

ORDINANCE NO. 325

AN ORDINANCE CREATING AND ESTABLISHING A DISASTER AND CIVIL DEFENSE COUNCIL IN THE TOWN OF SAN ANSELMO, ESTABLISHING THE MEMBERSHIP AND OFFICERS THEREOF, AND DEFINING THEIR AUTHORITY, RIGHTS, POWERS AND DUTIES. CREATING A DISASTER AND CIVIL DEFENSE CORPS AND THE DIVISIONS THEREOF, AND DEFINING THEIR AUTHORITY, RIGHTS, POWERS AND DUTIES, AND PROVIDING FOR PENALTIES FOR VIOLATION OF SAID ORDINANCE OR ANY LAWFUL RULE OR ORDER PROMULGATED THEREUNDER.

The City Council of the Town of San Anselmo does ordain as follows:

SECTION 1.

A. DISASTER. As used in this ordinance, the term "disaster" shall include, but is not limited to, any extraordinary fire, calamity, explosion, flood, riot, storm, epidemic, or earthquake, or any enemy attack or sabotage by any means whatsoever, or sabotage by known or unknown persons, which causes or threatens to cause loss of life, injury to persons or property, or causes or threatens to cause serious impairment of the preservation of the health, safety, welfare and comfort of persons, within the Town of San Anselmo, whether or not the disaster occurs in the limits of San Anselmo, in which instances and occurrences the responsibility devolves upon the regularly constituted authorities for the maintenance and preservation of public peace, order, health, safety and welfare, and when the instance or occurrence is of such character and degree and of such circumstance that the regularly constituted authorities reasonably cannot be expected to maintain and preserve the public peace, order, health, safety and welfare within the limits of the Town of San Anselmo.

B. CIVIL DEFENSE. As used in this ordinance, the term "civil defense" means organized public resistance and preparedness, in addition to, and other than that ordinarily

and regularly provided by constituted authorities, against the impairment of peace, order, health and safety in San Anselmo by reason of enemy action or disaster outside of San Anselmo when it appears reasonably certain that such enemy action or disaster will, directly or indirectly, produce a condition or state of being within the Town of San Anselmo of such character as to threaten the peace, order, health and safety of persons within San Anselmo.

SECTION 2. DISASTER COUNCIL. MEMBERSHIP.

The San Anselmo Disaster and Civil Defense Council is hereby created and shall consist of the following:

- A. The Commander, who shall be Chairman.
- B. The Deputy Commander, who shall act as Commander of the Disaster Corps during the absence or incapacity of the Commander, and Vice-Commander, and Executive Officer.
- C. The City Council.
- D. The Vice-Commander, appointed by the Commander with the advice and consent of the City Council, who, in the absence of, or at the direction of, the Commander, shall act for and on his behalf on all matters within the purview of this ordinance.
- E. The Chiefs of Divisions as hereinafter provided.
- F. Such other persons as may be appointed by the Commander with the advice and consent of the City Council.

SECTION 3. DISASTER AND CIVIL DEFENSE COUNCIL. AUTHORITY, RIGHTS, POWERS AND DUTIES.

It shall be the duty of the San Anselmo Disaster and Civil Defense Council, and it is hereby authorized and empowered:

- A. To formulate a general plan whereby to provide for the preservation of peace, order, health, safety and welfare within the Town of San Anselmo in case of disaster. Such plan shall be reduced to writing, and when approved by the majority of the Disaster and Civil Defense Council, shall constitute the general plan whereby this ordinance shall be further effectuated.

Such plan shall include and provide for the effective mobilization of all persons within the Town of San Anselmo for the common cause and all the resources of the Town of San Anselmo, both public and private, including real, personal and mixed property.

B. To prepare and recommend for consideration by the City Council ordinances necessary to implement the disaster plan.

C. To consider and recommend to the City Council for approval mutual aid plans and agreements.

The Disaster Council shall meet upon call of the Chairman.

SECTION 4. COMMANDER. POWERS AND DUTIES.

