

ORDINANCE NO. O23-51

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE GLENDALE CITY CODE, CHAPTER 14 – CIVIL DEFENSE AND EMERGENCY SERVICES, AND SETTING FORTH AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That Glendale City Code, Chapter 14 – Civil Defense and Emergency Services is amended and shall read as follows:

CITY CODE

Chapter 14 ~~CIVIL DEFENSE AND EMERGENCY SERVICES~~EMERGENCY MANAGEMENT¹

Sec. 14-1. Purposes.

The purposes of this chapter are to:

- (1) Reduce vulnerability of people and the community to damage, injury and loss of life and property resulting from natural or manmade ~~catastrophes, riots or hostile military or paramilitary action~~disasters.
- (2) Prepare for prompt and efficient rescue, care and treatment of persons victimized or threatened by disaster.
- (3) Provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by disasters.
- (4) Clarify and strengthen the roles of the mayor, city council, city manager and city agencies in prevention of, protection, mitigation of, preparation for, response to and recovery from disasters.
- (5) Authorize and provide for cooperation in disaster prevention, protection, mitigation, response and recovery activities.
- (6) Authorize and provide for coordination of activities relating to disaster prevention, ~~preparedness~~protection, mitigation, response and recovery by agencies and officers of this city, agencies of the private sector and similar activities in which the federal government, the state and its political subdivisions may participate.
- (7) Provide ~~a disaster~~an all-hazards emergency management system embodying all aspects of pre-disaster preparedness and post-disaster response and recovery.

¹State law reference(s)—~~Civil defense and emergency services~~Emergency Management, A.R.S. § 26-301 et seq.

(Code 1963, § 8-1)

Sec. 14-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Director: The city manager or ~~his~~the city manager's designated alternate.

Disaster: The occurrence or imminent threat of widespread or severe damage, injury or loss of life or property, or extreme peril to the safety of persons or property, resulting from any natural or man-made causes, ~~including but not limited to fire, flood, earthquake, wind, storm, blight, drought, famine, infestation, air contamination, epidemic, explosion, riot or other acts of civil disobedience which endanger life or property or hostile military or paramilitary action.~~

Emergency: The existence of a disaster within the city limits requiring immediate action by the emergency forces of the city.

Emergency forces: All city governmental and private sector agencies, volunteers, facilities, equipment, trained ~~manpower~~personnel, and other resources required to perform emergency ~~services~~management functions.

Emergency ~~services~~management: The organization, administration, trained ~~manpower~~personnel, facilities, equipment, material, supplies, programs, emergency plans, ability to execute emergency plans, and all other measures necessary and incidental thereto relating to disaster prevention, ~~preparedness~~protection, mitigation, response, and recovery by all governmental and private sector agencies to protect or save ~~health, life or property~~life, property or environment.

Local emergency: The existence of a disaster within the city limits, and the situation is or is likely to be beyond the capability and resources of the city as determined by the mayor and which requires the combined efforts of other political subdivisions.

Regulations: The orders, rules, and emergency procedures deemed essential for emergency ~~services~~management functions.

State of emergency: The duly proclaimed existence of a disaster within the state except a disaster resulting in a state of war emergency which is or is likely to be beyond the capabilities and resources of any single county, city or town, and requires the combined efforts of the state and the political subdivision.

State of war emergency: The situation which exists immediately whenever this nation is attacked or upon receipt by this state of a warning from the federal government indicating that such an attack is imminent.

State law reference(s)—Similar provision, A.R.S. § 26-302.

Sec. 14-3. Emergency services~~management~~ organization.

The city manager shall create an emergency services~~management~~ organization. (Code 1963, § 8-3)

State law reference(s)—~~Local emergency service organizations~~Powers of local government; local emergency management establishment; organization, A.R.S. § 26-308.

Sec. 14-4. Director generally.

