

## **ORDINANCE NO.**

An ordinance establishing a definition of "emergency" for the purposes of governing legislation of the City Council and ensuring the appropriate use of emergency ordinances, and adding a new Section 01.01.080 to the Spokane Municipal Code.

**WHEREAS**, section 16 of the Spokane City Charter specifies that ordinances necessary "for the protection of public health, public safety, public property, or the public peace" are effective immediately and not subject to mayoral veto; and

**WHEREAS**, section 19 of the Spokane City Charter similarly permits the City Council to adopt ordinances on an emergency basis as necessary "for the immediate preservation of the public peace, health, or safety or for the immediate support of City government and its existing public institutions" and requires such ordinances to be adopted by five affirmative votes; and

**WHEREAS**, section 83 of the Spokane City Charter allows the public to commence a protest of the enactment of any ordinance and thereby delay its effective date by submission of a qualified petition prior to the effect date of the ordinance, but this referendum process is not available to protest an ordinance passed on an emergency basis; and

**WHEREAS**, state law governs that adoption of ordinances by municipalities with respect to budget and appropriations; and

**WHEREAS**, the Spokane City Council recognizes the necessity to further define the circumstances when non-budget emergency ordinances are appropriate, and to confine them those occasions demanding an immediate response to safeguard the public peace, health, and safety, and to provide support of City government and its existing public institutions.

**NOW, THEREFORE**, the City of Spokane does hereby ordain as follows:

**Section 1.** A new section 01.01.080 of the Spokane Municipal Code is created as follows:

### **Section 02.005.110 - Emergency Ordinance Provisions**

#### **A. Definitions.**

1. **“Emergency Ordinance”** refers to any non-budget ordinance enacted by the Spokane City Council in response to an unforeseen combination of circumstances that demands immediate action. An "emergency" is characterized by a situation where delay in action to a future regular City Council meeting or a delay in the effectiveness of the ordinance poses an imminent threat to public health, safety, or welfare, necessitating urgent intervention to prevent or mitigate significant harm to the community.

## **B. Emergency Ordinance Criteria**

1. An emergency ordinance may be adopted only when the ordinance includes detailed findings regarding all the following:
  - a. There is evidence of an imminent threat that could result in significant harm to the public health, safety, or welfare of the citizens of Spokane;
  - b. The situation is sudden, unexpected, and requires immediate action to prevent or mitigate the threat;
  - c. The normal course of legislative procedures of the City Council cannot timely address the threat without causing or exacerbating harm to the community; and
  - d. A citizens' referendum delaying the effective date of the ordinance will be detrimental to the public health, safety, or welfare.
2. In the event an emergency ordinance is prompted in part or in whole by confidential or privileged information disclosed to City Council, the written findings shall describe the legal constraints or exigencies to the greatest extent possible.
3. Every non-budget emergency ordinance shall require the affirmative vote of all council members present and shall include a minimum of five affirmative votes.
4. Conditions precluding the declaration of an emergency; Effect of deferral:
  - a. The non-budget ordinance has been deferred by the City Council for consideration longer than four calendar days

beyond its initial reading at a City Council legislative session, except when the next available council meeting has been deferred to accommodate standing established city holiday.

- b. The non-budget ordinance has remained on any standing committee agenda for more than ten calendar days, whether or not there have been intervening holidays.
- c. Upon deferral of a non-budget ordinance containing an emergency clause for more than four calendar days, the ordinance shall be deemed amended to a non-emergency ordinance and adopted by the council only after two separate readings by title.

5. Effect of Adoption Not in Compliance

Any non-budget emergency ordinance adopted in violation of Subsection B above shall be deemed void ab initio.

**Section 2.** Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

**Section 3.** Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

PASSED by the City Council on \_\_\_\_\_

\_\_\_\_\_  
Council President

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Effective Date