ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. draft 2020-16 COW v1

An Ordinance Amending the Civil Defense Code to Improve City and Borough of Juneau Procedures for Emergencies.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.  

Section 2. Amendment of Title. Title 3, Administration, is amended to read:

Chapter 03.25 Emergency Management Organization-Civil Defense Organization

03.25.010 - Established.  
There is hereby created the City and Borough Emergency Management Organization to plan for, respond to, recover from, and mitigate civil defense organization to and recover from prevent minimized, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or natural causes, public health threats, or similar emergencies. The emergency management civil defense organization shall consist of the director, the members of the assembly, the officers and employees of the City and Borough, and
such additional members, volunteer or otherwise, who may be selected by the director or the
assembly.

03.25.020 - Director.
The director of the City and Borough emergency management civil defense organization shall
be the manager, or someone appointed by the manager, if there is such an appointed person,
who shall serve until removed or until replaced by the manager. The director shall have
responsibility for the organization, administration, training and operation of the emergency
management civil defense organization, subject to the direction and control of the manager if
the director is a person other than the manager.

03.25.030 - Continuity in office.
The provisions of chapter 03.35 of this title "Continuity of Government" are hereby made
applicable to all members of the City and Borough emergency management civil defense
organization.

03.25.040 - Authority of director of the emergency management organization civil
defense; duties and responsibilities.
(a) The director of emergency management organization civil defense shall have the authority
to request the declaration of the existence of an emergency by the assembly or by higher
authority. In the event that it is deemed necessary to declare the existence of an emergency
without delay, the director may, if the assembly is not in session, do so, but such action shall be subject to confirmation by the assembly at its next meeting.

(b) The duties and responsibilities of the director of the emergency management organization civil defense shall include the following:

(1) The control and direction of the actual or training efforts of the emergency management civil defense organization of the City and Borough;

(2) The determination of all questions of authority and responsibility that may arise within the emergency management civil defense organization of the City and Borough;

(3) The maintenance of necessary liaison with other municipal, area, state, regional, federal or other emergency management or civil defense organizations;

(4) The marshaling, after the declaration of an emergency as provided for above, of all necessary personnel, equipment or supplies from any department of the City and Borough to aid in the carrying out of the emergency operation civil defense plan;

(5) The issuance of all necessary proclamations as to the existence of an emergency and the immediate operational effectiveness of the emergency operation civil defense plan;

(6) The issuance of reasonable rules and regulations which are necessary for the protection of life and property in the City and Borough, including rules and regulations applicable to blackouts and air raids;

(7) The supervision of the drafting and execution of mutual aid agreements entered into by the City and Borough;

(8) The supervision of and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions;
(9) The authorizing of agreements, after approval of the City and Borough attorney, for
the use of private property for air raid shelter and other purposes;

(10) The supervision of the drafting and execution of the emergency operation civil
defense plan, and the constant updating of such plan as required. The emergency operation
civil defense plan shall be adopted by the assembly by resolution.

03.25.050 - Functions and duties.
The functions and duties of the City and Borough emergency management civil defense
organization shall be distributed among such departments, divisions, services, and special staff
as the assembly shall prescribe by resolution. Any such resolution shall set forth the form of
organization, establish and designate services, assign functions, duties and powers, and
designate officers and employees to carry out the provisions of this chapter. Insofar as possible,
the form of organization, titles and terminology shall conform to the recommendations of the
federal government and the recommendations of the civil defense agency of the state.

03.25.060 – Reserved Civil-defense workers oath required.
Each person serving as a member of the City and Borough civil defense organization shall, prior
to assuming duties, take an oath which shall be substantially as follows:

"I __________, do solemnly swear (or affirm) that I will support and defend the Constitution of
the United States and the Constitution of the State of Alaska, against all enemies, foreign and
domestic; that I will bear true faith and allegiance to the same; that I take this obligation
freely, without any mental reservation or purpose of evasion; and that I will well and faithfully
discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of, or an affiliate of, any political party or organization, group, or combination of persons that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am a member of the City and Borough of Juneau Municipal Civil Defense organization I will not advocate or become a member or affiliate of any organization, group or combination of persons or of any political party that advocates the overthrow of the government of the United States or of this State by force or violence."

03.25.070 - Lights during blackouts declared public nuisances.
Any light displayed contrary to any order, rule or regulation promulgated pursuant to the provisions of this chapter constitutes a public nuisance, and when deemed necessary in order to protect life or property during blackouts or air raids, the police are authorized and directed to enter upon any premises within the City and Borough, using reasonable force, and extinguish lights or take other necessary action to make effective any order, rule or regulation promulgated under the authority conferred by this chapter.

