

BILL NO. _____

ORDINANCE NO. _____

AN EMERGENCY ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SECTION 2-506 OF THE FRESNO MUNICIPAL CODE, RELATING TO POWERS AND DUTIES OF DIRECTOR OF EMERGENCY SERVICES DURING DISASTER, EMERGENCY OR STATE OF EMERGENCY.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2-506 of the Fresno Municipal Code is amended to read:

SECTION 2-506. - POWERS AND DUTIES OF DIRECTOR OF EMERGENCY SERVICES DURING DISASTER, EMERGENCY OR STATE OF EMERGENCY.

In the event of the proclamation of a disaster or emergency as herein provided or by the proclamation of a state of emergency by the Governor or the State Director of Emergency Services, the Director[, or City Council by majority vote (except for subsections (a), (b), and (o) below).] is hereby empowered to:

(a) Control and direct the effort and personnel of the Emergency Services Organization of this City for the accomplishment of the purposes of this article and to make and issue rules and regulations on matters reasonably related to the protection of life and property of the public;

(b) Direct coordination and cooperation between divisions, services, and staff of the Emergency Services Organization of this City,

Date Adopted:
Date Approved
Effective Date:
City Attorney Approval: _____

Ordinance No.

and to resolve questions of authority and responsibility that may arise between them;

(c) Request, contract for, receive, and implement State and Federal aid of all types, including measures available under California Emergency Services Act relating to disaster preparedness and relief;

(d) Order the opening or closing of any building or premises owned or controlled by the City, as in his discretion he may determine to be in the public interest;

(e) The powers granted under subsection (d) above may be so exercised as to any public building or premises when the agency in control thereof requests or allows such action;

(f) Establish at some central, safe, and enclosed place in this City, a room or rooms, which shall be in use in times of imminent public danger as the center from which the Emergency Services Organization shall be directed and coordinated. The Director shall establish one or more alternate control centers for use in case the primary control center is damaged, destroyed, or otherwise unusable;

(g) Designate, and have marked, as necessary, highway evacuation routes for use in connection with regional and state disaster plans;

(h) Represent the Emergency Services Organization of this City in all dealings with public or private agencies pertaining to disaster or emergency services.

(i) Make and issue rules, regulations, and proclamations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, proclamations must be confirmed at the earliest practicable time by the Emergency Services Council;

(j) Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of 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. Any expenditures made in such connection with emergency service 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;

(k) Command the aid of as many citizens of this community as he or she thinks 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 emergency service worker volunteers;

(l) Require emergency service of any City officer or employee and require any City officer or employee to remain available on a standby basis, for regular and emergency service, but without compensation for remaining so available, notwithstanding any salary resolution or other form of ordinance to the contrary;

(m) Order a general curfew applicable to such geographical areas of the City or to the City as a whole, as he or she deems advisable

and applicable during such hours of the day or night as he or she deems necessary in the interest of the public safety and welfare, and reasonably calculated to avoid damage or injuries to persons, property, or the public peace; the curfew is defined as, and shall be when so declared, a prohibition against any person or persons being or remaining in any alley, street, highway, public property or vacant premises within the curfew area;

(n) Make in the interest of public safety and welfare any or all of the following orders:

(1) Order the closing of all retail liquor stores;

(2) Order the closing of all beer taverns;

(3) Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor or beer is permitted;

(4) Order the discontinuance of the sale of beer and liquor;

(5) Order the discontinuance of selling, distributing, or giving away gasoline or other flammable liquid, flammable or combustible products in any container, other than a gasoline tank properly affixed to a motor vehicle;

(6) Order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution,

or giving away of firearms, ammunition, or explosives of any character whatsoever;

(7) Order the discontinuance of selling, distributing, dispensing, or giving away of firearms, ammunition or explosive of any character whatsoever;

(8) Order the closing of any and all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing, or giving away of firearms or ammunition;

(9) Order the closing of any and all establishments and premises where crowds gather or tend to gather, including, but not limited to, theaters, stadiums, dance halls, gymnasiums, amusement areas, etc.;

(10) Issue other orders relating to the closing of businesses or areas or portions thereof or restricting the activity of similar establishments, which might be special targets of, or supply depots for, unruly persons; and

(11) Order a price or rate freeze on consumer goods or lodging facilities which may have limited availability as a result of an emergency or disaster situation; and

(o) Execute all ordinary powers as City Manager, all of the special powers conferred by this article or by resolution adopted pursuant thereto, all powers conferred by the Charter, any statute,

ordinance, or agreement approved by the Council for the City of Fresno,
or by any other lawful authority to exercise complete authority over the
city and to exercise all police power vested in the city by the Charter.

SECTION 2. Pursuant to Sections 603 and 610 of the Charter of the City of Fresno, this Ordinance shall take effect immediately upon passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2020.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, MMC CRM
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Katie Doerr Date
Chief Assistant City Attorney