

APPENDIX 2: SONORA MUNICIPAL CODE: 2.28 - EMERGENCY SERVICES

§ 2.28 EMERGENCY SERVICES

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§ 2.28.1. Purposes.

The declared purposes of this section are to provide for the preparation and carrying out of plans for the protection of persons and property within the City in the event of any emergency; the direction and form of the city's emergency organization; and the coordination of the emergency functions of this City with all other public agencies, corporations, organizations, and affected private persons.

§ 2.28.2. Definitions.

As used in this section, the following terms shall mean:

- a. COUNCIL – Shall mean the City of Sonora City Council.
- b. EMERGENCY or LOCAL 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, toxic release, fire, flood, storm, epidemic, riot, earthquake, cyberterrorism, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, or other acts of civil unrest which 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 resolve.
- c. DIRECTOR OF EMERGENCY SERVICES – Shall mean the City Administrator, and if unavailable or unable to respond, the Director will be either the Police or Fire Chief. The Director of Emergency Services reports directly to the City Council and is over the Director of the Emergency Operations Center.

- d. ASSISTANT DIRECTOR OF EMERGENCY SERVICES – At the discretion of the Director, an Assistant Director of Emergency Services may be appointed. The employee shall be from the Fire Chief, or the Police Chief, or Administration Departments, or other city employee as determined suitable by the Director.
- e. EMERGENCY OPERATIONS CENTER – Shall mean the primary facility for directing and responding to situations of an emergency nature as described above or similar in nature, including communications and the allocations of personnel and equipment needed to respond to the situation.
- f. EMERGENCY OPERATIONS CENTER DIRECTOR – May also be called the Emergency Operations Center Director, this individual is responsible for the City's coordinated operational efforts to respond to the emergency situation. The Director of the EOC is in charge of the functional response divisions and reports to the Director of Emergency Services.

§ 2.28.3. Disaster Council Membership

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

- a. The director of emergency services (City Administrator), who shall be chair.
- b. The assistant director of emergency services (Fire Chief) who shall be vice chair.
- c. The emergency services coordinator.
- d. Such chiefs of emergency services as are provided for in a current emergency plan of this jurisdiction, adopted pursuant to this ordinance.
- 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 governing body.

§ 2.28.4. Disaster Council Powers and Duties

It shall be the duty of the City of Sonora Disaster Council, and it is hereby empowered, to develop and recommend for adoption by this governing body, 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 at least once per year, upon call of the chair or, upon call of the vice chair (in the absence of the chair).

§ 2.28.5. Director and Assistant Director of Emergency Services.

The City Administrator shall be the Director of Emergency Services, and has the discretion, in periods of declared disasters, to create and staff the position of Assistant Director of Emergency Services. The Director of Emergency Services may also, at the discretion of the City Council, staff the position of Assistant

Director in non-emergency periods to continue to assist the City in emergency preparedness, as well as the recovery and reconstruction efforts following an emergency.

§ 2.28.6. Powers and Duties of the Director and Assistant Director of Emergency Services.

- a. The Director is hereby empowered to:
 1. Request, within ten (10) days after the actual occurrence of a disaster if assistance will be requested, that the City Council 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. The City Council shall take action to review the need to continue the proclamation at least once every sixty (60) days until terminated.
 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 situation.
 3. Supervise and direct the City emergency organization and efforts to respond to the emergency situation, as provided for in this section and the City's Emergency Operations Plan.
 4. Supervise and direct the cooperation between the coordination of services, resources and staff of the City's emergency organization; and resolve questions of authority and responsibility that may arise between them.
 5. Represent the City in all dealings with public or private agencies on matters pertaining to the City's preparedness planning, response, and recovery from an emergency.
- b. In the event of a proclamation of a local emergency as provided in this ordinance, 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 to:
 1. Appoint the Director of Emergency Operations Center, based on available personnel and the nature of the declared emergency;
 2. Make and issue rules and regulations on matters related to the protection of life and property as affected by the emergency, or other actions that would assist in the City's response to the situation. These actions must be approved by the City Council at the earliest practicable time, but no later than thirty (30) days, or the actions will be considered invalid;

3. Procure vital supplies, equipment and other materials and property deemed necessary for the protection of life and property; to bind the City for the fair value of such materials, and if required, commandeer those materials for public use;
 4. Require the emergency services of any City officer or employee and, in the event of a proclamation of a state of emergency in Tuolumne County, or the existence of a state of war emergency, to command the aid of as many citizens of this community as deemed necessary in directing the City response efforts; such persons shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered disaster service workers;
 5. Requisition any necessary personnel, equipment, or resources from any City department or agency as deemed necessary and appropriate for the direction of the City's response efforts; and
 6. Direct and implement actions as requested by the City Council, whose superseding authority remains in effect.
- c. 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 perform the duties of that office in the event of an emergency. The order of succession shall be approved by the City Council.
 - d. The Assistant Director shall, if the position is staffed in periods where there is no emergency proclamation in effect, under the supervision of the Director and with the assistance of emergency personnel, 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.

§ 2.28.7. Emergency Organization.

All officers and employees of this City, together with those volunteers 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 section, 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 Sonora.

§ 2.28.8. Compliance with the California Emergency Services Act

This City of Sonora § 2.28: EMERGENCY SERVICES shall comply with the California Emergency Services Act.

§ 2.28.9. Emergency Operations Plan

The City of Sonora Emergency Services Coordinator shall be responsible for the development of the Emergency Plan, which plan shall provide for the effective mobilization of all of the resources of this jurisdiction, 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 a plan shall take effect upon adoption by resolution of the governing body.

§ 2.28.10. Expenditures

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.

§ 2.28.11 Violations; Penalty

It shall be a misdemeanor, 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.

§ 2.28.12 Repeal of Conflicting Ordinances

It is the intent of the City Council in enacting this chapter that it shall be considered a revision and continuation of the chapter repealed by this chapter, 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 chapter be affected by such repeal until amended, modified or superseded as provided in this chapter.

§ 2.28.13 Effective Date

This ordinance shall become effective thirty (30) days from and after its passage.

§ 2.28.14 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, and to this end the provisions of this ordinance are declared to be severable.