaster as provided in this chapter, the mayor or, in the mayor's absence, the director is empowered to do the following:

A. Make and issue orders which shall have the force of law on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such orders must be confirmed at the earliest practicable time, and in any event not more than 24 hours after their issuance, by the emergency services council; such orders shall include but not be limited to the following:

1. An order imposing a general curfew applicable to the city as a whole, or to such geographical area or areas of the city and during such hours as he deems necessary, and from time to time to modify the hours such curfew will be in effect and the area or areas to which it will apply;
2. An order requiring any or all business establishments to close and remain closed until further order;
3. An order requiring the closure of any or all bars, taverns, liquor stores, and other business establishments where alcoholic beverages are sold or otherwise dispensed; provided, that with respect to those business establishments which are not primarily devoted to the sale of alcoholic beverages and in which such alcoholic beverages may be removed or made secure from possible seizure by the public, the portions thereof utilized for the sale of items other than alcoholic beverages may, in the discretion of the mayor, be allowed to remain open;
4. An order requiring the discontinuance of the sale, distribution, or giving away of alcoholic beverages in any or all parts of the city;
5. An order requiring the discontinuance of the sale, distribution, or giving away of firearms and/or ammunition for firearms in any or all parts of the city;
6. An order requiring the discontinuance of the sale, distribution, or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;
7. An order requiring the closure of any or all business establishments where firearms and/or ammunition for firearms are sold or otherwise dispensed; provided, that with respect to those business establishments which are not primarily devoted to the sale of firearms and/or ammunition and in which such firearms and/or ammunition may be removed or made secure from possible seizure by the public, the portions thereof utilized for sale of items other than firearms and ammunition may, in the discretion of the mayor, be allowed to remain open;
8. An order closing to the public any or all public places, including streets, alleys, public ways, schools, parks, beaches, amusement areas, and public buildings;

9. An order prohibiting the carrying or possession of firearms or any instrument which is capable of producing bodily harm and which is carried or possessed with the intent to use the same to cause such harm; provided, that any such order shall not apply to peace officers or military personnel engaged in the performance of their official duties;
 10. An order prohibiting the carrying, possession, and/or sale of explosives;
- B. 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 bind the city for the fair value thereof, and if required immediately, to commandeer the same for public use;
 - C. To require emergency services of any city officer or employee, and in the event of a proclamation by the Governor of the existence of a disaster, to command the aid of as many citizens of this community as he considers necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered emergency services workers;
 - D. To execute all of the special powers conferred upon him by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him by statute, agreement approved by the emergency services council, or by any other lawful authority;
 - E. To requisition necessary personnel or material of any city department or agency. [Ord. 8573 § 16(F), 1977].

2.57.070 Violation – Penalty.

It is unlawful for any person to fail or refuse to obey any provision of this chapter or any rule, regulation, ordinance, or order lawfully established or enacted pursuant to this chapter. Any such violation shall be considered a gross misdemeanor. [Ord. 2001-11-079; Ord. 8573 § 16(G), 1977].

The Bellingham Municipal Code is current through Ordinance 2020-02-004, passed February 10, 2020.

Disclaimer: The City Clerk Representative has the official version of the Bellingham Municipal Code. Users should contact the City Clerk Representative for ordinances passed subsequent to the ordinance cited above.

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