

ORDINANCE No. 97-13

AN ORDINANCE OF THE CITY OF AMERICAN CANYON ADDING A NEW CHAPTER 2.48, REGARDING CIVIL DEFENSE AND DISASTER RELIEF, TO THE AMERICAN CANYON MUNICIPAL CODE.

The City Council of the City of American Canyon does ordain as follows:

Section 1. Chapter 2.48 of the Municipal Code of the City of American Canyon is hereby repealed in its entirety and a new Chapter 2.48 is hereby added to the American Canyon Municipal Code to read as follows:

Chapter 2.48
Civil Defense and Disaster Relief

2.48.100 **Purpose.** The purpose of this chapter is to comply with the provisions of the California Emergency Services Act, Title Two, Division One, Chapter Seven of the Government Code of the State of California (commencing with Section 8550); to provide for the preparation and carrying out of plans for the protection of persons and property within the City of American Canyon in the event of an emergency; to provide for the mitigation of the effects of natural, man-made, or war-caused emergencies which result i conditions of disaster or extreme peril to life, property, or the resources of the City of American Canyon; and to create an organization based on the Standardized Emergency Management System (SEM) to coordinate the efforts of the various emergency services agencies, both public and private, within the City dealing with emergencies.

2.48.105 **Definitions.** As used in this article:

Coordinator shall mean the Coordinator of Emergency Services of the City of American Canyon.

Director shall mean the Director of Emergency Services.

Emergency shall mean the existence of a state of war emergency, state of emergency, or local emergency as hereinabove defined.

Emergency Council shall mean the City of American Canyon Emergency Council organized pursuant to the provision of Section 2.48.130 of this chapter.

Emergency Services Organization shall mean all offices and employees of the City, all persons enrolled to aid such officers and employees during an emergency, and all officers and employees of political subdivision, groups organization, or persons, who may, by agreement, or by operation of law, be charged with duties incident to the protection of life and property within the City during an emergency, or who may be impressed into service pursuant to law.

Local emergency shall mean the duly proclaimed existence or threatened existence, or threatened existence, of conditions of disaster or of extreme peril to the safety of persons and property within the territory of the City or within any portion thereof, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the service, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat.

Political subdivision shall mean all counties, city and counties, cities, districts, and other political subdivisions of the State of California, including the City of American Canyon.

State of emergency shall mean the duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons and property within this state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, or other conditions, other than conditions resulting from a labor controversy, or conditions causing a "state of war emergency," which conditions by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single City and require the combined forces of a mutual aid region or regions to combat.

State of war emergency shall mean a condition with or without a proclamation thereof by the governor whenever this State or the United States is attacked by an enemy of the United States, or upon receipt by the State of California of a warning from the federal government indicating that such an enemy attack is probable or imminent.

City shall mean the City of American Canyon in the County of Napa, California as defined in Section 1.04.150 of this Code.

2.48.115 Director of Emergency Services. The City Manager is hereby designated Director of Emergency Services.

2.48.120 **Powers and Duties.** The Director is hereby empowered to:

- (a) Direct the efforts of the Emergency Services Organization within the City for the accomplishment of the purposes of this chapter, or of any other law, ordinance, or rules and regulations, relating to the preparation and implementation of emergency plans or programs now in effect, or as may be hereinafter adopted in accordance with law, by the City, the State of California or the United States of America:
- (b) Request the City Council to proclaim the existence of a local emergency, if the City Council is in session, or to issue such proclamation of local emergency under his/her own authority if the Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force and effect after the seventh day from the date of issuance;
- (c) Request the governor to proclaim at state of emergency when in the opinion of the Director, the locally available resources are inadequate to cope with an emergency;
- (d) Promote cooperation, and resolve questions of authority and responsibility that may arise, between agencies making up the emergency services organization, and coordinate the services of and direct staff within the Emergency Services Organization;
- (e) Subject to the approval of the City Council, to enter into mutual aid agreements between the City and the County and other political subdivision, or any corporation, individual, or group of individuals; provided, however, that any mutual aid contract entered into with any political subdivision, the territory of which is located within the County of Cinema, and any contract with any corporation, group of individuals or individual within the County, shall contain the express provision that in the event of a local emergency duly proclaimed in the City Council or the Director, the Director shall direct all operations of the emergency services organization within the City so designated by said proclamation, and the Director shall resolve all questions of authority or responsibilities that may arise between agencies responding to the proclamation of local emergency;
- (f) Represent the City in all dealings with the public or private agencies on matters pertaining to emergencies;

(g) In the event of the proclamation of a local emergency as hereinabove provided, or the proclamation of a state of emergency or the existence of a state of war emergency, the Director is hereby empowered to:

