

**CITY OF CORDOVA, ALASKA
EMERGENCY ORDINANCE 1185**

**AN EMERGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF CORDOVA,
ALASKA AMENDING CORDOVA MUNICIPAL CODE CHAPTER 3.45 TO ADD CMC
3.45.090 ENTITLED “EMERGENCY MANDATES,” WHICH REQUIRES COMPLIANCE
WITH EMERGENCY MANDATES ADOPTED BY THE CITY AND IMPOSES A FINE FOR
MANDATE VIOLATIONS**

WHEREAS, The City of Cordova and the State of Alaska have declared a state of emergency due to COVID-19; and

WHEREAS, the City Manager has authority to implement mandates during a declared emergency enacted to preserve public health and safety; and

WHEREAS, the ability to impose fines for violations of any emergency mandates provides the City the tools it needs to enforce emergency mandates when violations arise.

NOW, THEREFORE, THE CITY OF CORDOVA ORDAINS:

Section 1. Emergency Declaration. The Council reiterates its declaration of an emergency in Emergency Ordinance 1184 and acknowledges that the need to codify emergency mandates and the ability for the City to impose a fine for any violation of those mandates constitutes an emergency warranting an emergency ordinance because the City needs the authority to enforce health mandates directly related to an existing emergency, namely the COVID-19 outbreak.

Section 2. Chapter 3.45 of the Cordova Municipal Code is hereby amended to read as follows:

Chapter 3.45 - EMERGENCY MANAGEMENT ORGANIZATION

3.45.010 - Definitions.

As used in this chapter:

"Disaster" means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or nonmilitary manmade cause including, but not limited to, fire, flood, earthquake, landslide, mud slide, wind driven water, weather condition, volcanic activity, epidemic, air contamination, blight, infestation, explosion, riot, equipment failure, or shortage of food, water, fuel or clothing, or the release of petroleum products or a hazardous substance requiring prompt action to avert environmental danger or damage or, civil defense measures to mitigate or respond to acts of war toward the city or the United States of America by any enemy or the agents thereof.

"Disaster emergency" means the condition declared by proclamation of the city manager to designate the imminence or occurrence of a disaster.

3.45.020 - Emergency management organization.

There is established an emergency management organization. The emergency management organization consists of the vice mayor, city manager, chief of police, city clerk, fire marshal, the

chairman of the disaster management team, and others appointed by the mayor and confirmed by the council as necessary. Executive and administrative duties of the emergency management organization are vested in the city manager. The city manager may coordinate and cooperate with the Alaska Division of Homeland Security and Emergency Management for response and relief of unforeseen emergencies and disasters. The city manager may appoint or hire personnel necessary to properly and safely accomplish the purpose of the emergency management organization.

3.45.030 - Purpose.

It is the desire of the city to protect and preserve the lives, health, safety, and well-being of the people living in or visiting the city. To this end, the emergency management organization shall be responsible for implementing the approved emergency operations plan and shall be the liaison agency with the Alaska Division of Homeland Security and Emergency Management.

3.45.040 - Emergency operations plan.

There shall be an emergency operations plan developed jointly with the Alaska Division of Homeland Security and Emergency Management which shall be adopted by ordinance. Major revisions of the plan may be amended by resolution with notification to the Alaska Division of Homeland Security and Emergency Management.

3.45.050 - Interjurisdictional agreements.

The city manager may, with council approval, enter into interjurisdictional agreements with other political subdivisions and the Alaska Division of Homeland Security and Emergency Management, for mutual aid in response to and recovery from disaster emergencies.

3.45.060 - Declaration of disaster emergency.

A local disaster emergency may only be declared by the mayor or the mayor's designee. If the city council is not in session when a disaster emergency proclamation is issued, a special session of the council will be requested to ratify the actions taken under this chapter as soon as conditions attendant to the emergency permit. A disaster emergency proclamation may not be continued or renewed for a period in excess of seven days, except by or with the consent of the city council. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity, and shall be filed with the city clerk and the Alaska Division of Homeland Security and Emergency Management.

3.45.070 - Emergency operations plan—Implementation.

The declaration of a local disaster emergency shall authorize the implementation of the response and recovery aspects of the city emergency operations plan and authorizes the city manager to furnish aid and assistance under such plan.

3.45.080 - Limitation on governmental or private liability.

[Deleted text is ~~stricken through~~; added text is **bold and underlined**]

- (a) This chapter provides for the city to exercise its governmental functions for the protection of the public peace, health and safety. None of the city, the emergency management organization, and any person authorized by the city to engage in emergency response activity, shall be liable for the death or injury of any person or damage to any property as the result of emergency response activity.
- (b) No person owning or controlling real property, who allows the use of that property for emergency response activities shall be held liable for death of, or injury to, any person on or about such real estate resulting from that use.

3.45.090- Emergency mandates.

The City Manager or Council may issue emergency mandates to preserve and protect public peace, health, safety or general welfare during a declared emergency as permitted by law. Failure to comply with an emergency mandate adopted under this chapter is punishable by a fine of up to \$500.00. Upon citation under this section, court appearance is mandatory.

Section 3. Codification. This ordinance is an emergency ordinance, but is permanent in nature, and shall be codified.

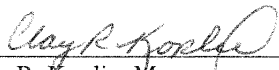
Section 4. Effective Date. This ordinance shall take effect on the day it is enacted.

First Reading: April 8, 2020

Public Hearing and Second Reading: April 13, 2020

PASSED AND APPROVED THIS 13th DAY OF APRIL 2020.




Clay R. Koplin, Mayor

ATTEST:


Susan Bourgeois, CMC, City Clerk

[Affirmative vote of 5 Council members required for passage]

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