

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BOULDER CITY, NEVADA REPEALING BOULDER CITY MUNICIPAL CODE TITLE 2, “DEPARTMENTS,” CHAPTER 8 “OFFICE OF EMERGENCY MANAGEMENT,” AND REPLACING IT WITH A NEW TITLE 1, “ADMINISTRATION,” CHAPTER 10 “EMERGENCY MANAGEMENT” TO UPDATE BOULDER CITY’S EMERGENCY MANAGEMENT ORDINANCE TO COMPORT WITH CURRENT PRACTICE

THE CITY COUNCIL OF BOULDER CITY DO ORDAIN:

Section 1. Boulder City, Nevada, does by this Ordinance hereby repeal Boulder City Municipal Code, Title 2, “Departments,” Chapter 8, “Office of Emergency Management,”¹ and replacing it with Title 1, “Administration”, Chapter 10 “Emergency Management” as shown on **Exhibit A** to update Boulder City’s emergency management ordinance to comport with current practice.

Section 2. VALIDITY. Each section and each provision or requirement of any section of this ordinance shall be considered separable and the invalidity of any portion shall not affect the validity or enforceability of any other portion.

Section 4. PUBLICATION. The City Clerk shall cause this Ordinance to be published in summary on _____ in the Las Vegas Review Journal, a daily newspaper published in Las Vegas, Nevada.

Section 4. EFFECTIVE. This Ordinance shall become effective the ____ day of _____, 2024

DATED and APPROVED this ____ day of _____, 2024.

Joe Hardy, Mayor

ATTEST:

Tami McKay, City Clerk

1 Editor’s Note: Title 2, Chapter 8 will henceforth read “Reserved” with an Editor’s note stating as follows “Ordinance No. XXXX adopted [insert], repealed the former Title 2, Chapter 8 in its entirety and replaced with Title 1, Chapter 10. “

Bill No. 2062
Introduced by: Sherri Jorgensen

The foregoing Ordinance was first proposed and read by title to the City Council on the _____, which was a regular meeting; thereafter, on the _____, a regular meeting was held and the proposed Ordinance was adopted by the following vote:

VOTING AYE: _____

VOTING NAY: _____

ABSENT: _____

DATED and APPROVED this ____ day of _____, 2024.

Joe Hardy, Mayor

ATTEST:

Tami McKay, City Clerk

Chapter 10 EMERGENCY MANAGEMENT

1-10-1. TITLE.

This Chapter is known as the Emergency Management Ordinance.

1-10-2. PURPOSE.

This Chapter is enacted to provide the framework necessary for the development of a comprehensive emergency management plan to provide for the safety and welfare of the people and the protection of their property within the City in a natural or manmade disaster.

1-10-3. DEFINITIONS.

As used in this chapter:

DISASTER: an occurrence or threatened occurrence for which, in the determination of the Governor, the assistance of the Federal Government is needed to supplement the efforts and capabilities of state agencies to save lives, protect property and protect the health and safety of persons in this state, or to avert the threat of damage to property or injury to or the death of persons in this state.

EMERGENCY: an occurrence or threatened occurrence for which, in the determination of the Governor, the assistance of state agencies is needed to supplement the efforts and capabilities of political subdivisions to save lives, protect property and protect the health and safety of persons in this state, or to avert the threat of damage to property or injury to or the death of persons in this state.

EMERGENCY MANAGEMENT: the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to minimize injury and repair damage resulting from emergencies or disasters caused by enemy attack, sabotage or other hostile action, by fire, flood, earthquake, storm or other natural causes, or by technological or man-made catastrophes, including, without limitation, a crisis involving violence on school property, at a school activity or on a school bus. These functions include, without limitation: the provision of support for search and rescue operations for persons and property in distress; and organized analysis, planning and coordination of available resources for the mitigation of, preparation for, response to or recovery from emergencies or disasters.

NEXT LAWFUL MEETING: The first regular or special meeting of the City Council at which the desired action may be duly noticed and taken in accordance with NRS Chapter 241, without utilizing the emergency provisions under such chapter.