1. Make and issue rules and regulations on matters reasonably related to the protection of life and property affected by such emergency, provided, however, that such rules and regulations must be confirmed at the earliest practicable time by the City Council.
2. Obtain necessary supplies, equipment, and such other properties found to be lacking or 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.
3. Require the immediate service of any City officer or employee and, in the event of proclamation of a state of emergency, or the existence of a state of war emergency, to command the aid of any citizen as he deems necessary in the execution of his duties; such persons so impressed into such service shall be entitled to all the privileges, benefits, and immunities as are provided by law for registered disaster service workers.
4. Requisition necessary personnel and materials from any department or agency of the City.
5. Execute all of his ordinary powers as City Manager, all of the special powers conferred upon him by the ordinance codified in this chapter or by any resolution or emergency plan heretofore or hereafter adopted by the City Council and all powers conferred on him by any statute, agreement or other lawful authority,
6. In the event of a local emergency, the Director or his duly authorized representative may order any person impeding efforts of any emergency service personnel to leave the area designated as an area within which a local emergency exists, Refusal by any person to obey the lawful directions of the Director or his duly authorized representative, or the hindrance or interference by any person with the lawful duties of any emergency service personnel shall constitute a

misdemeanor and a violation of this Code and shall be punishable in the manner provided by Section 1-24-040.A of this Code;

- h. Director shall designate the order of succession to that office to take effect in the event the Director is unable to attend meetings, or to otherwise perform his duties during an emergency.

2.48.125 **Coordinator of Emergency Services.** The Coordinator of Emergency Services shall be appointed from the classified services of the City of American Canyon by the Director. The Coordinator shall have all of the powers and duties as specified by law, and shall in addition have such additional powers and duties as may be determined by the Director.

2.48.130 **Emergency Council Membership.**

- a. There is hereby created the City of American Canyon Emergency Council.
- b. The Emergency Council shall consist of the following members:
 - 1. The Mayor or designee;
 - 2. The Director (City Council) or designee;
 - 3. The designated City Chief of Police or further designee;
 - 4. The Director of the Department of Public Works or designee;
 - 5. The City Engineer or designee;
 - 6. The Fire Chief of the City of American Canyon Fire Protection District or designee;
 - 7. One member representing the public utilities engaged in the transmission of power, gas, telephonic or telegraph communications or other similar utility; and,
 - 8. One member representing the general public appointed annually by the Director.
- c. The Mayor shall be ex officio of the Emergency Council. In his/her absence the Director shall serve as Chairperson.

2.48.135 **Powers and Duties of the Emergency Council.**

- a. The Emergency Council is empowered to study and revise the City emergency plan, and to review and recommend action upon all proposed mutual aid agreements with the County, other political subdivisions, corporations, groups or individuals, and to review and recommend the adoption of such ordinances, resolutions and rules and regulations as may be necessary to implement the City emergency plan or any mutual aid agreement entered into pursuant to such plan, including but not limited to, the concurrent implementation of applicable State law, such as enabling of workers' compensation benefits for involved disaster workers.
- b. The Emergency Council shall be responsible for the development of the local emergency plan, which shall provide for the effective mobilization of all the resources of the City, both public and private, to meet conditions constituting an emergency and shall provide for the organization, powers and duties, services and staff of the City Emergency Services Organization.
- c. The Coordinator shall be ex officio secretary of the Emergency Council and shall provide such administrative, technical, and other assistance to the Emergency Council as may be needed and as are approved by the Director.
- d. Approval of recommendations by the Emergency Council shall be by majority vote, a quorum of members being present. Presence in person by a majority of the members of the Council shall constitute a quorum for the transaction of business. The Emergency Council shall appoint such committees as shall be necessary to advise the Council on questions relating to management of resources, communications, health services, utilities, the preservation of peace and safety, and in such other areas as may be deemed necessary to the Council.
- e. The Emergency Council shall meet at least annually to review the City emergency plan.
- f. The Emergency Council may recommend the calling and conducting of test exercises, either singularly or in conjunction with the County or any political subdivision, corporation, group or individual. The Director shall order such exercises as it deems necessary; provided, however, that no person conducting such exercises shall have the power to command the assistance of any private citizen, and the

failure of any citizen to obey any order or regulation pertaining to the test exercise shall not constitute a violation of this chapter.

2.48.140 **Expenditures.** Any expenditure made in connection with the emergency services organization, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants of the property of the City of American Canyon.

Article 2.

Preservation of Local Government

2.48.200 **Definitions.** As used in this article:

Disaster shall mean a war or enemy caused calamity such as an attack by nuclear weapons which renders unavailable a majority of the Council of the City of American Canyon.

Unavailable shall mean that a Councilmember is either killed, missing or so seriously injured as to be unable to attend meetings and otherwise perform his/her duties. Any question as to whether a particular officer is unavailable shall be settled by the City Council or any remaining available members thereof.