There is hereby created the office of Commander. Such officer shall be appointed by the Mayor with the advice and consent of the City Council.

The Commander is hereby authorized and empowered:

A. To request the Governor to proclaim a state of extreme emergency in the area in and around the Town of San Anselmo when, in the opinion of the Commander, the resources of the community are inadequate to cope with the disaster.

B. To govern and direct the effort of the San Anselmo Disaster Corps in the accomplishment of the purposes of this ordinance.

C. To direct coordination and cooperation between the chiefs of divisions and resolve questions of authority and responsibility that may arise between them.

D. To represent the Disaster Corps in all dealings with public or private agencies pertaining to disaster preparedness.

E. To make, issue, promulgate and enforce regulations and rules on matters reasonably related to the preservation of peace, order, health and safety of life and property as affected by such disaster.

F. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection and preservation of peace and order, health, safety, life and property of the people, and to bind the city for the fair and reasonable value thereof, and, if required immediately, to commandeer the same for public use.

G. To require and obtain emergency services of any city officer or employee.

H. To requisition necessary personnel or material of any city department or agency.

I. To execute all of the ordinary and special powers now conferred upon the Chief of Police.

SECTION 5. VICE-COMMANDER. AUTHORITY, POWERS AND DUTIES.

There is hereby created the position of Vice-Commander who shall be appointed by the Mayor with the advice and consent of the City Council. The Vice-Commander shall assume and execute all of the duties of the Commander with the same powers and authority herein conferred upon the Commander in the absence of the Commander, or in the case of his incapacity to serve. Otherwise, the Vice-Commander shall assume such duties as are set forth in this ordinance, together with such duties as may be from time to time assigned to the Vice-Commander by the Commander. The Vice-Commander shall be Chief of the Division of Personnel.

SECTION 6. EXECUTIVE OFFICER.

There is hereby created the position of Executive Officer of the Disaster Corps. The Executive Officer shall be appointed by the Mayor with the advice and consent of the City Council. The Executive Officer shall be the executive Secretary of the Disaster Council. During the absence or incapacity of both the Commander and the Vice-Commander to serve, the Executive Officer shall assume the duties of the Commander as set forth in this ordinance with the same authority and powers as are in this ordinance vested in the Commander.

SECTION 7. DEPUTY COMMANDER.

There is hereby created the office of Deputy Commander. The Deputy Commander shall be appointed by the Mayor by and with the advice and consent of the City Council. The Deputy Commander shall perform such duties as shall be assigned to him by the Commander. During the absence and incapacity of the Commander, Vice-Commander and Executive Officer, the Deputy Commander shall assume and execute the duties and functions of the Commander with all the rights, power and authority vested in the Commander by this ordinance.

SECTION 8. DISASTER CORPS. GENERAL.

Officers and employees of the Town of San Anselmo, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may by agreement or operation of law be charged with duties incident to the protection of life and property in the Town of San Anselmo during such disaster, shall constitute the San Anselmo Disaster Corps.

SECTION 9. DIVISIONS OF DISASTER CORPS.

The functions and duties of the San Anselmo Disaster Corps shall be distributed among the following divisions of such corps, each division to be under the direction of the Commander, and, in the absence of the Commander, the Vice-Commander, and in the absence of the Commander and Vice-Commander, under the direction of the Executive Officer, and in the absence of all of the foregoing, the Deputy Commander, respectively, and said divisions to consist of the following forces, persons, organizations, and services, and such other forces, persons, organizations, or services as may be included pursuant to the provisions of this ordinance. The Chiefs of Divisions shall organize and train volunteers assigned to such division by the Personnel and Recruitment Division, and shall formulate the division plan, which,

when approved by the Disaster Council, shall become an annex and addition to the Disaster Plan. The Chiefs of Divisions shall include in the Divisions Plans recommended mutual aid agreements. The Chiefs of Divisions shall be custodians of special equipment and other property which may be obtained from any source and assigned to such division by the Commander.