1-10-4. DIRECTOR OF EMERGENCY MANAGEMENT.

The Director of Emergency Management for the City of Boulder City may be appointed by the City Manager as an additional assignment of an existing Department Head, or may be a hired position if authorized by City Council.

1-10-5. DIRECTOR OF EMERGENCY MANAGEMENT—DUTIES AND RESPONSIBILITIES.

- A. The Director of Emergency Management is responsible for emergency management for the City in accordance with the State's plan and program for emergency management, and for the organization, administration, and operation of the City's plan for emergency management subject to the direction and control of the City Manager.
- B. The Director of Emergency Management is authorized to petition, acquire, and accept funds from the United States Government or any agency or office thereof, or from the State of Nevada, for emergency management purposes, as provided in the provision of NRS 414.130.
- C. The Director of Emergency Management is responsible, in collaboration of other public and private agencies within the State, to develop or cause to be developed, arrangements for mutual aid or assistance in case of disaster too great to be dealt with unassisted. Mutual aid agreements shall be subject to approval by the City Council of the City of Boulder City and shall be consistent with the State's plan and program for Emergency management, and in time of emergency each local organizations for emergency management shall render assistance in accordance with the provisions of such agreements.
- D. The Director of Emergency Management shall perform and exercise other such functions, powers and duties as are necessary to promote and secure public safety and protection within the territorial limits of the City of Boulder City and, in addition, shall conduct such functions outside the territorial limits of the City as may be required pursuant to the provisions of NRS Chapter 414.

1-10-5. EMERGENCY MANAGEMENT COUNCIL—MEMBERS.

There is created the Boulder City Emergency Management Council, which shall consist of the following:

- A. The Director of Emergency Management, who is Chair of the Council.
- B. An Emergency Management Coordinator appointed by the City Manager, who is Vice-Chair of the Council, will act as Chair in the absence of the Director of Emergency Management.
- C. Department heads of various departments, as appointed by the City Manager that may have key emergency responsibilities to the city government.

1-10-6. EMERGENCY MANAGEMENT COUNCIL—POWERS AND DUTIES.

- A. The Emergency Management Council shall make recommendations for the adoption of an emergency operations plan for the City of Boulder City in compliance with the requirements of NRS Chapter 414 and the adoption or approval of all mutual aid plans and agreements that are deemed essential for the implementation of such emergency management plan.
- B. The duties of the Emergency Management Council shall also include a continuing study of the need for amendments and improvements to the emergency operations plan.
- C. The Emergency Management Council shall meet upon the call of the Chair.

1-10-8. DECLARATION OF EMERGENCY.

- A. In accordance with NRS Chapter 241, and Section 16.3 of the City Charter, the Mayor or a majority of the members of the City Council may call an emergency meeting. If it is determined that a state of emergency exists, the City Council shall declare in writing that a state of emergency exists and shall publicize, by a method deemed appropriate by Council, the existence of the emergency. If circumstances prohibit timely action by the Council, the Mayor, Mayor Pro Tempore or City Manager may declare a state of emergency as follows.

-
1. The Mayor may declare a state of emergency and seek the ratification of that declaration by a majority of the City Council at the next lawful meeting. If the City Council fails to ratify the action of the Mayor, the state of emergency ceases to exist.
 2. If the Mayor is unavailable, then the Mayor Pro Tempore may declare a state of emergency and seek the ratification of that declaration by a majority of the City Council at the next lawful meeting. If the City Council fails to ratify the action of the Mayor Pro Tempore, the state of emergency ceases to exist.
 3. If the Mayor and the Mayor Pro Tempore are both unavailable, then the City Manager may declare a state of emergency and seek the ratification of that declaration by a majority of the City Council at the next lawful meeting. If the City Council fails to ratify the action of the City Manager, the state of emergency ceases to exist.
- B. The City Council or City Manager shall terminate the state of emergency when the emergency no longer exists or the threat of an emergency has passed.

1-10-9. EMERGENCY POWERS OF CITY MANAGER.

