

Chapter 5A
DISASTERS AND EMERGENCIES¹

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SEC. 5A.1 PURPOSES OF CHAPTER

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this City in the event of any emergency, the direction of the emergency organization, and the coordination of the emergency functions of this City with all other public agencies, corporations, organizations and affected private persons. (Ord. No. 301 N.S., ' 1)

SEC. 5A.2 "EMERGENCY" DEFINED

As used in this chapter, "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as fire, flood, storm, epidemic, riot, earthquake or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this City, requiring the combined forces of other political subdivisions to combat. (Ord. No. 301 N.S., ' 2)

SEC. 5A.3 DISASTER COUNCIL-CREATED; COMPOSITION; OFFICERS

For state Emergency Services Act, see Gov. C. '8550 et seq. As to local disaster councils, see Gov. C ' '8610 to 8614. As to local emergency, see Gov. C. ' '8630 to 8634.

The City Disaster Council is hereby created and shall consist of the following:

- (a) The mayor, who shall be chairman.
- (b) The vice-mayor, who shall be vice-chairman.
- (c) The city administrator.
- (d) Such chiefs of emergency services as are provided for in a current emergency plan of this City, adopted pursuant to this chapter.
- (e) Such representatives of civic, business, labor, veterans, professional or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and consent of the City Council. (Ord. No. 301 N.S., '3)

SEC. 5A.4 SAME POWERS AND DUTIES GENERALLY; MEETINGS

It shall be the duty of the City Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The disaster council shall meet upon call of the chairman or, in his absence from the City or inability to call such meeting, upon call of the vice-chairman. (Ord. No. 301 N.S., '4)

SEC. 5A.5 DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY SERVICES - DESIGNATED

(a) There is hereby created the Office of Director of Emergency Services. The mayor shall be the Director of Emergency Services.

(b) There is hereby created the Office of Assistant Director of Emergency Services, who shall be the vice-mayor. (Ord. No. 301 N.S., '5)

SEC. 5A.6 SAME - POWERS AND DUTIES

(a) The director, or during his absence, inability to act or at his direction, the assistant director is hereby empowered to:

- (1) Request the City Council to proclaim the existence or threatened existence of a "local emergency" if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the director, the City Council shall take action

to ratify the proclamation within seven days thereafter or the proclamation shall not have further force or effect.

- (2) Request the governor of the state to proclaim a "state of emergency" when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency.
- (3) Control and direct the effort of the emergency organization of this City for the accomplishment of the purposes of this chapter.
- (4) Direct cooperation between and coordination of services and staff of the emergency organization of this City, and resolve questions of authority and responsibility that may arise between them.
- (5) Represent this City in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.
- (6) In the event of a proclamation of a "local emergency" as herein provided, the proclamation of a "state of emergency" by the governor or the director of the state office of emergency services or the existence of a "state of war emergency", the 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 emergency; provided, however, that such rules and regulations must be confirmed at the earliest practicable time by the City Council.
 - b. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property and to 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 the proclamation of a "state of emergency" in the county in which this City is located or the existence of a "state of war emergency" to command the aid of as many citizens of this community as he deems 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 disaster service workers.
 - d. To requisition necessary personnel or material of any City

department or agency.

- e. To execute all of his ordinary power as chief administrative officer, all of the special powers conferred upon him by this chapter or by resolution or emergency plan pursuant hereto adopted by the City Council, all powers conferred upon him by any statute, by any agreement approved by the City Council and by any other lawful authority.

(b) The director of emergency services shall designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the City Council.

(c) The assistant director shall, under the supervision of the director and with the assistance of emergency services chiefs, develop emergency plans and manage the emergency programs of this City, and shall have such other powers and duties as may be assigned by the director. (Ord. No. 301 N.S., '6)

SEC. 5A.7 EMERGENCY ORGANIZATIONS

All officers and employees of this City, together with those volunteer forces enrolled to aid them during an emergency and all groups, organizations and persons who may by agreement or operation of law, including persons impressed into service under the provisions of paragraph (a)(6)c. of Section 5A.6, be charged with duties incident to the protection of life and property in this City during such emergency, shall constitute the emergency organization of the City. (Ord. No. 301 N.S., '7)

SEC. 5A.8 EMERGENCY PLAN

The City Disaster Council shall be responsible for the development of the City emergency plan, which plan shall provide for the effective mobilization of all the resources of this City, both public and private, to meet any condition constituting a local emergency, state or emergency or state of war emergency, and shall provide for the organization, powers, and duties, services and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the City Council. (Ord. No. 301 N.S., '8)

SEC. 5A.9 EXPENDITURES

Any expenditures made in connection with emergency 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. No. 301 N.S., '9)

SEC. 5A.10 PROHIBITED ACTS

It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars, or by imprisonment for not to exceed six months, or both, for any person, during an emergency, to:

(a) Willfully obstruct, hinder or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of his chapter.

(b) Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of this City, or to prevent, hinder or delay the defense or protection thereof.

(c) Wear, carry or display, without authority, any means of identification specified by the emergency agency of the state. (Ord. No. 301 N.S., '10)