A. LAW AND ORDER DIVISION. This division shall be under and subject to the control of the Chief of Police, who shall be Chief of the Law and Order Division. The division shall consist of police personnel and auxiliary or volunteer police. Under this ordinance, the usual and lawful rights, powers and authority of the Chief of Police are retained by the Chief of Police, but he shall act under the direction of the Commander and be responsible to him.

B. FIRE DIVISION. This division shall be under and subject to the control of the Chief of the Fire Department, who shall be Chief of the Fire Division. The division shall consist of fire department personnel and auxiliary or volunteer fire fighters. Under this ordinance the usual and lawful rights, powers and authority of the Chief of the Fire Department shall be retained by the Chief of the Fire Department, but he shall act under the direction of the Commander and be responsible to him.

C. MEDICAL DIVISION. This division shall be under and subject to the control of a qualified Doctor of Medicine, to be appointed by the City Council, who shall be Chief of the Medical Division. The division shall consist of the Chief thereof and medical service volunteers, and the American Red Cross.

D. PUBLIC WORKS DIVISION. This division shall be under and subject to the control of the director of Public Works (City Engineer), who shall be Chief of the Public Works Division. This division shall consist of the Department of Public Works personnel and auxiliary personnel (volunteers).

E. UTILITIES DIVISION. This division shall be under and subject to the control of a citizen, experienced and engaged in the utility industry, appointed by the Mayor, with the advice and consent of the City Council. The division shall consist of auxiliary or volunteer personnel.

F. TRANSPORTATION DIVISION. The chief of this division shall be a citizen, experienced in such industry, appointed by the Mayor with the advice and consent of the City Council. The division shall consist of auxiliary or volunteer personnel. The Commander is authorized and empowered to appoint as many Deputy Chiefs for the Transportation Division as may be from time to time required.

G. COMMUNICATIONS DIVISION. The chief of this division shall be a citizen, experienced in such industry, appointed by the Mayor with the advice and consent of the City Council. The division shall consist of auxiliary or volunteer personnel and city personnel engaged in communications work.

H. PERSONNEL AND RECRUITMENT DIVISION. This division shall be under and subject to the control of the Vice-Commander. It shall be the duty of this division to recruit all volunteer personnel, to enroll and register such personnel, to keep adequate records thereof, and to assign such personnel to other divisions of the Disaster Corps. The Vice-Commander may establish and operate a volunteer office.

I. AMERICAN RED CROSS. The Marin County Chapter, American National Red Cross, headquartered in the City of San Rafael will furnish food, clothing, shelter, registration and information service, supplementary medical service when requested, and rehabilitation to individuals and families affected by a disaster. The American Red Cross, within the scope of their authorized activities, will provide funds with which to finance all its relief operations. The chief of this division will be

the Chairman of the Marin County Chapter of the American Red Cross, or a delegate representative thereof.

J. DEMOLITION DIVISION. The chief of this division shall be a citizen, preferably experienced in the military science of demolition, of explosives, incendiaries, mines, bombs, booby ^{FRAPS} traps, and the like, and shall be appointed by the Mayor with the advice and consent of the City Council. This division shall consist of auxiliary personnel and volunteers. The chief of this division shall be responsible for the procurement and recommendation to the Chief of Personnel and Recruitment for persons suitable for training in demolition work.

K. DECONTAMINATION DIVISION. The chief of this division shall be a citizen, with special experience and qualifications in the art and science of decontaminating areas afflicted and affected by dangerous gases, poisons, vapors and chemical irritants. This division shall consist of auxiliary personnel and volunteers. The chief of this division shall be responsible for the procurement and recommendation to the Chief of Personnel and Recruitment for persons suitable for training in decontamination work.

L. SECURITY DIVISION. The chief of this division shall be a citizen who shall be responsible for such security measures as shall be assigned to him by the Commander, including enforcement of black-out regulations, air raid warnings, and special guard duty not otherwise handled or beyond the ability of the Law and Order Division to handle with the personnel assigned to him. The chief of this division shall be appointed by the Mayor by and with the consent of the City Council. The chief of this division shall be responsible for the training and efficiency of the personnel assigned to his division.

