

CHAPTER 2.50EMERGENCY SERVICES

2.50.010 Purpose. The 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 an 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 87-65)

2.50.020 Definition. 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 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.

2.50.030 Disaster Council Membership. The City of Encinitas Disaster Council is hereby created and shall consist of the following:

- A. The mayor, who shall be chairperson.
- B. The Director of Emergency Services, who shall be vice chairperson.
- C. The Assistant Director of Emergency Services.
- D. The Emergency Services Coordinator. (Ord. 89-19)
- E. Such chiefs of emergency services as are provided for in a current emergency plan of this City, adopted pursuant to this Chapter.
- F. 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.

2.50.040 Disaster Council Powers and Duties. It shall be the duty of the 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, resolutions, and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon call of the chairperson or, in his absence from the City or inability to call such meeting, upon call of the vice chairperson.

2.50.050 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.

C. There is hereby created the Office of Emergency Services Coordinator. The Fire Department position of Administrative Deputy shall serve in this capacity. (Ord. 89-19)

2.50.060 Powers and Duties of the Director of Emergency Services, Assistant Director and Emergency Services Coordinator.

A. The Director is hereby empowered to:

1. Request that City Council proclaim the existence or threatened existence of a "local emergency" if the City Council is 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 that the Governor 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 ordinance.

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 are 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 services 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 upon him by this Chapter or by resolution or emergency plan pursuant hereto adopted by the City Council, and 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 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.

D. The Emergency Services Coordinator coordinates emergency procedures and activities and plans operations to be implemented in the event of a natural or manmade disaster or emergency. In the event of an emergency, the Emergency Services Coordinator assists in mobilizing personnel, equipment and supplies, and manages recovery operations. The Emergency Services Coordinator will respond to the scene of the emergency, or the City EOC, upon direction of the Fire Chief. (Ord. 89-19)

2.50.070 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 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.

2.50.080 Emergency Plan. The Disaster Council shall be responsible for the development of the City of Encinitas Emergency 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.

2.50.090 Expenditures. Any lawful 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.

2.50.100 Punishment of Violations. It shall be a misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500), or by imprisonment 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 this 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.

2.50.110 Repeal of Conflicting Ordinances. Under the provisions of 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; therefore, the existing ordinances should be expressly repealed by number. 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 Chapter."