

Ordinance No. 859

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING SECTION 2-02-040 "POWERS AND DUTIES OF THE MAYOR" IN ARTICLE 2-02 "MAYOR" IN CHAPTER 2 "MAYOR AND COUNCIL" OF THE TOWN CODE TO CLARIFY THAT IN DECLARING LOCAL EMERGENCIES THE MAYOR MAY OPEN PUBLIC OPEN SPACES OR EASEMENTS AND AUTHORIZE OPENING OF GATES AND BREACHING OF FENCES ON PRIVATE PROPERTY FOR PUBLIC EVACUATION PURPOSE; PROVIDING THAT ALL OTHER SECTIONS OF THE TOWN CODE, NOT HEREIN AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, in light of local and national events where wildfire has moved quickly to endanger life and property Town staff has met with counterparts in Yavapai County to discuss ways to enhance local planning for large-scale emergency evacuations as part of overall cooperation with Yavapai County Emergency Management in planning activities per ARS §26-308 and related federal statutes and rules; and

WHEREAS, Section 8-1 of the Prescott Valley Disaster Response Plan and Guides provides plans for public evacuations in the event of various emergencies, but wind-driven grassfire and similar emergencies may potentially require multiple emergency access routes besides established roads and highways; and

WHEREAS, in accordance with ARS §26-311, the Mayor is authorized in Town Code §2-02-040(G) to declare local emergencies and take various actions after declaring such emergencies; and

WHEREAS, in addition to enhancing current emergency evacuation plans it is now proposed to clarify that the Mayor may authorize staff to open up identified public spaces and easements for emergency evacuation purposes and (where necessary under a declared emergency) to authorize opening of available gates and fenced areas in private areas for evacuation purposes; and

WHEREAS, the Town Council considered such plans and this proposal in a Work-Study session held on January 17, 2019 and directed staff to move forward with implementation;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

SECTION ONE. That Section 2-02-040 “Powers and Duties of the Mayor” in Article 2-02 “MAYOR” in Chapter 2 “MAYOR AND COUNCIL” of the Town Code of the Town of Prescott Valley, Arizona, is hereby amended to read as follows:

2-02-040 Powers and Duties of the Mayor.

The powers and duties of the Mayor shall include the following:

...

G. He may, by proclamation, declare a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing or any other natural or man-made calamity or disaster, or in the event of the threat or occurrence of riot, rout or affray or other acts of civil disobedience, which endanger life or property within the Town. After declaration of such emergency, the Mayor shall govern by proclamation and impose all necessary regulations to preserve the peace and order of the Town, including, but not limited to:

1. Imposition of a curfew in all or any portion of the Town.
2. Ordering the closing of any business.
3. Closing to public access any public building, street or other public place.
4. Opening to public access any public open spaces or easements, and authorizing opening of gates and breaching of fences on private property, for public evacuation purposes.
45. Calling upon regular or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance.

...

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 491, Amended, 10/26/00, Ord. No. 851, Amended, 10/11/18; Ord. No. 859, Amended, 02/28/19)

SECTION TWO. That all other Sections of the Town Code, not herein amended, shall remain in full force and effect.

SECTION THREE. That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

SECTION FOUR. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 28th day of February, 2019.



