

Presented by:
Introduced:
Drafted by: R. Palmer III

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~~ 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

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2 such additional members, volunteer or otherwise, who may be selected by the director or the
3 assembly.
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5 **03.25.020 - Director.**

6 The director of the City and Borough emergency management ~~civil defense~~ organization shall
7 be the manager, or someone appointed by the manager, if there is such an appointed person,
8 who shall serve until removed or until replaced by the manager. The director shall have
9 responsibility for the organization, administration, training and operation of the emergency
10 management ~~civil defense~~ organization, subject to the direction and control of the manager if
11 the director is a person other than the manager.
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14 **03.25.030 - Continuity in office.**

15 The provisions of chapter 03.35 of this title "Continuity of Government" are hereby made
16 applicable to all members of the City and Borough emergency management ~~civil defense~~
17 organization.
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20 **03.25.040 - Authority of director of the emergency management organization ~~civil~~**
21 **~~defense~~; duties and responsibilities.**

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

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

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

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

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

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

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

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

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

22 (8) The supervision of and final authorization for the procurement of all necessary
23 supplies and equipment, including acceptance of private contributions;
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(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~~

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2 ~~discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I~~
3 ~~do not advocate, nor am I a member of, or an affiliate of, any political party or organization,~~
4 ~~group, or combination of persons that advocates the overthrow of the government of the United~~
5 ~~States or of this State by force or violence; and that during such time as I am a member of the~~
6 ~~City and Borough of Juneau Municipal Civil Defense organization I will not advocate or become~~
7 ~~a member or affiliate of any organization, group or combination of persons or of any political~~
8 ~~party that advocates the overthrow of the government of the United States or of this State by~~
9 ~~force or violence."~~
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12 **03.25.070 - Lights during blackouts declared public nuisances.**

13 Any light displayed contrary to any order, rule or regulation promulgated pursuant to the
14 provisions of this chapter constitutes a public nuisance, and when deemed necessary in order to
15 protect life or property during blackouts or air raids, the police are authorized and directed to
16 enter upon any premises within the City and Borough, using reasonable force, and extinguish
17 lights or take other necessary action to make effective any order, rule or regulation
18 promulgated under the authority conferred by this chapter.
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21 **03.25.080 - Unauthorized warning or all-clear signals prohibited.**

22 Any unauthorized person who operates a siren or other device so as to simulate a blackout
23 signal or air raid, or the termination of a blackout or air raid, is guilty of a violation of this
24 chapter, and shall be subject to the penalties imposed by this chapter.
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4 **03.25.090 - Conflicting ordinances, orders, rules and regulations suspended.**

5 At all times when the orders, rules and regulations made ~~and promulgated~~ pursuant to this
6 chapter shall be in effect, they shall supersede all existing ordinances, rules, orders and
7 regulations insofar as the latter may be inconsistent therewith.
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10 **03.25.100 - Conflict with state or federal statutes.**

11 This chapter shall not be construed so as to conflict with any state or federal statute, or with
12 any military or naval order, rule or regulation.
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14 **03.25.110 - Municipal or private liability.**

15 (a) This chapter is an exercise by the City and Borough of its governmental functions for the
16 protection of the public peace, health, safety. Consistent with Alaska law, ~~and~~ neither the City
17 and Borough, the agents and representatives of the City and Borough, nor ~~or~~ any individual,
18 receiver, firm, partnership, corporation, association or trustee, or any of the agents thereof, in
19 good faith carrying out, complying with or attempting to comply with, any order, rule or
20 regulation ~~made promulgated~~ pursuant to the provisions of this chapter, shall be liable for any
21 loss or damage sustained to person or property as a result of such activity.
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23 (b) Any person owning or controlling real estate or other premises who voluntarily and without
24 compensation grants to the City and Borough a license or privilege, or otherwise permits the
25 City and Borough to inspect, designate and use the whole or any part, or parts of such real

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2 estate or premises for the purpose of sheltering persons during an actual, impending or practice
3 enemy attack, shall, together with all successors in interest, if any, not be civilly liable for the
4 death of, or injury to, any person or about such real estate or premises under such license,
5 privilege or other permission, or for loss of, or damage to, the property of such person.
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8 **03.25.120 - Emergency declared by governor.**

9 If the governor declares that an ~~a civil defense~~ emergency exists in the event of actual enemy
10 attack upon the United States or the occurrence within the state of a major disaster resulting
11 from enemy sabotage or other hostile action, ~~or~~ natural causes, public health threat, or similar
12 emergency it shall be the duty of the emergency management ~~civil defense~~ organization to
13 cooperate fully with the state ~~civil defense agency~~ and with the governor in the exercise of
14 emergency powers as provided by law.
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16 **03.25.130 - Expenses of civil defense.**

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

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6 **03.25.140 - Emergency locations; governmental powers.**

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

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18 (b) During the period when public business is being conducted at the emergency temporary
19 location, or locations, the governing bodyincluding its boards, commissions, committees—and
20 other officers of the City and Borough shall have and possess, and shall exercise at such
21 location all of the executive, legislative and judicial powers and functions conferred upon such
22 body and officers by or under the Constitution or laws of the state, and the Charter and
23 ordinances of the City and Borough. Such powers and functions may be exercised in the light of
24 the exigencies of the emergency situation without regard to, or compliance with, time
25 consuming procedures and formalities prescribed by rule or ordinance, and all acts of such body

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2 and officers shall be valid and binding as if performed within the territorial limits of their City
3 and Borough.
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5 **03.25.150 – Penalty Violations.**

6 (a) It is unlawful for any person willfully to obstruct, hinder or delay any member of the
7 emergency management civil defense organization in the enforcement of any rule or regulation
8 issued pursuant to this chapter, or do any act forbidden by rule or regulation issued pursuant to
9 this chapter, or do any act forbidden by any rule or regulation issued pursuant to the authority
10 contained in this chapter.
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12 ~~(b) It is likewise unlawful for any person to wear, carry or display any emblem, insignia, or any~~
13 ~~other means of identification as a member of the City and Borough municipal civil defense~~
14 ~~organization unless authority so to do has been granted to such person by the proper officials.~~

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

17 **Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.
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19 Adopted this _____ day of _____, 2020.
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21 _____
Beth A. Weldon, Mayor

22 Attest:
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24 _____
Elizabeth J. McEwen, Municipal Clerk
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