- A. At the inception of and during a disaster or emergency, the City Manager or his/her designee:
1. Shall oversee the implementation of the emergency operations plan and may direct and control such other City employees as are required to implement the plan from the emergency operation center;
 2. May, through requisition or contract with private parties or other government entities, obtain vital services, supplies and equipment needed to protect life and property and implement the plan; and may bind the City for the value thereof without being required to comply with the normal purchasing procedures, if compliance with those procedures would unreasonably hamper or impair the implementation the plan; and
 3. May, suspend the licensing requirements for persons whose services are required for implementation of the emergency management plan.
- B. The emergency powers granted the City Manager under this section may be revoked, limited, or restricted by order of the City Council.

1-10-10. EMERGENCY MEASURES TO MAINTAIN PEACE AND ORDER.

If a declared state of emergency exists within the City, the City Council may, if it deems it necessary to maintain peace and protect the public order and enforce the measures listed in this section. If circumstances prohibit the timely action of the City Council, the City Manager may, under the same circumstances, order the emergency measures listed below and shall report his or her actions to the City Council at its next lawful meeting. During the existence of a state of emergency, to the full extent permitted by laws, including in the exercise of any delegation of authority by the Governor of the State of Nevada, the City Council or, if authorized by the City Council or in the event that circumstance prohibit the timely action of City Council, the City Manager may:

- A. Establish a curfew for the area designated as an emergency area which fixes the hours during which persons other than officially authorized personnel may be upon the public streets or other public places;
- B. Prohibit or limit the number of persons who may gather or congregate upon any public street, public place or any outdoor place within the area designated as an emergency area;
- C. Barricade streets and roads, as well as access points onto streets and roads, and prohibit or restrict vehicular or pedestrian traffic in the area;

-
- D. Prohibit the sale, distribution or giving away of gasoline or any other flammable or combustible product in any container except a gasoline tank properly affixed to a motor vehicle, or a type of container generally used in connection with normal home use or legitimate commercial use;
 - E. Order the closing of all or portions of gasoline stations and other establishments that sell, distribute, or dispose of liquid flammables or combustible products;
 - F. Order the closing of retail intoxicating liquor stores;
 - G. Prohibit the sale of intoxicating beverages;
 - H. Prohibit the sale, distribution or giving away of firearms or ammunition;
 - I. Order the closing of any or all establishment or portions thereof which sell, distribute, dispense or give away firearms, ammunition or explosives;
 - J. Enter into contracts and incur obligations necessary to mitigate, respond to, or recover from emergencies or disasters to the full extent permitted under NRS 414.090(2);
 - K. Commit to mutual aid agreements and seek the ratification of that agreement by a majority of the City Council at the next lawful meeting. If the City Council fails to ratify the agreement, the duration of the agreement will terminate as of the date the state of emergency ceases to exist.
 - L. Perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population.

1-10-12. CONTINUITY OF GOVERNMENT.

- A. In order to continue governmental functions, it is necessary to establish replacements for key positions. The following positions are considered key positions in emergency management, and any absences and vacancies will be filled by the person holding the title indicated or, if the title indicated does not correspond with an existing position, by the person holding the functionally equivalent position under a different title, in order as follows or as assigned by the City Manager or Director of Emergency Management:
 - 1. City Manager—Absence or vacancy filled as set forth in the City Charter.
 - 2. Mayor Absence or vacancy filled by: Mayor Pro Tempore or designee.
 - 3. Chief of Police—Absence or vacancy filled by: Deputy Police Chief or designee.
 - 4. Fire Chief—Absence or vacancy filled by: Deputy Fire Chief or designee.
 - 5. Director of Public Works—Absence or vacancy filled by: City Engineer or designee.
 - 6. Director of Utilities - Absence or vacancy filled by: City Engineer or designee.
 - 7. City Attorney - Absence or vacancy filled as set forth in the City Charter.
 - 8. City Clerk - Absence or vacancy filled by Deputy City Clerk.
 - 9. Other Department—Vacancies to be filled by appointment by the City Manager as necessary.
- B. Any person filling a vacancy pursuant to this section shall hold such position as "Acting (title)" until the position is duly filled in accordance with any applicable law.