

ORDINANCE NO. 2388

AN ORDINANCE OF THE CITY OF CHULA VISTA REPEALING AND RE-ENACTING CHAPTER 2.09, AND AMENDING, REPEALING, AND RENUMBERING VARIOUS SECTIONS OF CHAPTER 2.10 OF THE CHULA VISTA MUNICIPAL CODE TO CREATE THE DEPARTMENTS OF POLICE AND FIRE AND ABOLISH THE DEPARTMENT OF PUBLIC SAFETY

WHEREAS, the functions of the fire prevention and suppression and law enforcement have heretofore, for the last ten years, more or less, been consolidated within the Department of Public Safety, and administered by the Director of Public Safety; and

WHEREAS, the City Council believes that the functions of the fire prevention and suppression and law enforcement, as are currently required in the City of Chula Vista, have sufficiently grown to to the point that the fire prevention and suppression function would be better performed if separated from the function of aw enforcement; and

WHEREAS, towards accomplishing that purpose, the City Council has recently confirmed the appointment of a new Fire Chief; and

WHEREAS, it is now appropriate to abolish the Department of Public Safety and separately provide for same by ordinance.

NOW, THEREFORE, the City Council of the City of Chula Vista does hereby ordain as follows:

SECTION I: Chapter 2.09 of the Chula Vista Municipal Code is repealed.

SECTION II: A new Chapter 2.09 is hereby enacted to read as follows:

CHAPTER 2.09 POLICE DEPARTMENT.

Sec. 2.09.010 Established - Purpose.

There is established, pursuant to Charter Section 501, a Police Department, which shall have the responsibility for the prevention and suppression of crime within the corporate limits of the City. The Department shall have all those powers and duties assigned by the City Charter, this Municipal Code, laws of the state not inconsistent with the City Charter, and as may be assigned by the City Manager or City Council.

Sec. 2.09.020 Chief - Duties and Responsibilities.

The Police Department shall be under the supervision of the Police Chief, which office shall be the department head in the unclassified city service pursuant to Charter Section 501. The Police Chief shall have the following duties and responsibilities;

- A. The Police Department shall be administered by the Police Chief as same may be, from time to time, directed by the City Manager. The Police Chief shall be appointed by and shall report to, the City Manager.
- B. The Police Chief shall, personally and through the direction and use of the human, tangible and intangible resources of the City assigned to the Police Department, protect and serve the City of Chula Vista, and its citizens, residents, and inhabitants, and shall enforce the Constitution and laws of the United States, the Constitution and laws of the State of California, and the Charter and ordinances of the City of Chula Vista, and the rules, regulations, and policies of the City of Chula Vista ("Laws"). The aforementioned Laws are listed in order or priority so that, in the event that there may be an irreconcilable conflict between the Laws, it shall be the duty of the Police Chief to enforce the Law first mentioned.
- C. Be the appointing power for all positions provided by the City Council for the department, as provided in Charter Section 507, subject to City Manager approval.
- D. The Police Chief shall, at the request of the City Council or the City Manager, and to the extent not inconsistent with, or in violation of, any Laws, provide such advice, reports, surveys, and recommendations relative to police matters, security, enforcement of Laws, and any other matters as may, from time to time, be requested of his office or the Police Department.

SECTION III: Section 2.10.010 of the Chula Vista Municipal Code is hereby amended to read as follows:

Sec. 2.10.010 Established - Purpose.

There is established pursuant to Charter Section 501 a Fire Department, which shall have the responsibility for preventing and suppressing fire within the corporate limits of the City. The department shall have all those powers and duties assigned by the City Charter, this Municipal Code, laws of the state not inconsistent with the City Charter, and as may be assigned by the City Manager or City Council.

SECTION IV: Section 2.10.020 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 2.10.020 Fire Chief-Duties and Responsibilities.

The Fire Department shall be under the supervision of the Fire Chief which office shall be the department head, in the unclassified city service pursuant to Charter Section 501. The Fire Chief shall have the following duties and responsibilities:

