

## Chapter 2.32

### EMERGENCY SERVICES

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**2.32.010 Purpose**

The declared purposes of this chapter are to provide for the preparation and carrying out of plans within the city in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of the city with all other public agencies, corporations, organizations and affected private persons. (Ord. 233 §1, 1974)

**2.32.020 Emergency Defined**

As used in this chapter, "emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the 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 the city, requiring the combined forces of other political subdivisions to combat. (Ord. 233 §2, 1974)

**2.32.030 Disaster Council Created**

**Membership**

- A.** The city disaster council is created and shall consist of the following:
- B.** The mayor, who shall be chairman;

- C.** The director of emergency services, who shall be vice chairman;
- D.** The assistant director of emergency services;
- E.** Such chiefs of emergency services as are provided for in a current emergency plan of the 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. (Ord. 233 §3, 1974)

**2.32.040 Disaster Council Powers and Duties**

It shall be the duty of the city disaster council, and it is 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 agreement. 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. (Ord. 233 §4, 1974)

**2.32.050 Director of Emergency Services**

**Assistant Appointment**

- A.** There is created the office of director of emergency services. The city administrator shall be the director of emergency services.
- B.** There is created the office of assistant director of emergency services, who shall be appointed by the director. (Ord. 233 §5, 1974)

**2.32.060 Director of Emergency Services**

**Powers and Duties**

- A.** The director is empowered to:
  1. Request the city council to 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 days thereafter or the proclamation shall have no further force or effect.
  2. 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;

3. Control and direct the effort of the emergency organization of the city for the accomplishment of the purposes of this chapter;
4. Direct cooperation between the coordination of services and staff of the emergency organization of the city, 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 emergencies as defined in this chapter;
6. In the event of the proclamation of a local emergency as provided in this chapter, 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 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 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 life and property and to bind the city for the fair value thereof and, if required immediately, to commandeer the same for public uses,
  - 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 the city is located or the existence of a state of war emergency, to command the aid of as many citizens of the 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,
  - d. To requisition necessary personnel or material of any city department or agency, and
  - e. To execute all of his ordinary power as city administrator, all of the special powers conferred upon him by this chapter or by resolution or emergency plan pursuant to this chapter adopted by the city council, all powers conferred upon him by any statute,

by an agreement approved by the city council, and by any other lawful authority.

f. During the pendency of any State or National emergency pertaining to the Covid-19 pandemic, to temporarily approve the waiver of certain requirements of the Ripon Municipal Code then applicable to established and approved businesses operating within the City pursuant to a valid Business License and such other permits and licenses required under applicable law ("Approved Business"). In order for Approved Businesses to be granted a temporary waiver of certain requirements of the Ripon Municipal Code, the Approved Business must have been impacted by the State or San Joaquin County Health Order, the operation shall be an extension of the existing business operations, and obtain a permit for a temporary waiver of the Ripon Municipal Code. The Director shall not be permitted to waive or otherwise suspend any applicable provisions or requirements of state or federal law, nor any uniform codes identified in Ripon Municipal Code Chapter 15 pertaining to life-safety requirements.

The Director shall establish a streamlined application and appeal process for consideration of requests by Approved Businesses for temporary waiver of Ripon Municipal Code requirements, and shall act upon such requests within 3 business days after receipt of a complete application. The Director may consult with the Disaster Council as to any pending application. The decision of the Director shall be final unless appealed to the Disaster Council within 3 business days. The Director shall provide written instructions to and acknowledgment by the applicant that within 30 days after written notification by the Director, the Approved Business shall resume its operations in full compliance with all Municipal Code requirements. (Ord. 902 §1, 2020, Ord. 909 §1, 2021)

**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. The assistant director shall, under the supervision of the director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of the city; and shall have such other powers and duties as may be assigned by the director. (Ord. 233 §6, 1974)

#### **2.32.070 Emergency Organization**

All officers and employees of the 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 A6c of Section 2.32.060 of this chapter, be charged with duties incident to the protection of life and property in the city during such emergency, shall constitute the emergency organization of the city. (Ord. 233 §7, 1974)

#### **2.32.080 Emergency Plan Development**

The city disaster council shall be responsible for the development of the city emergency plan, which plan shall provide for the effective mobilization of all of 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. Such plan shall take effect upon adoption by resolution of the city council. (Ord. 233 §8, 1974)

#### **2.32.090 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 (Ord. 233 §9, 1974)

#### **2.32.100 Violation Penalty**

It shall be a misdemeanor, punishable as provided in Chapter 1.08 of this code, 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; 2.32.100

**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 the 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. (Ord. 233 §10, 1974)