2.48.205 **Appointment of Standby Officers.** To provide for the continuance of the legislative and executive departments of the City in occasions of a disaster, the City Council may appoint three (3) standby officers for each member of such Council to succeed to such members' duties in the event of his unavailability as a result of a disaster.

Standby officers shall be appointed, serve and qualify in accordance with Title Two, Division One, Chapter Seven, Article Fifteen of the Government Code of the State of California, commencing with Section 8635. The City Council shall have discretion as to whether or not such appointments shall be made. In the event of a disaster any vacancy occurring on the City Council which cannot be filled by a standby officer by reason of the fact that standby officers have not been appointed or are unavailable, shall be filled as provided by this Section.

2.48.210 **Meeting of City Council After Disaster.** The City Council shall meet as soon as possible after a disaster. The place of meeting need not be within the City. The meeting may be called by the Mayor or by a majority of the available members of the legislative body. Should there be only one (1) member of the legislative

body available, he may call and hold such meeting and perform any acts necessary to reconstitute the City Council.

At the first meeting after the disaster the City Council shall:

- a. Ascertain the damage to the City, to personnel and property;
- b. Proceed to reconstitute itself by filling vacancies until there are three (3) members of such Council. Should only one (1) member of the Council, or only one (1) standby officer be available, he shall have the power to reconstitute the City Council;
- c. Proceed to reconstitute the government of the City by appointment of qualified persons to fill vacancies in the governmental system;
- d. Proceed to perform its functions in the preservation of law and order and in the furnishing of local services.

2.48.215 Procedure When All Members of Legislative Body Unavailable.
Should all members of the legislative body be unavailable, temporary officers shall be appointed as follows:

- a. By the Chairman of the Board of Supervisors of the County, and if the Chairman is unavailable:
- b. By the Mayor of any city within one hundred fifty (150) miles of the local agency beginning with the nearest and most populated city and going to the farthest and least populated.

Article 3.

Control of Food and Other Sources

2.48.300 Purposes. The declared purpose of this section are to provide for the conservation, control and distribution of those resources of this City which are essential to survival and recovery of individuals, government and the business economy

of the City during and following a state of extreme emergency of a state or disaster, as defined in the California Disaster Act.

2.48.305 **Definition.** As used in this section:

Resources means all foods for humans or animals and all essential survival items and resources declared to be in critical supply by the Director of Emergency Services, during and following a state of disaster or a state of extreme emergency.

2.48.325 **Duties of Vendors; Possessors and Producers of Resources.** The vendors, possessors and producers of resources as defined in Section 3-19-305 are prohibited from selling, giving way or otherwise disposing of controlled resources in their possession at the onset of or during a state of extreme emergency or a state of disaster except in the manner, and at the time specified, in the directives issued by the Director of Emergency Services.

2.48.330 **Prohibited Acts; Penalties.** It shall be a misdemeanor, punishable by a fine of not to exceed one thousand (\$1,000.00) dollars or by imprisonment for not to exceed one (1) year or both, for any person during a state of extreme emergency or proclaimed state disaster:

- a. Willfully to obstruct, hinder or delay the City's Emergency Services Organization in the enforcement of any lawful rule or regulation issued pursuant to this section, or in the performance of any duty imposed upon the Organization by virtue of this section;
- b. To do any act forbidden by any lawful rules or regulations issued pursuant to this section if such act is of such 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.

Section 2. **EFFECTIVE DATE, URGENCY ORDINANCE.**

This Ordinance is an urgency ordinance necessary for the immediate protection and preservation of the public peace, health, safety or welfare within the meaning of Article IV, Section 8(d) of the California Constitution and shall go into immediate effect.

The facts constituting the necessity are: In order to maintain the level of relief services provided to citizens for the protection of persons and property in the City area in the event of the emergency or disaster conditions in a more efficient manner while reducing operating and administration costs it is, necessary for this Ordinance to take effect immediately.


The foregoing ordinance was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 7th day of August, 1997 and was passed and adopted at a continued regular meeting of the City Council of the City of American Canyon, State of California, held on the 7th day of August, 1997, by the following vote:

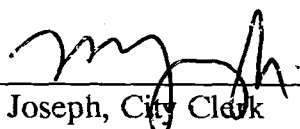
AYES: Anderson, Cypher, Colcleaser, Maples, Winters

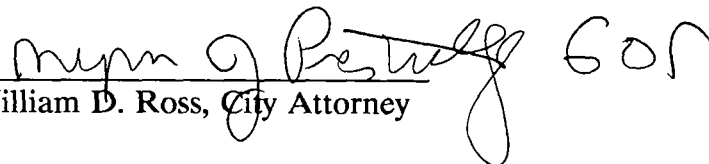
NOES: None

ABSTAIN: None

ABSENT: None


Benjamin Anderson, Mayor

ATTEST:

Mark Joseph, City Clerk

APPROVED AS TO FORM:
 605
William D. Ross, City Attorney