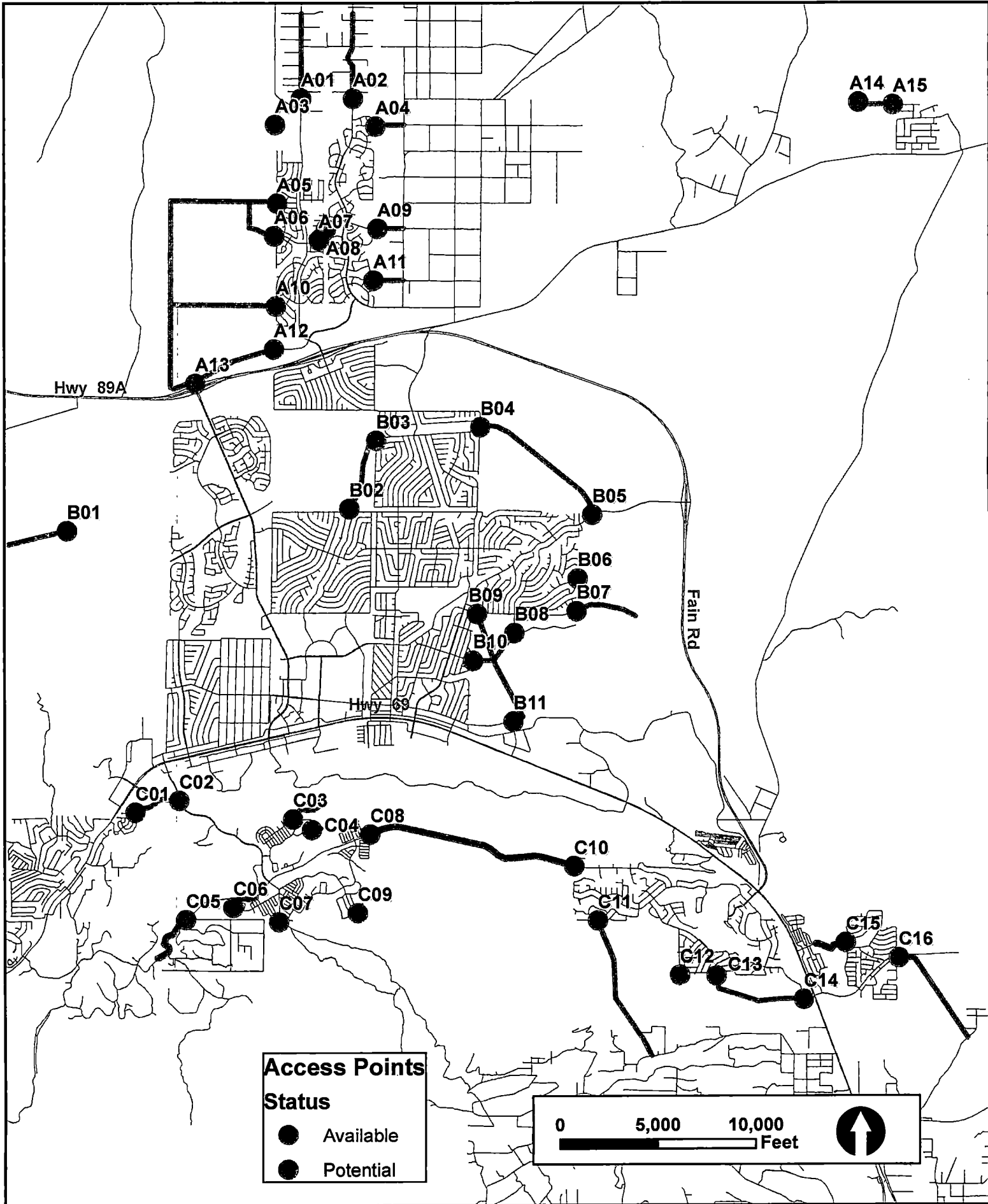
Kell Palguta, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney





YAVAPAI COUNTY
Office of Emergency Management
1100 Commerce Drive, Prescott, Arizona 86305
Phone (928) 771-3321
Fax (928) 771-3323
www.regionalinfo-alert.org



February 5, 2019

Gary Davis
Planner
Town of Prescott Valley
7501 E Skoog Blvd
Prescott Valley, AZ 86314

RE: Town of Prescott Valley Emergency Access Program

Dear Mr. Davis,

The Yavapai County Office of Emergency Management is providing this letter of support for the efforts made by the Town to establish and document emergency access locations throughout your community. Any planning efforts made to recognize locations of existing emergency access locations, as well as to consider and define additional locations for the benefit of the public is of significant value. Making additional efforts to help educate the public of the planning and the program is certainly supported, as well. Your work to improve the safety of a community and its citizenry is commended.

Thank you, and please let me know of questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Sauntman".

Ron Sauntman, M.S.
Emergency Manager
Yavapai County Office of Emergency Management
928.771.3321 or 928.301.9640



PRESOTT VALLEY POLICE DEPARTMENT

7601 E. Civic Circle - Prescott Valley, AZ 86314
Phone: 928.772.9261 • Fax: 928.772.2700

Town of Prescott Valley, Town Council
7501 E. Skoog Blvd
Prescott Valley, Arizona 86314

January 31, 2019

Dear members of Town Council,

I write this correspondence to indicate my full support for the Red Gate Program and the associated proposed ordinance. As a member of the law enforcement community, I advocate for any measure that will allow us to better serve our residents, especially one that helps me achieve our primary responsibility, the safety and welfare of our citizens.

I was involved with the Goodwin wildland fire in 2017, as well as the Viewpoint fire in 2018. These incidents made me aware of the importance of having viable, trustworthy methods of emergency egress of neighborhood residents during a crisis event.

I encourage all members of Council to support the proposed ordinance that will make our residents safer.

Respectfully submitted,

Bryan A. Jarrell
Chief of Police

PROFESSIONALISM

VIGILANCE

PRIDE

DEDICATION