

ORDINANCE NUMBER 1204

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AMENDING AND RESTATING PERRIS MUNICIPAL CODE CHAPTER 2.44 PROVIDING FOR THE ADMINISTRATION OF DISASTER OPERATION AND RELIEF IN THE CITY OF PERRIS

THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amendment to Chapter 2.44 of the Perris Municipal Code.

Chapter 2.44 of the Perris Municipal Code is hereby deleted and replaced in its entirety as set forth below:

“Chapter 2.44

DISASTER RELIEF*

Sections:

- 2.44.010 Purposes.
- 2.44.020 Definition.
- 2.44.030 Disaster council membership.
- 2.44.040 Disaster council powers and duties.
- 2.44.050 Director and Assistant Director of Emergency Services.
- 2.44.060 Powers and duties of the Director
- 2.44.070 Emergency organization.
- 2.44.080 Emergency plan.
- 2.44.090 Emergency Expenditures
- 2.44.100 Punishment of Violations.

2.44.010. Purposes. 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.

2.44.020. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. The term “emergency” means 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, drought, sudden and severe energy shortage 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, or with respect to regulated utilities, a sudden and severe energy shortage requiring extraordinary measures beyond the authority vested in the California Public Utilities Commission.

B. The term “Local Emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, 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 that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requiring extraordinary measures beyond the authority vested in the California Public Utilities Commission.

C. The term “State of Emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an 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 county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requiring extraordinary measures beyond the authority vested in the California Public Utilities Commission.

D. The term “State of War Emergency” means the condition which exists immediately, with or without a proclamation thereof by the Governor, whenever this state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.

2.44.030. Disaster Council Membership. The Perris 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.
- C. The City Attorney.
- D. The Development Services Director.
- E. The Public Works Director.
- F. Additional department directors, elected officials or technical advisors as designated by the Director of Emergency Services based upon the emergency.

2.44.040. Disaster Council Powers and Duties. It shall be the duty of the Perris 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.

2.44.050. 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 the Assistant Director of Emergency Services, who shall be appointed by the Director of Emergency Services.

2.44.060. Powers and Duties of the Director. The Director is hereby empowered to:

- A. Request the City Council to proclaim the 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. Pursuant to Section 8630 of the Government Code, the City Council shall review, at least every twenty-one (21) days until such Local Emergency is terminated, the need for continuing the Local Emergency and shall proclaim the termination of such Local Emergency at the earliest possible date that conditions warrant.

B. 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.

C. Control and direct the effort of the emergency organization of this city for the accomplishment of the purposes of this title.

D. Direct cooperation 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.

E. Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

F. In the event of the proclamation of a Local Emergency as herein provided, or by the board of supervisors or operational area coordinator of the County of Riverside for an area including this city, 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:

1. 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;

2. 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. In so acquiring such property, the city waives no immunities and incurs no liabilities other than those at common law or those liabilities created by applicable state or federal law;

3. To require emergency services of any city officer or employee and 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;

4. To requisition necessary personnel or material of any city department or agency;

5. To execute all of his ordinary power as city manager, all of the special powers conferred upon him by this title 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;

6. Approve contracts as necessary to support the emergency organization and to protect the life and property of the citizens of Perris.

G. 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:

The Public Works Director
The Development Services Director
The Finance Director

H. The Assistant Director shall, under the supervision of the Director and with the assistance of the emergency services section 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.

2.44.070. 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 Subsection 2.44.060 (F) (3), 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 Perris.

2.44.080. Emergency Plan. The Perris Disaster Council shall be responsible for the development of the City of Perris 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.

2.44.090. Emergency Purchases. 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 of Perris.

A. In the case of an emergency, supplies, materials, equipment and services may be made without the benefit of the bidding requirements set forth herein when an item of supply, material, equipment and service, is immediately necessary for the continued operation of a department, or for the preservation of life or property, or when such purchase is required for the health, safety and

welfare of the people, providing that there is a present, immediate and existing emergency.

B. In the event of a public calamity such as an earthquake, major fire or national disaster, the Director shall have authority (up to one hundred thousand dollars) to make decisions regarding purchases which must be made to protect life and property. The Director of Finance shall maintain a detailed accounting of all expenditures related to the emergency and submit upon termination of such emergency, a detailed report to the City Manager who, in turn, will provide the report to the City Council.

2.44.100. Punishment of Violations. It shall be a misdemeanor for any persons 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 title or in the performance of any duty imposed upon him by virtue of this title.

B. Do any act forbidden by any lawful rule or regulation issued pursuant to this title, 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.”

Section 2. Repeal of Conflicting Ordinances. Any ordinance or portion thereof in conflict herewith is hereby repealed to the extent of such conflict and no further. 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 892, adopted on November 12, 1991, amended by this Ordinance, and the status of volunteers shall not be affected by such amendment; nor shall plans and agreements, rules and regulations or resolutions adopted pursuant to such Ordinance 892 be affected by such amendment until amended, modified, or superseded as provided in this Ordinance.

Section 3. Validity. If any provision of this chapter or Ordinance is found to be invalid or unconstitutional by interpretation or application to any person or circumstances, such invalidity or unconstitutionality shall not affect the other provisions or applications thereof which can be given valid effect.

Section 4. Effectiveness. This Ordinance shall become effective thirty (30) days from and after its passage.

ADOPTED, SIGNED and APPROVED this 13th day of February, 2007.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Judy L. Haughney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1204, introduced at a regular meeting of the City Council of the City of Perris held on the 30th day of January, 2007, was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 13th day of February, 2007, and that it was so adopted by the following called vote:

AYES: Motte, Rogers, Yarbrough, Landers
NOES:
ABSENT: Busch
ABSTAIN:

City Clerk, Judy L. Haughney