The city manager shall be the director of the emergency services~~management~~ organization. The director is responsible in nonemergency periods to act on behalf of the mayor and council to develop a readiness for the city's ~~civil preparedness~~emergency management and for coordinated operations in ~~disaster situations~~all hazards. During emergencies, the director shall act as the principal advisor or aide to the mayor on emergency operations. ~~His~~The director's major responsibility is to assure coordination among emergency forces and with higher and adjacent governments, by assuring that the emergency services~~management~~ organization functions effectively. ~~He~~The director shall assist the mayor in the execution of operations, plans and procedures required by the emergency.

(Code 1963, §§ 8-3, 8-4(c))

State law reference(s)—~~Director~~Powers of local government; local emergency management establishment; organization, A.R.S. § 26-308.

Sec. 14-5. Disaster plan.

The director shall prepare a comprehensive disaster basic plan which shall be adopted and maintained by resolution of the council upon the recommendations of the director. In the preparation of this plan as it pertains to city organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies be used to the fullest extent. The disaster plan shall be considered supplementary to this ordinance and have the effect of law whenever emergencies have been proclaimed. (Code 1963, § 8-4(c))

Sec. 14-6. Mutual aid.

In periods of local emergency, the city is granted full power to provide mutual aid to any affected area in accordance with local laws, ordinances, resolutions, emergency plans or agreements therefor. The city may request from state agencies mutual aid, including personnel, equipment and other available resources to assist the city during the local emergency in accordance with emergency plans or at the direction of the governor.

(Code 1963, § 8-5)

Sec. 14-7. Emergency powers of mayor.

- (a) In addition to the powers granted by other provisions of law or city charter, the mayor may, by proclamation, declare an emergency or a local emergency to exist. The proclamation may be rescinded by a majority of the city council after twenty-four (24) hours.
- (b) During an emergency or local emergency, the mayor shall govern the city by proclamation and shall have the authority to impose all necessary regulations to preserve the peace and order of the city, ~~including but not limited to~~ excluding the ordering of the closure of businesses, but including the following:
 - (1) ~~Imposition~~ Imposing of curfews in all or in a portion of the city.
 - (2) ~~Ordering the closing of any business.~~
 - (3) Closing to public access any public building, street, or other public place.
 - (4) Calling upon regular or auxiliary law enforcement agencies and organizations within or without the city for assistance.

(Code 1963, § 8-4(b))

State law reference(s)—~~Authority of city to so provide~~ Local emergencies; declaration by mayor or chairman of the board; power of political subdivisions; state agency assistance, A.R.S. § 26-311.

Sec. 14-8. Civil liabilities.

- (a) The city shall not be liable for any claim based upon the exercise or performance, or the failure to exercise or perform, a discretionary function or duty on the part of the city or any employee of the city excepting ~~willful~~ willful misconduct, gross negligence or bad faith of any such employee, in carrying out the provisions of this chapter. ~~This immunity shall not extend to emergency services management as defined in section 26-301, paragraph 6.~~
- (b) The immunities from liability, exemptions from laws, ordinances and rules, all pensions, relief, disability workers' compensation and other benefits which apply to the activity of officers, agents or employees of the city when performing their respective functions within the territorial limits of the city shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extra territorially under the provisions of this chapter, excepting ~~willful~~ willful misconduct, gross negligence, or bad faith.
- (c) Volunteers duly enrolled or registered with the city in a local emergency, a state of emergency, or a war emergency, or unregistered persons placed into service during a state of war emergency, in carrying out, complying with, or attempting to comply with any order or regulation issued pursuant to the provisions of this chapter or performing any of their authorized functions or duties or training for the performance of their authorized functions or duties, shall have the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of the city performing similar work.

State law reference(s)—Similar provisions, A.R.S. § 26-314.

SECTION 2. That provisions of this ordinance shall become effective immediately after the passage of this ordinance by Glendale City Council.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 24th day of October, 2023.

Mayor Jerry P. Weiers

ATTEST:

Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

Michael D. Bailey, City Attorney

REVIEWED BY:

Kevin R. Phelps, City Manager