

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARABRA AMENDING CHAPTER 9.116 OF THE
SANTA BARBARA MUNICIPAL CODE RELATING TO
EMERGENCY SERVICES

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS
FOLLOWS:

SECTION 1. Chapter 9.116 of Title 9 of the Santa Barbara Municipal Code is amended
to read as follows:

9.116.010 Purposes.

The declared purposes of this ordinance are to provide for the preparation and carrying
out of plans for the protection of persons, property, and the environment within this City
in the event of an emergency or disaster; the direction of emergency organization; and
the coordination of the emergency functions of the City with the County Operational
Area, other public agencies or entities, and affected private persons, corporations, or
organizations. Any expenditures made in connection with such Emergency Services
activities, including mutual aid activities, shall be deemed conclusively to be for the
direct protection and benefit of the inhabitants of the City.

9.116.020 Definitions.

As used in this Chapter, the following terms shall have the designated meanings:

- A. "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,
civil unrest, drought, sudden and severe energy shortage, plant or animal
infestation, 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, by
reason of their magnitude, are or are likely to be beyond the control of the
services, personnel, equipment, and facilities of the 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 requires
extraordinary measures beyond the authority vested in the California Public
Utilities Commission..
- B. "State of War Emergency" means a 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.

- C. "Local Emergency" means the duly proclaimed 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, civil unrest, drought, sudden and severe energy shortage, plant or animal infestation, 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 are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission..
- D. "Operational Area" means an intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the county area. Pursuant to Government Code Section 8559, each county is designated as an Operational Area. The Operational Area for the City of Santa Barbara is the County of Santa Barbara.
- E. "Standardized Emergency Management System" (SEMS) means the system required to be established by Government Code Section 8607(a) for managing emergencies involving multiple jurisdictions and agencies.
- F. Any other term or phrase used herein which is not defined herein but is defined within the Emergency Services Act, Government Code Section 8550, et seq., shall have the meaning ascribed therein.

9.116.030 Emergency Services Council - Membership.

The Emergency Services Council is hereby created and shall consist of the following:

- A. The City Administrator, who serves as Director of Emergency Services, shall be chairman.
- B. The Emergency Services Manager, who serves as Vice-Chair.
- C. The Chief of Police, the Fire Chief, the Director of Public Works, and such representatives of departments, services or divisions as are designated by the City Administrator.
- D. Such representatives of the community as may be appointed by the City Administrator with the consent of the City Council.

9.116.040 Emergency Services Council - Powers and Duties.

It shall be the duty of the Santa Barbara Emergency Services Council, and it is hereby empowered, to review and recommend for adoption by the City Council, emergency preparedness and mutual aid plans and agreements and such ordinances and resolutions and rules as are necessary to implement such plans and agreements. The Emergency Services Council shall meet upon call of the Director of Emergency Services, or in his or her absence from the City or inability to call such meeting, the Assistant City Administrator, or, in the absence or inability of both the Director of

Emergency Services and the Assistant City Administrator, the Emergency Services Manager the Emergency Services Council shall be responsible for the development of the City of Santa Barbara Emergency Management Plan which shall provide for the effective mobilization of all the resources of the 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. The Emergency Management Plan shall take effect upon adoption by resolution of the City Council.

9.116.050 Director of Emergency Services - Powers and Duties.

The Director is hereby empowered:

- A. To ask the City Council to proclaim the existence of a local emergency, if the City Council is in session.
- B. To proclaim the existence of a local emergency, if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the local emergency shall not remain in effect for a period in excess of seven (7) days unless it has been ratified by the City Council.
- C. To ask the Governor, through the Operational Area (County), to proclaim a state of emergency when, in the opinion of the Director, the resources of the City or the Operational Area are inadequate to respond to the emergency.
- D. To control and direct the effort of the Emergency Services Organization of the City for the accomplishment of the purposes of this ordinance.
- E. To direct coordination and cooperation between divisions, services and staff of the Emergency Services Organization of the City and to resolve questions of authority or responsibility that may arise between them.
- F. To use all City resources for the preservation of life and property and to reduce the effects of the emergency.
- G. To represent the Emergency Services Organization of the City in all dealings with the public or private agencies pertaining to emergency services.

9.116.060 Powers of Director During an Emergency.

In the event a local emergency is proclaimed as provided in this Chapter, or a state of emergency or a state of war emergency is proclaimed by the Governor or the Director of the California Office of Emergency Services, the Director is empowered:

- A. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergencies, 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 the life and property of the people and 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 by the Governor in the region in which this City is located, to command the aid of as many citizens of this community as he or she thinks necessary in the execution of his or her duties; and such persons shall be entitled to all privileges, benefits and immunities as are provided by State law for registered Emergency Services volunteers.
- D. To requisition necessary personnel or material of any City department or agency.
- E. To execute all of his or her ordinary power as City Administrator, all of the special powers conferred upon him or her by this ordinance or by resolution adopted pursuant thereto, all powers conferred upon him or her by any statute, agreement approved by the City Council, or by any other lawful authority, and in conformity with Section 38791 of the Government Code, to exercise complete authority over the City and to exercise all Police power vested in the City by the Constitution and general laws.

9.116.070 Emergency Services 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 pressed into service under the provisions of Section 9.116.060.C be charged with duties incident to the protection of life and property in this City during such emergency, shall constitute the Emergency Services Organization of the City of Santa Barbara.

All volunteer forces enrolled to aid the City during an emergency will sign an oath and work as a disaster services worker for the duration of the incident in accordance with California Government Code Sections 3100-3109.

9.116.080 Divisions, Services and Staff of the Emergency Services Organization.

The City Council shall pass a resolution adopting the City of Santa Barbara Emergency Management Plan and Local Hazard Mitigation Plan (Federal Disaster Management Act 2000). The Emergency Management Plan shall set forth the form of the Emergency Services Organization, establish and designate divisions and services, assign functions, duties and powers, and designate officers and employees. The Local Hazard Mitigation Plan will outline the natural, technological, and intentional threats to the City. Insofar as possible, the form of organization, titles and terminology shall conform to the state Standardized Emergency Management System (SEMS) and the recommendations of the counterpart Emergency and Disaster Agencies of the Federal Government and the State of California.

9.116.090 Line of Succession for Mayor During Emergency

The line of succession for the position of Mayor, in the case of the absence or disability of the Mayor during a state of emergency, a state of war emergency, a local emergency, or other conditions of disaster, shall commence with the Mayor Pro Tempore and continue through the members of the City Council by seniority. If two members of the City Council have equal seniority, the member whose last name comes earlier alphabetically shall serve as Mayor.

9.116.100 Emergency Operation Centers

Unless exigencies render the same impossible or unduly hazardous, the primary emergency operation center shall be maintained at Fire Station One. The alternate emergency operation center and subsequent disaster operation center are described in the City's Emergency Management Plan. Also, the checklist for setting up the emergency operation center and calling back personnel is specified in the Emergency Management Plan and emergency operation center activation plan.

9.116.110 Punishment of Violations.

It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars (\$500.00), or by imprisonment for not to exceed six (6) months, or both, for any person during a disaster:

- A. Wilfully to obstruct, hinder or delay any member of the Emergency Services 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 or her by virtue of this ordinance.
- B. To do any act forbidden by any lawful rules or regulations 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 to imperil the lives or property of inhabitants of this City, or to prevent, hinder or delay the defense or protection thereof.
- C. To wear, carry or display, without authority, any means of identification specified by the Emergency Services Agency of the State.

SECTION 2. All references to "The Uniform Fire Code" in the Santa Barbara Municipal Code shall be amended to refer to "The California Fire Code".