03.25.080 - Unauthorized warning or all-clear signals prohibited.
Any unauthorized person who operates a siren or other device so as to simulate a blackout signal or air raid, or the termination of a blackout or air raid, is guilty of a violation of this chapter, and shall be subject to the penalties imposed by this chapter.
03.25.090 - Conflicting ordinances, orders, rules and regulations suspended.

At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing ordinances, rules, orders and regulations insofar as the latter may be inconsistent therewith.

03.25.100 - Conflict with state or federal statutes.

This chapter shall not be construed so as to conflict with any state or federal statute, or with any military or naval order, rule or regulation.

03.25.110 - Municipal or private liability.

(a) This chapter is an exercise by the City and Borough of its governmental functions for the protection of the public peace, health, safety. Consistent with Alaska law, and neither the City and Borough, the agents and representatives of the City and Borough, nor any individual, receiver, firm, partnership, corporation, association or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation made promulgated pursuant to the provisions of this chapter, shall be liable for any loss or damage sustained to person or property as a result of such activity.

(b) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the City and Borough a license or privilege, or otherwise permits the City and Borough to inspect, designate and use the whole or any part, or parts of such real
estate or premises for the purpose of sheltering persons during an actual, impending or practice
enemy attack, shall, together with all successors in interest, if any, not be civilly liable for the
death of, or injury to, any person or about such real estate or premises under such license,
privilege or other permission, or for loss of, or damage to, the property of such person.

03.25.120 - Emergency declared by governor.
If the governor declares that an a civil defense emergency exists in the event of actual enemy
attack upon the United States or the occurrence within the state of a major disaster resulting
from enemy sabotage or other hostile action, or natural causes, public health threat, or similar
emergency it shall be the duty of the emergency management civil defense organization to
cooperate fully with the state civil defense agency and with the governor in the exercise of
emergency powers as provided by law.

03.25.130 - Expenses of civil defense.
No person shall have the right to expend any public funds of the City and Borough in carrying
out any emergency management civil defense activity authorized by this chapter without prior
approval by the assembly, nor shall any person have any right to bind the City and Borough by
contract, agreement or otherwise without prior assembly approval. In the event of any disaster,
and for the duration of the exigency, City and Borough contracts or purchases may be entered
without regard to the procedures or formalities otherwise prescribed, when the object of the
contract or purchase is to procure such services, supplies, equipment or materials as may be
necessary to combat any disaster, or to protect and provide emergency assistance to victims of a
disaster. This section is ordained under the authority of Charter section 5-16; it is not a waiver of any other Charter requirement or of any provision in the ordinance creating the finance department and stipulating fiscal procedures.

03.25.140 - Emergency locations; governmental powers.

(a) Whenever, due to an emergency consistent with this chapter resulting from the effects of enemy attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of local government at the regular or usual place, or places thereof, the assembly may meet at any place within or without the City and Borough limits on the call of the manager or any four members of the assembly, and shall proceed to establish and designate by ordinance, resolution or other manner alternate or substitute sites or places as the emergency temporary location, or locations, of government where all or any part of the public business may be transacted and conducted during the emergency situation. Such sites or places may be within or without the territorial limits of the City and Borough, and may be within or without the state.

(b) During the period when public business is being conducted at the emergency temporary location, or locations, the governing body—including its boards, commissions, committees—and other officers of the City and Borough shall have and possess, and shall exercise at such location all of the executive, legislative and judicial powers and functions conferred upon such body and officers by or under the Constitution or laws of the state, and the Charter and ordinances of the City and Borough. Such powers and functions may be exercised in the light of the exigencies of the emergency situation without regard to, or compliance with, time consuming procedures and formalities prescribed by rule or ordinance, and all acts of such body
and officers shall be valid and binding as if performed within the territorial limits of their City and Borough.

03.25.150 – Penalty Violations.

(a) It is unlawful for any person willfully to obstruct, hinder or delay any member of the emergency management civil defense organization in the enforcement of any rule or regulation issued pursuant to this chapter, or do any act forbidden by rule or regulation issued pursuant to this chapter, or do any act forbidden by any rule or regulation issued pursuant to the authority contained in this chapter.

(b) It is likewise unlawful for any person to wear, carry or display any emblem, insignia, or any other means of identification as a member of the City and Borough municipal civil defense organization unless authority so to do has been granted to such person by the proper officials.

(b) A violation of this section is a Class B misdemeanor. Convictions for violations of the provisions of this chapter shall be punishable according to section 01.40.010 of this Code.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ______ day of ____________________, 2020.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk