

DISASTER PREPAREDNESS, EMERGENCY SERVICES, ETC.*

*State law reference—Disaster preparedness, emergency services, etc., A.R.S. § 26-301 et seq.

CITY OF SOUTH TUCSON ORDINANCE NO. 06-12

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, RELATING TO CHAPTER 5, DISASTER PREPAREDNESS, EMERGENCY SERVICES, ETC.; ADOPTING THIS ORDINANCE FOR THE PURPOSE OF PROVIDING FOR CODE ENFORCEMENT AND PENALTIES FOR VIOLATIONS THEREOF, REPEALING ALL ORDINANCES IN CONFLICT THEREWITH AND AMENDING THE SOUTH TUCSON CITY CODE BY AMENDING CHAPTER 5 IN ITS ENTIRETY AND ALL APPLICABLE SECTIONS THEREOF

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON AS FOLLOWS:

SECTION I. That the City of South Tucson Code, Chapter 5, and all applicable Sections related thereto are hereby amended as follows:

ARTICLE I. GENERAL PROVISIONS

Sec. 5-1. Title.

This Chapter shall be known as the "Disaster Preparedness and Emergency Services of the City of South Tucson", and may be cited as such, and will be referred to hereinafter as "chapter".

(Ord. 06-12, § 1, 11-20-06)

Sec. 5-2. Purpose and scope; application of other codes.

(a) The purpose of this chapter is to promote and preserve the health, safety and welfare of the citizens of the City of South Tucson, Arizona where conditions of disaster or of extreme peril to the safety of persons or property exist within the territorial limits which are or are likely to be beyond the control of services, personnel, equipment and facilities of the City's resources as determined by the Mayor under this chapter.

(b) This chapter shall be applied in accordance with the powers and duties enumerated in the Arizona Revised Statutes and the Orders, Regulations and/or Ordinance(s) issued by the Mayor as authorized by statutes and this chapter.

(c) To the extent that any provision of this chapter

conflicts with any other Code provision in a declared emergency and which is/are suspended pursuant to A.R.S. §26-301 et. seq., this chapter and the applicable Arizona Statutes shall prevail.

(Ord. 06-12, § 1, 11-20-06)

Sec. 5-3. Definitions.

In this chapter, unless the context otherwise requires, the definitions enumerated in A.R.S. §26-301 (1) through (16) shall be apply to this chapter.

(Ord. 06-12, § 1, 11-20-06)

SECTIONS 5-4 - 5-15 RESERVED

ARTICLE II. EMERGENCIES

Sec. 5-16. Declaration of Emergency.

The City of South Tucson may declare an emergency or a "Local Emergency" within the meaning of A.R.S. §§ 26-301 and 26-311.

(Code 1976; Ord. No. 06-12, § 1, 11-20-06)

Sec. 5-17. Powers and Duties of the City and Mayor.

(a) The City may make, amend and rescind rules and regulations necessary for emergency functions but such shall not be inconsistent with orders, rules or regulations promulgated by the governor and such shall be filed in the office of the City Clerk pursuant to A.R.S. § 26-307.

(b) The City may appropriate and expend funds, make contracts and obtain and distribute equipment, materials and supplies for emergency purposes; may provide for emergency management within its jurisdiction in accordance with state emergency plans and programs; and may establish such emergency programs pursuant to A.R.S. § 26-308.

(c) The Chief Executive Officer or Governing Body may appoint a Director who shall be responsible for the organization, administration and operation of local emergency management programs, subject to the direction and control of such executive officer or governing body pursuant to A.R.S. § 26-308.

(d) State Emergency Plans shall be in effect in the City of South Tucson, Arizona and the City shall take such action necessary to carry out the provisions thereof pursuant to A.R.S. § 26-308.

(Ord. 06-12, § 1, 11-20-06)

Sec. 5-18. Mutual Aid.

(a) The City may facilitate the rendering of aid to persons or property in areas of the state stricken by an emergency and to make unnecessary the execution of written agreements in times of emergency. Any emergency plans duly adopted and approved satisfy the requirements for mutual aid agreements and may allow for the rendering of aid outside of the City pursuant to A.R.S. § 26-309.

Sec. 5-19. Declaration of "Local Emergency".

(a) The Mayor of the City of South Tucson may declare an emergency or a "Local Emergency" within the meaning of A.R.S. §§ 26-301 and 26-311 pursuant to A.R.S. § 26-311(A) whenever the Mayor shall deem that an emergency exists due to fire, conflagration, flood, earthquake, explosion, war, bombing, acts of the enemy or natural or man-made calamity or disaster or by reason of threats or occurrences of riots, routs, affrays or other civil disobedience which endanger life or property within the City if authorized by ordinance or resolution.

(Code 1976; Ord. No. 06-12, § 1, 11-20-06)

(b) If an emergency is declared pursuant to subsection (a), the Mayor shall, during such emergency, govern by proclamation and shall have the authority to impose all necessary regulations to preserve the peace and order of the City pursuant to A.R.S. § 26-311(B).

(c) In periods of "local emergency", the City shall have the full power to provide mutual aid to any affected area in accordance with ordinances, resolutions, emergency plans or agreements therefore pursuant to A.R.S. § 26-311(C).

Sec. 5-20. Immunity of City officers, agents and emergency workers; limitations and rule..

(a) The City is not be liable for any claim based upon the exercise or performance, or the failure to exercise or perform, a discretionary function or a duty by any

emergency worker, excepting willful misconduct, gross negligence or bad faith of any such emergency worker, in engaging in emergency management activities or performing emergency functions under this chapter or Title 36, chapter 6, article 9 as promulgated pursuant to A.R.S. § 26-314 (A).

(b) The immunities from liability, exemptions from laws and rules, all pensions, relief, disability worker=s compensation and other benefits that apply to emergency personnel when performing their respective functions within and outside the City apply equally under either jurisdiction pursuant to A.R.S. § 26-314 (B)(C).
(Ord. 06-12, § 1, 11-20-06)

SECTIONS 5-21 - 5-25 RESERVED

SECTION 2. Enforcement generally.

Sec. 5-26. Enforcement of orders, rules and regulations.

The law enforcing authorities of the state or political subdivisions shall enforce orders, rules and regulations pursuant to this chapter.

Sec. 5-27. Political activities prohibited.

No public organization under the authority of this chapter shall participate in any form of political activity nor shall it be employed directly or indirectly for political purposes.
(Ord. 06-12, § 2, 11-20-06)

SECTION 3. Violation; classification.

Sec. 5-28. Any person who violates any provision of this chapter or who knowingly fails or refuses to obey any lawful order, rule, or regulation issued as provided in this chapter shall be guilty of a class 1 misdemeanor. This provision does not apply to the refusal of any private organization or member thereof to participate in a local emergency or state of emergency as defined by this chapter.
(Ord. 06-12, § 3, 11-20-06)

Sec. 5-29 - 5-30. Reserved.

SECTION 4.

Publication/Record Keeping.

That the City Clerk shall certify to the adoption of this Ordinance and cause the same to be maintained and/or published as required by law; That it is necessary for the preservation of the peace, health and safety of the City of South Tucson residents that this Ordinance become immediately effective and that an emergency is hereby declared to exist and the Ordinance shall be effective upon its passage and adoption upon posting in compliance with A.R.S. § 9-813 in three public places.
(Ord. 06-12, § 4, 11-20-06)

SECTION 5.

Severability.

Severability. If any portion of this ordinance is determined, by a Court of competent jurisdiction, to be invalid, all remaining portions of this ordinance shall remain in full force and effect.

SECTION 6.

Effective Date.

The ordinance shall become effective thirty (30) days after date of adoption.

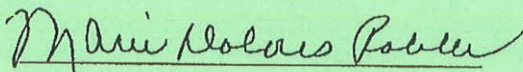
PASSED, ADOPTED and APPROVED by the Mayor and Council of the City of South Tucson, Arizona, this 20th day of November, 2006.



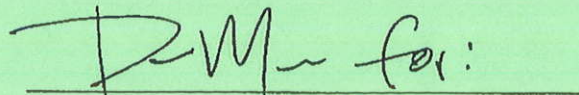
Jennifer Eckstrom, Mayor

ATTEST:

APPROVED AS TO FORM:



Marie Dolores Robles
City Clerk



Hector M. Figueroa
City Attorney

Sec. 5-1. Declarations of emergencies.

The mayor may declare that an emergency exists within the meaning of A.R.S. § 26-311, par. A.

(Code 1976, §§ 11.146—11.150)

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