

Chapter 5
Public Safety, Morals and Welfare

Article 1: Public Emergency Procedures

Division 1: Public Emergency Procedures

(Editors note: Division 1 created 11-3-1988 for clarity.)

§51.0101 Purposes

The purposes of this Article are to provide for the preparation and carrying out of plans for the protection of persons and property within the City of San Diego in the event of an emergency; the direction of an emergency organization; and the coordination of the emergency functions of the City with all other public agencies, corporations, organizations, and affected private persons. This Article is intended to comply with the California Emergency Services Act, California Government Code section 8550 *et. seq.*

(Added 2-5-1974 by O-11230 N.S.)

(Amended 5-23-2016 by O-20645 N.S.; effective 6-22-2016.)

§51.0102 Definitions

As used in this Article, the terms *state of emergency*, *local emergency*, and *state of war emergency* have the same meanings as in California Government Code section 8558, as may be amended.

(Amended 4-21-1976 by O-11833 N.S.)

(Retitled from "Definition" to "Definitions" and amended 5-23-2016 by O-20645 N.S.; effective 6-22-2016.)

§51.0103 Disaster Council Membership

The City of San Diego Disaster Council is created and shall consist of the following:

- (a) The Mayor, who shall be Chair and also the Director of Emergency Services;
- (b) The Chief Operating Officer, who shall be Vice Chair;
- (c) The Executive Director of the Office of Homeland Security;
- (d) Such Chiefs of Emergency Services as are provided for in a current emergency plan of this City, adopted pursuant to this article; and

- (e) Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the Chair with the advice and confirmation of the City Council.

(Added 2-5-1974 by O-11230 N.S.)

(Amended 5-23-2016 by O-20645 N.S.; effective 6-22-2016.)

§51.0104 Disaster Council — Powers and Duties

The City of San Diego Disaster Council shall develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances, resolutions, rules, and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon call of the Chair, or, in the Chair's absence from the City or inability to call such meeting, upon call of the Vice Chair, at least three times each calendar year.

(Added 2-5-1974 by O-11230 N.S.)

(Amended 5-23-2016 by O-20645 N.S.; effective 6-22-2016.)

§51.0105 Powers and Duties of the Chair and Assistant Chair of the Disaster Council

- (a) The Chair 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 Chair, the City Council shall take action to ratify the proclamation within seven days of the proclamation 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 Chair, the locally available resources are inadequate to cope with the *local emergency*.
 - (3) Guide the effort of the emergency organization of the City for the accomplishment of the purposes of this Article.
 - (4) Direct cooperation and coordination of services and staff of the emergency organization of the City and resolve questions of authority and responsibility within the emergency organization.
 - (5) Represent the City in all dealings with public or private agencies on matters pertaining to a *local emergency*.

- (6) In the event of the proclamation of a *local emergency*, the proclamation of a *state of emergency* by the Governor of California or the Director of the California Governor's Office of Emergency Services, or the existence of a *state of war emergency*, the Chair is empowered:
- (A) To make and issue rules and regulations on matters reasonably related to the protection of life and property; 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 use within the confines of the San Diego Charter and state law;
- (C) To require emergency services of any City officer or employee and to command the aid of as many citizens of the City as 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 disaster service workers;
- (D) To requisition necessary personnel or material of any City department or agency; and
- (E) To execute all of the special powers conferred upon the Chair by this ordinance or by resolution or emergency plan adopted by the City Council, all powers conferred upon the Chair by any statute, by any agreement approved by the City Council, and by any other lawful authority.
- (b) In the event the Chair is unavailable or is otherwise unable to perform the assigned duties during a *local emergency*, *state of emergency*, or *state of war emergency*, individuals listed in this subsection who hold permanent appointments to the following positions automatically serve as Chair of the Disaster Council, in descending order:
- 1) the Chief Operating Officer,
 - 2) the Assistant Chief Operating Officer,
 - 3) the Deputy Chief Operating Officer-Infrastructure/Public Works,

- 4) the Police Chief,
- 5) the Fire Chief, or
- 6) the Executive Director of the Office of Homeland Security.

The succession of an individual to the position of Acting Chair of the Disaster Council is subject to City Council approval at the next scheduled Council Meeting. The succession pertains only to the duties and responsibilities of the Chair of the Disaster Council as defined in section 51.0105(b) and does not address vacancies to the Office of the Mayor.

- (c) The Vice Chair shall, under the supervision of the Chair and with the assistance of the Executive Director of the Office of Homeland Security, the Police Chief, and the Fire Chief, manage the emergency programs of the City and shall have such other powers and duties as may be assigned by the Chair.

(“Powers and Duties of the Director and Assistant Director of Emergency Services” added 2-5-1974 by O-11230 N.S.)

(“Powers and Duties of the Director and Assistant Director of Emergency Services” renumbered from former Section 51.0106, retitled to “Powers and Duties of the Chair and Assistant Chair of the Disaster Council,” and amended 5-23-2016 by O-20645 N.S.; effective 6-22-2016. Former Section 51.0105, “Director and Assistant Director of Emergency Services” repealed.)

§51.0106 Emergency Organization

All officers and employees of the City, together with those volunteer forces enrolled to aid them during a *local emergency, state of emergency, or state of war emergency*, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of section 51.0105(a)(6)(C) 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 San Diego.

(Added 2-5-1974 by O-11230 N.S.)

(Renumbered from former Section 51.0107 and amended 5-23-2016 by O-20645 N.S.; effective 6-22-2016.)

§51.0107 Emergency Operations Plan

The City Office of Homeland Security shall be responsible for the development and updating of the City of San Diego Emergency Operations Plan, which shall provide for the effective mobilization of all the resources of the City, both public and private, to meet any *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.

(Added 2-5-1974 by O-11230 N.S.)

(Renumbered from former Section 51.0108, retitled from "Emergency Plan" to "Emergency Operations Plan," and amended 5-23-2016 by O-20645 N.S.; effective 6-22-2016.)

§51.0108 Punishment of Violations

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 months, or both, for any person, during a *local emergency, state of emergency, or state of war emergency*, to:

- (a) Willfully obstruct, hinder, or delay any peace officer or any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to Chapter 5, Article 1, Division 1, or in the performance of any duty imposed upon the peace officer or any member of the emergency organization of the City pursuant to Chapter 5, Article 1, Division 1.
- (b) Do any act forbidden by any lawful rule or regulation issued pursuant to Chapter 5, Article 1, Division 1, 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 of the City.
- (c) Wear, carry, or display, without authority, any means of identification specified by the emergency organization of the City.

(Added 2-5-1974 by O-11230 N.S.)

(Renumbered from former Section 51.0110, and amended 5-23-2016 by O-20645 N.S.; effective 6-22-2016.)