- A. The Fire Department shall be administered by the Fire Chief as same may be, from time to time, directed by the City Manager. The Fire Chief shall be appointed by and shall report to the City Manager.
- B. The Fire Chief shall, personally and through the direction and use of the human, tangible and intangible resources of the City assigned to the Fire Department, protect the City of Chula Vista, and its citizens, residents and inhabitants, and its property and improvements, and, to the extent of their capability, provide such fire prevention and suppression services and emergency medical services needed to provide protection to life and property.
- C. The Fire Chief, or designee, shall have full power to control, and full command over, all persons at and as to fires occurring within the corporate limits of the city, and shall station the engines and apparatus and see that all persons belonging to the fire department do the duties prescribed to them.
- D. The Fire Chief, or designee, shall at all times have complete control and supervision over all fire extinguishing apparatus belonging to the City and shall have complete control and supervision over all buildings or rooms used for fire department purposes.
- E. The Fire Department of the City shall, under the direction of the fire department officer in charge, cut down or remove any building, erection or fence for the purpose of checking the progress of a fire.
- F. Be the appointing power for all positions provided by the City Council for the department, as provided in City Charter Section 507, subject to City Manager approval.
- G. The Fire Chief shall have the discretion to adopt all prudent measures for the prevention of fires, and for this purpose may, as often as deemed proper, enter into any houses, buildings, lots, yards or premises within the City and examine such houses, buildings, lots, yards or premises, or any apparatus belonging to any building or premises, and give directions for their alteration, change, better management or removal in accordance with the procedure set forth in Section 1.16.010.

H. The Fire Chief, shall, at the request of the City Council or the City Manager, and to the extent not inconsistent with, or in violation of, any Laws, provide such advice, reports, surveys, and recommendations relative to fire and paramedic matters, and other matters as may, from time to time, be requested of his office or the Fire Department.

SECTION V: Section 2.10.030 of the Chula Vista Municipal Code is hereby repealed.

SECTION VI: Section 2.10.040 of the Chula Vista Municipal Code is hereby amended to read as follows:

Sec. 2.10.040 Fire Chief-Duty of citizens to assist.

Any person who shall resist or hinder the Fire Chief in the performance of duties or shall fail when asked to assist, shall be guilty of a violation of this chapter.

All directions given by the Fire Chief under the authority of this Chapter shall be complied with by the persons directed in that regard and at their expense and any person failing to comply with such directions shall be guilty of a violation of this chapter.

SECTION VII: Section 2.10.050 of the Chula Vista Municipal Code is hereby amended to read as follows:

Sec. 2.10.050 Fire Chief-Officers to act in absence.

In the absence of the Fire Chief from any fire or other emergency occurring within the corporate limits of the City, the officer of the Fire Department designated by the Fire Chief present at the scene of the fire or other emergency to which the Fire Department resources are dispatched shall be in charge as to the assigned emergency, and shall have the same powers and perform the same duties as the Fire Chief.

SECTION VIII: Sections 2.10.060, 2.10.070, 2.10.080, 2.10.090, and 2.10.100 of the Chula Vista Municipal Code are repealed, and/or numbered..

SECTION IX: Section 2.10.090 of the Chula Vista Municipal Code is renumbered and amended to read:

Sec. 2.10.060 Fire guard-Composition-Duties-
Obedience required.

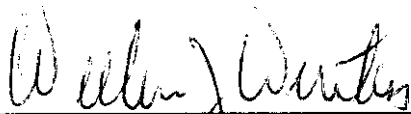
At all fires occurring within the city, the Fire Chief or Police Chief and all fire personnel and police officers shall act as a fire guard

under the direction of the officer of the fire department in charge. It shall be the duty of the fire guard to keep all idle and suspected persons from the fire and its vicinity and to use all proper measures within their power to protect life and property. Any person failing to comply with either of their directions shall be guilty of a violation of this article.

SECTION X: Section 2.10.100 of the Chula Vista Municipal Code is renumbered as Section 2.10.070.

Presented by

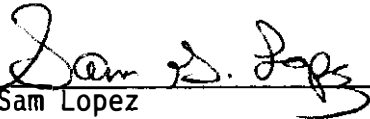
Approved as to form by



William J. Winters
Chief of Police



D. Richard Rudolf
Asst. City Attorney



Sam Lopez
Fire Chief

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 14th day of August, 1990, by the following vote:

AYES: Councilmembers: Malcolm, Moore, Nader, Cox

NOES: Councilmembers: None

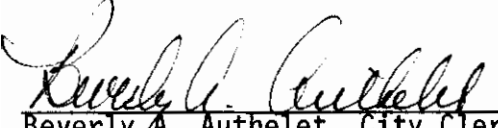
ABSENT: Councilmembers: McCandliss

ABSTAIN: Councilmembers: None



Gregory R. Cox, Mayor

ATTEST:



Beverly A. Authalet, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, Beverly A. Authalet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2388 had its first reading on August 7, 1990, and its second reading and adoption at a regular meeting of said City Council held on the 14th day of August, 1990.

Executed this 14th day of August, 1990.



Beverly A. Authalet, City Clerk