

# Alameda City Ordinances

Ordinance No. 1029

New Series

## ORDINANCE NO. 1029

### NEW SERIES

AN ORDINANCE CREATING A CITY OF ALAMEDA CIVIL DEFENSE AND DISASTER COUNCIL AND THE POSITION OF DIRECTOR OF CIVIL DEFENSE AND DISASTER AND PRESCRIBING THEIR DUTIES AND RESPONSIBILITIES, AND REPEALING ORDINANCE NO. 763, N. S. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALAMEDA:

SECTION 1. Purposes. The declared purposes of this ordinance are to provide for the preparation and carrying out of plans for the civil defense of persons and property within this city in the event of a disaster, and to provide for the coordination of the civil defense and disaster functions of this city with all other public agencies and affected private persons, corporations and organizations. Any expenditures made in connection with such civil defense and disaster 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 Alameda.

SECTION 2. Definitions. A. Civil Defense. As used in this ordinance, the term "civil defense" shall mean the preparation for the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters. It shall not include, nor does any provision of this ordinance apply to any condition relating to a labor controversy.

B. Disasters. As used in this ordinance, the term "disaster" shall mean actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity.

SECTION 3. Civil Defense and Disaster Council. Membership. The City of Alameda Civil Defense and Disaster Council is hereby created and shall consist of the following:

A. The Mayor, who shall be Chairman.

B. The City Manager, who shall be Vice-Chairman and Director of Civil Defense and Disaster.

C. The Assistant Director of Civil Defense and Disaster, appointed by the Director with the approval of the City Council, who, under the supervision of the Director, shall develop civil defense and disaster plans and organize the civil defense and disaster program of this City, and shall have such other duties as may be assigned by the Director, and who shall serve at the pleasure of the Director.

D. Such deputy directors and chiefs of operating civil defense and disaster departments, services or divisions as are provided for by resolution pursuant to this ordinance.

E. Such representatives of civic, business, labor, veterans, professional or other organizations having an official group or organization civil defense and disaster responsibility as may be appointed by the Mayor with the approval of the City Council, and who shall serve at the pleasure of the City Council.

SECTION 4. Civil Defense and Disaster Council. Powers and Duties. It shall be the duty of the City of Alameda Civil Defense and Disaster Council, and it is hereby empowered, to review and recommend for adoption

by the City Council, civil defense and disaster 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 civil defense and disaster council shall meet upon call of the Chairman or, in his absence from the city or inability to call such meeting, upon the call of the Vice-Chairman.

SECTION 5. Director of Civil Defense and Disaster. Powers and Duties. There is hereby created the office of Director of Civil Defense and Disaster. The City Manager shall be the Director of Civil Defense and Disaster and is herein referred to as "Director." During the absence of the City Manager from the City of Alameda the City Attorney shall be, and he is hereby, appointed Acting City Manager and Acting Director, and he shall have all of the powers herein granted and shall perform all of the duties of the City Manager and Director hereby imposed until the return of the City Manager to the City. If the City Manager and the City Attorney should both be absent from the City of Alameda, then the City Engineer shall be, and he is hereby, appointed Acting City Manager and Acting Director, and he shall have all of the powers herein granted and shall perform all of the duties of the City Manager and Director hereby imposed until the return to the City of either the City Manager or City Attorney.

The Director is hereby empowered:

A. To request the City Council to determine the existence or threatened existence of public danger or emergency or disaster and the termination thereof, if the City Council is in session, or to issue such proclamation if the City Council is not in session, subject to confirmation by the City Council at the earliest practicable time.

B. To request the Governor to proclaim a state of extreme emergency when, in the opinion of the Director the resources of the area or region are inadequate to cope with the disaster.

C. To control and direct the effort of the civil defense and disaster organization of this city for the accomplishment of the purposes of this ordinance.

D. To direct coordination and cooperation between divisions, services and staff of the civil defense and disaster organization of this city, and to resolve questions of authority and responsibility that may arise between them.

E. To represent the civil defense and disaster organization of this city in all dealings with public or private agencies pertaining to civil defense and disaster.

SECTION 6. In the event of the determination or proclamation of public danger, emergency or disaster as herein provided, or the proclamation of a state of extreme emergency by the Governor or the State Director of Civil Defense, 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 disaster; 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

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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 extreme 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 thinks necessary in the execution of these duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by State law for registered civil defense and disaster worker volunteers.

D. To requisition necessary personnel or materials of any city department or agency.

E. To execute all of his ordinary powers as City Manager, all of the special powers conferred upon him by this ordinance or by resolution adopted pursuant thereto, all powers conferred upon him 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.

SECTION 7. Civil Defense and Disaster Organization. All officers and employees of this city, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of Section 6 (c) of this ordinance, be charged with duties incident to the protection of life and property in this city during such disaster, shall constitute the civil defense and disaster organization of the City of Alameda.

SECTION 8. Divisions, Services and Staff of the Civil Defense and Disaster Organization. The functions and duties of the City of Alameda civil defense and disaster organization shall be distributed among such divisions, services and special staff as the City Council shall prescribe by resolution.

The City Council shall concurrently with the adoption of this ordinance adopt a resolution setting forth the form of organization, establishment and designation of divisions and services, the assignment of functions, duties and powers, the designation of officers and employees. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the Federal government and the Civil Defense agency of the State of California.

SECTION 9. Punishment of Violations. It shall be a misdemeanor, punishable by a fine of not to exceed \$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 civil defense and disaster 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. 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, with-

out authority, any means of identification specified by the civil defense and disaster agency of the State.

SECTION 10. That Ordinance No. 763, New Series, entitled, "An Ordinance Creating a City of Alameda Defense Council and Prescribing Its Duties and Responsibilities," passed June 10, 1941, be, and the same is hereby, repealed; 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 civil defense and disaster mutual aid 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 ordinance.

SECTION 11. Effective Date. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately. The following is a statement of the facts showing its urgency:

The National Security Resources Board of the Federal Government has recently published its plan for the civil defense of the country. The State of California, acting in accordance with the Federal plan, has enacted and made immediately effective the "Civil Defense Act of 1950." Both the Congress and the Legislature have adopted comprehensive civil defense and disaster laws. Both Federal and State plans contemplate immediate adoption of such local legislation as is necessary to put into operation a coordinated and effective civil defense and disaster program so that each citizen and each community will be ready in the event of a disaster to afford as complete protection as is possible to life and property. In order that the laws of this city relating to civil defense and disaster may be brought into conformity with the Federal and State plans at the earliest possible date, it is necessary that this ordinance take effect immediately.

SECTION 12. 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 of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

FRANK P. OSBORN,

Presiding Officer of the Council.

Attest:

J. P. CLARK,  
City Clerk.

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in regular meeting assembled on the 19th day of June, 1951, by the following vote, to-wit:

AYES: Councilmen Anderson, Branscheid, Jones, Sweeney and President Osborn, (5).

NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 20th day of June, 1951

(Seal) J. P. CLARK,  
City Clerk of the City of Alameda.  
Publish June 21, 1951.