SECTION 10. VOLUNTEERS.

All persons, other than officers and employees of the city, volunteering services pursuant to the provisions of this

ordinance, shall serve without compensation from the city. While engaged in such services, they shall have the same immunities as officers and employees of the city performing similar duties.

SECTION 11. VALIDITY.

If any section, sub-section, sentence, clause, or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

SECTION 12. REPEALING.

Ordinance No. 298 is hereby repealed and all of the provisions of other ordinances in conflict herewith are hereby repealed.

SECTION 13. PUNISHMENT OF VIOLATIONS.

It shall be a misdemeanor, punishable by a fine of not to exceed \$500.00, or by imprisonment not to exceed six months, or both, for any person, during a disaster proclaimed as such, to:

A. Wilfully obstruct, hinder or delay any member of the Disaster Corps in the enforcement of any rule or regulation issued pursuant to this ordinance, or in the performance of any duty imposed upon him by virtue of this ordinance.

B. Do any act forbidden by any lawful rule or regulation issued pursuant to this ordinance.

C. Wilfully neglect to do any act ordered to be done by any lawful rule or regulation issued pursuant to this ordinance.

D. Wear, carry or display, without authority, any means of identification specified by the Disaster Council.

SECTION 14. EFFECTIVE DATE. TIME WHEN POWERS GRANTED TO COMMANDER, DISASTER COUNCIL AND DISASTER CORPS SHALL TAKE EFFECT.

Whenever a state of disaster as defined in this ordinance shall occur, or the necessity of civil defense measures become necessary, the Mayor of the Town of San Anselmo, by and with the consent of the City Council, shall issue a proclamation which shall forthwith be displayed in prominent public places proclaiming the fact that this ordinance is operative and in full force and effect, and immediately thereafter, the Commander, Vice-Commander and Executive Officer, the Disaster Council, and the Disaster Corps shall assume the rights, authorities and powers granted by this ordinance. [The termination of a state of disaster or necessity for civil defense shall likewise be proclaimed by the Mayor by and with the advice and consent of the City Council.]

SECTION 15. EMERGENCY. ENACTMENT.

This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, order, health and safety, and shall take effect immediately. The following is a statement of the facts showing its urgency:

The present state of world affairs is such that it is clearly evident that the United States of America, and particularly the Western part thereof, is not immune from enemy attack; that the United States, as an integral part of the United Nations, is now actively engaged in armed warfare against hostile forces, and that it behooves a vigilant and alert citizenry to take effective steps and measures to provide for the preservation of the public peace, order, health and safety, as may be necessary. Therefore, a complete and adequate disaster and civil defense plan must be formulated by the chiefs of the divisions and upon mutual aid agreements. To protect and preserve the lives and property of the citizens of the Town of San Anselmo and to protect and preserve the public peace, order, health and safety,

responsibility for the formulation of such plans and agreement should be placed immediately by ordinance.

SECTION 16. PERSONS.

Wherever in this ordinance the masculine is used, it shall include the feminine, and vice versa, and wherever the singular is used, it shall include the plural, and vice versa.

SECTION 17. PUBLICATION.

The foregoing ordinance shall be published by posting on the Bulletin Boards of: (1) the United States Post Office; (2) City Hall, and (3) Library, within fifteen (15) days after its final passage, in the Town of San Anselmo, which Bulletin Boards are hereby designated for that purpose.

SECTION 18.

The foregoing ordinance, duly and regularly introduced at an adjourned meeting of the Town of San Anselmo City Council held in said Town on the 11th day of August, 1950, was thereafter at a Regular meeting of the City Council held in said Town of San Anselmo on the 29 day of August, 1950, duly passed and adopted by the following vote:

AYES: Shenue, Kwoles, O'Meara, Smith, Beach
NOES: none
ABSENT: none

Signed and approved this 29 day of August, 1950.

Carmel N. Beach
CARMEL N. BEACH,
Mayor of the Town of San Anselmo

Ray M. Overdick
RAY M. OVERDICK,
Clerk of the Town of San Anselmo