

## **ORDINANCE O20-08-05**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF EL MIRAGE, ARIZONA, AMENDING THE CITY OF EL MIRAGE CITY CODE, CHAPTER 32, TO REPEAL SECTION 32.043(f) AND ADD SECTION 32.010; CHANGING THE STANDING AUTHORITY TO UNILATERALLY DECLARE AN EMERGENCY FROM SOLELY THE MAYOR TO THE WHOLE COUNCIL; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.**

**WHEREAS**, A.R.S. § 26-311 authorizes a mayor of an Arizona incorporated city or town to unilaterally declare an emergency or local emergency to exist, if authorized by local ordinance or resolution;

**WHEREAS**, El Mirage Municipal Code Section 32.043(F) provides the Mayor with standing unilateral authority to declare an emergency in accordance with A.R.S. § 26-311; and

**WHEREAS**, the Council has determined that it is in the best interests of the City of El Mirage to remove that standing unilateral authority to declare an emergency from the enumerated powers of a single individual and place that authority in the hands of the full Council.

**NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF EL MIRAGE, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** Chapter 32, Section 32.043(F) of the El Mirage Municipal Code is hereby repealed and reserved.

**Section 2.** Chapter 32, Section 32.010 shall read as follows:

- (A) The Council may declare a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing, or any other natural or human-made calamity or disaster or in the threat or occurrence of riot, rout, affray, or other acts of civil disobedience which endanger life or property within the city. After declaration of an emergency, the Council shall impose all necessary regulations to preserve the peace and order of the city. The Council must vote every thirty (30) days for continuance of the emergency declaration. The emergency proclamation may include but shall not be limited to:
1. Imposition of a curfew in all or any portion of the city;
  2. Ordering the closing of any business;
  3. Closing to public access any public building, street or other public place; and/or
  4. Calling upon regular or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance.

**Section 3.** All ordinances, resolutions, or codes in conflict with the provisions of this Ordinance or Code adopted by this Ordinance are repealed.

**Section 4.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of these amendments to the El Mirage Municipal Code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

**Section 5.** This ordinance will become effective at the time and manner prescribed by law and shall not be retroactive in application.

**PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF EL MIRAGE, ARIZONA** this \_\_\_\_ day of August 2020, by the following vote:

AYES \_\_\_\_ NAYS \_\_\_\_ ABSTENTIONS \_\_\_\_ ABSENT \_\_\_\_

\_\_\_\_\_  
Alexis Hermosillo, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Sharon Antes, City Clerk

\_\_\_\_\_  
Justin Pierce, City Attorney