

ORDINANCE NO. 26-2007

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE ELK GROVE MUNICIPAL CODE TO ESTABLISH CHAPTER 9.19
OF TITLE 9 RELATING TO EMERGENCY SERVICES
ORGANIZATION AND FUNCTIONS**

The City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose and Authority

Chapter 9.19 of the Municipal Code entitled "Emergency Services Organization and Functions" is to provide for the preparation and carrying out of plans during the event of an emergency. The City Council enacts this ordinance pursuant to the authority granted cities by Article XI, Section 7 of the California Constitution.

Chapter 9.19

EMERGENCY SERVICES ORGANIZATION AND FUNCTIONS

Sections

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9.19.010: Purpose

The declared purpose of this Ordinance is to provide for the preparation and carrying out of plans for the protection of persons and property within this City in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of the City with all other public agencies, corporations, and affected private persons.

9.19.020: Definitions

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 air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent

threat of war, but other than resulting from a labor controversy, which conditions are or are likely to be beyond the control of the service personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat.

9.19.030: Disaster Council

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

- (a) The Mayor, who shall be the Chair.
- (b) The Director of Emergency Services shall be the City Manager who shall be Vice Chair.
- (c) The Assistant Director of Emergency Services, appointed by the Director of Emergency Services.
- (d) Such Emergency Operations Center Section Chiefs as are provided for in the current emergency plan of this City, adopted pursuant to this chapter.
- (e) Such representatives of civic, business, labor, veteran, 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.

9.19.031: Disaster Council powers and duties

It shall be the duty of the City of Elk Grove 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 Chair or, in his absence from the City or inability to call such meeting, upon call of the Vice Chair.

9.19.040: Director and Assistant Director of Emergency Services

- (a) There is hereby created the office of Director of Emergency Services. The City Manager of the City of Elk Grove shall be the Director of Emergency Services.
- (b) There is hereby created the office of Assistant Director of Emergency Services, who shall be appointed by the Director.

9.19.041: Powers and duties of the Director and Assistant Director of Emergency Services

- (a) The Director, or his/her successor, 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 (7) days thereafter or the proclamation shall have no further force or effect.

(2) Request the Governor 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 efforts 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 the 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, 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, employee or contractor 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 materials of any City department, agency or contractor; and

(E) To execute all of his ordinary power as City Manager, 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 Service 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.

9.19.050: Emergency organization

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 Section 9.19.041 (a) (6) (C) of this chapter, 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 of Elk Grove.

9.19.060: Emergency Operations Plan

The City of Elk Grove Disaster Council shall be responsible for the development of the City of Elk Grove Emergency Operations Plan, which plan shall provide for the effective mobilization of all of the resources of this City, both public and private, to meet any condition constituting a Local Emergency, State of 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.

9.19.070: Expenditures

Any expenditure made in connection with emergency activities, including mutual aid activities, shall be deemed as conclusive to be for the direct protection and benefit of the inhabitants and property of the City of Elk Grove.

9.19.080: Violations

It shall be a misdemeanor, as authorized by Government Code Section 8665, punishable by a fine of not to exceed one thousand dollars (\$1,000), or by imprisonment for not to exceed six (6) 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

ordinance, or in the performance of any duty imposed upon him by virtue of this ordinance.

(b) Do any act forbidden by any lawful rule or regulation issued pursuant to this ordinance, if such act is of such a nature as to give or be likely to give assistance to the enemy or 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.

Section 2: Repeal of Conflicting Ordinances

Under the provisions of Government Code, Section 8668 (a) of the California Emergency Services Act, existing civil defense and disaster ordinances will remain in full force and effect until revised, amended, or revoked. In subsequent revisions of a city emergency services ordinance, the following proviso should be included in the repealing section in order to preserve existing rights and privileges:

“Provided, that it is the intent of the City Council in enacting this ordinance that it shall be considered a revision and continuation of the ordinance repealed by this ordinance, and the status of volunteers shall not be affected by such repeal; nor shall plans and agreements, rules and regulations, or resolutions adopted pursuant to such repealed ordinance be affected by such repeal until amended, modified, or superseded as provided in this ordinance.”

Section 3: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4: Severability.

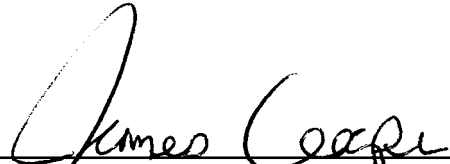
If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 5: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to Government Code, Section 36933(c)(1).

ORDINANCE NO. 26-2007

INTRODUCED: August 22, 2007
ADOPTED: September 12, 2007
EFFECTIVE: October 12, 2007



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 26-2007**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance was duly introduced on August 22, 2007 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 12, 2007 by the following vote:

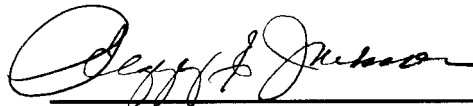
AYES : **COUNCILMEMBERS:** **Cooper, Hume, Davis, Leary, Scherman**

NOES: **COUNCILMEMBERS:** **None**

ABSTAIN: **COUNCILMEMBERS:** **None**

ABSENT: **COUNCILMEMBERS:** **None**

A summary of the ordinance was published pursuant to GC 36933(c) (1).



**Peggy E. Jackson, City Clerk
City of Elk Grove, California**

