

ORDINANCE NO. 11230 FEB 51974
(New Series)

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 1 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 51.01 THROUGH 51.10 AND BY ADDING SECTIONS 51.0101 THROUGH 51.0111 ALL RELATING TO PUBLIC EMERGENCY PROCEDURES.

WHEREAS, the present Civil Defense and Disaster sections of the San Diego Municipal Code have become outdated due to a change in state law; and

WHEREAS, the City Council deems it appropriate to revise the San Diego Municipal Code to conform with the law, both in substance and terminology; and

WHEREAS, it is the intent of this City Council in enacting the ordinance that it shall be considered a revision and continuation of those San Diego Municipal Code sections repealed by this ordinance, and the status of volunteers shall not be affected by such repeal; nor shall plans and agreements, rules and regulations, or resolutions adopted pursuant to such repealed code sections be affected by such repeal until amended, modified, or superseded; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter V, Article 1, of the San Diego Municipal Code be, and the same is hereby amended by repealing Sections 51.01 through 51.10.

Section 2. That Chapter V, Article 1, of the San Diego Municipal Code be, and the same is hereby amended by adding Sections 51.0101 through 51.0111 to read as follows:

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ARTICLE 1

PUBLIC EMERGENCY PROCEDURES

SEC. 51.0101 PURPOSES

The declared purposes of this Article 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 an emergency; the direction of an emergency organization; and the coordination of the emergency functions of this City with all other public agencies, corporations, organizations, and affected private persons. The provisions of this Article are limited by the provisions of the Charter of The City of San Diego, Sections 17, 24 and 27.

SEC. 51.0102 DEFINITION

As used in this Article, "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 conditions resulting from a labor controversy.

SEC. 51.0103 DISASTER COUNCIL MEMBERSHIP

The City of San Diego Disaster Council is hereby 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.

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C. The Assistant Director of Emergency Services.

D. Such chiefs of Emergency Services as are provided for in a current emergency plan of this City, adopted pursuant to this Article.

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.

SEC. 51.0104 DISASTER COUNCIL POWERS AND DUTIES

It shall be the duty of The City of San Diego 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.

SEC. 51.0105 DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY SERVICES

A. There is hereby created the office of Director of Emergency Services. The City Manager 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.

SEC. 51.0106 POWERS AND DUTIES OF THE DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY SERVICES

A. The Director is hereby empowered to:

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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 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 effort of the emergency organization of this City for the accomplishment of the purposes of this Article.

4. Direct cooperation between the 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 within the confines of the Charter of The City of San Diego and state law;

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; and

e. To execute all of his ordinary power as City Manager, all of the special powers conferred