

ORDINANCE NO. _____

**AN EMERGENCY ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON
MODIFYING BELLINGHAM MUNICIPAL CODE CHAPTER 2.57, "EMERGENCY
SERVICES COUNCIL," TO IMPROVE THE CITY'S ABILITY TO RESPOND TO THE
PUBLIC HEALTH EMERGENCY CAUSED BY THE NOVEL CORONAVIRUS OUTBREAK.**

WHEREAS, on February 29, 2020, the Governor of the State of Washington proclaimed that a State of Emergency exists in all counties in the State of Washington due to the outbreak of novel coronavirus (COVID-19); and

WHEREAS, on March 10, 2020, the Whatcom County Executive, in coordination with the Whatcom County Health Board, declared a Whatcom County public health emergency to reduce the spread of COVID-19 in our community; and

WHEREAS, in response to the rapidly evolving situation in Whatcom County, the Whatcom County Health Officer issued recommendations to slow the spread of COVID-19; and

WHEREAS, the City of Bellingham (City), under the leadership of the Mayor, has implemented measures within City operations, services, and facilities to follow the recommendations of the Whatcom County Health Department; and

WHEREAS, on March 12, 2020, the City's Mayor issued a Proclamation of Local Emergency as a result of COVID-19; and

WHEREAS, COVID-19 is a threat to life and public health and demands ongoing and further emergency action; and

WHEREAS, the severity of this public health emergency may go beyond the capability of local resources; and

WHEREAS, the World Health Organization (WHO) has declared that COVID-19 disease is a global pandemic, which is particularly severe in high risk populations such as people with underlying medical conditions and the elderly, and the WHO has raised the health emergency to the highest level requiring dramatic interventions to disrupt the spread of this disease; and

WHEREAS, on March 13, 2020, the Governor issued an emergency proclamation requiring all K-12 schools in Washington to close from March 17, 2020 through April 24, 2020 to combat the spread of the disease; and

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WHEREAS, on March 13, 2020, the President of the United States declared a national emergency to allow the government to marshal additional resources to combat the virus; and

WHEREAS, on March 16, 2020, the Governor issued an emergency proclamation placing statewide limits on food and beverage services and areas of congregation in the state; and

WHEREAS, this proclamation prohibits: (1) the onsite consumption of food and/or beverages in public venues, including, but not limited to, restaurants, food courts, bars, taverns, coffee shops, catered events, clubs, and bowling alleys; (2) the operation of public venues in which people congregate for entertainment, social or recreational purposes, including, but not limited to, theaters, bowling alleys, gyms, fitness centers, non-tribal card rooms, barbershops and hair/nail salons, tattoo parlors, and pool halls; and (3) the operation of all retail stores except pharmacies and grocery stores, unless the stores establish and implement appropriate social distancing and sanitation measures; and

WHEREAS, the COVID-19 crisis has had a significant impact on the local economy impacting the retail, restaurant and other industries, resulting in layoffs and reduced work hours for a significant percentage of this workforce and loss of income for small businesses; and

WHEREAS, layoffs and substantially reduced work hours will lead to widespread economic hardship that will disproportionately impact low- and moderate- income workers resulting in lost wages, the inability to pay for basic household expenses, loss of housing due to non-payment of rent, and an increase in people experiencing homelessness and the need for social support services; and

WHEREAS, to improve the City's ability to respond to this public health emergency in a timely, effective manner, the City should amend Bellingham Municipal Code Chapter 2.57, "Emergency Services Council."

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: Bellingham Municipal Code (BMC) 2.57.030 is amended as follows:

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; and
- C. The city council president, or designee.

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Section 2: BMC 2.57.040 is amended as follows:

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~~ action taken by the emergency services council during the pendency of an emergency or disaster shall be reviewed by ~~such~~ the council at least once every 48 hours for the purpose of determining their continued efficacy due to changed circumstances. However, if the Mayor determines, based on the recommendation of the director of emergency services, that the emergency or disaster will require emergency measures lasting longer than one week, the emergency services council may extend the interval for reviewing all orders, rules, regulations, and resolutions such actions from 48 hours to a longer time period.

D. An order as authorized by BMC 2.57.060 (A) shall require confirmation by the City Council at the earliest practicable time. Neither a proclamation of emergency, nor an order authorized by BMC 2.57.060 (B) through (E), nor an action under RCW 38.52.070 requires confirmation by the City Council.

E. The confirmation of emergency orders of the Mayor, if intended to carry the force of law and be enforced as set forth in BMC 2.57.070, shall be by emergency ordinance adopted by City Council in accordance with the City Charter.

Section 3: BMC 2.57.060 is amended as follows:

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 by~~ City Council; ~~S~~ 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;

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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; [and](#)

[11. An order suspending regulations and allowing for the temporary siting and operation of essential facilities.](#)

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

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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.

Section 4. The Council finds that this ordinance is necessary to protect public health and safety and should be passed on an emergency basis. The facts set forth above are hereby adopted as findings of the Council. Accordingly, this ordinance shall be in full force and effect immediately upon passage, as long as it is approved by a majority plus one of the entire membership of the Council.

PASSED by the Council this _____ day of _____, 2020.

Council President

APPROVED by me this _____ day of _____, 2020.

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

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