

CITY OF Orchard

CITY ORDINANCE

**ESTABLISHING AN
EMERGENCY MANAGEMENT PROGRAM**

Ordinance No. 73-2005

An ordinance establishing a program of comprehensive emergency management; acknowledging the office of Emergency Management Director; authorizing the appointment of an Emergency Management Coordinator; and providing for the duties and responsibilities of those offices; identifying an operational organization; granting necessary powers to cope with all phases of emergency management which threaten life and property in the City of Orchard; authorizing cooperative and mutual aid agreements for relief work between this and other cities and counties and for related purposes.

WHEREAS, the City Council of Orchard finds that the identification of potential hazards and the prevention or mitigation of their effects must be an on-going concern of the County if the lives and property of the populace are to be protected; and

WHEREAS, the City Council declares that the preparation of a Comprehensive Emergency Management Plan, and the means for it's implementation, for the protection of lives and property in City of Orchard from natural or man-caused disasters or threat thereof is immediately essential; and

WHEREAS, the City Council further finds that in times of disasters which may imperil the safety of the inhabitants of the County, or their property, it becomes necessary to effectuate and place into operation the preconceived plans and preparations with a minimum of delay; and

WHEREAS, the City Council finds, therefore, that the preparation, and implementation of such plans are now imperative; *be it ordered, adjudged and decreed by the City Council of the City of Orchard, Texas:*

Section 1. ORGANIZATION

There exists the office of Emergency Management Director of the City of Orchard, which shall be held by the Mayor in accordance with state law.

- (a) An Emergency Management Coordinator may be appointed by and serve at the pleasure of the Director;
- (b) The Director shall be responsible for a program of comprehensive emergency management within the City and for carrying out the duties and responsibilities set forth in this ordinance. He/she may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the Director.

- (c) The operational Emergency Management organization of the City of Orchard shall consist of the officers and employees of the City so designated by the Director in the emergency management plan, as well as organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan.

Section 2. EMERGENCY MANAGEMENT DIRECTOR - POWERS AND DUTIES

The duties and responsibilities of the Emergency Management Director shall include the following:

- (a) Surveying actual or potential hazards that threaten life and property within the City and identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.
- (b) Supervision of the development and approval of an emergency management plan for the City of Orchard, and shall recommend for adoption by the City Council all mutual aid arrangements deemed necessary for the implementation of such plan.
- (c) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of 7 days except by or with the consent of the City Council. Any order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
- (d) Issuance of necessary proclamations, regulations or directives which are necessary for carrying out the purposes of this ordinance. Such proclamations, regulations, or directives shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the City Secretary.
- (e) Direction and Control of the operations of the City of Orchard Emergency Management organization as well as the training of emergency management personnel.
- (f) Determination of all questions of authority and responsibility that may arise within the emergency management organization of the City.
- (g) Maintenance of the liaison with other municipal, county, district, state, regional or federal emergency management organizations.
- (h) Marshaling of all necessary personnel, equipment or supplies from any department of the City to aid in the carrying out of the provisions of the emergency management plan.

- (i) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the County in which said City is located in and with other municipalities within the County, for the county-wide coordination of emergency management efforts.
- (j) Supervision of, and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the City.
- (k) Authorizing of agreements, after approval of the City Attorney, for use of private property for public shelter and other purposes.
- (l) Surveying the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for herein.
- (m) Other requirements as specified in the Texas Disaster Act, (Chapter 418, Government Code).

Section 3. EMERGENCY MANAGEMENT PLAN

A comprehensive Emergency Management Plan shall be developed and maintained in a current state. The plan shall set forth the form of the organization, establish and designate divisions and functions, assign responsibilities, tasks, duties, and powers, and designate officers and employees to carry out the provisions of this order. As provided by state law, the plan shall follow the standards and criteria established by the Governor's Division of Emergency Management of the State of Texas. Insofar as possible, the form of organization, titles and terminology shall conform to the to the recommendations of the Governor's Division of Emergency Management. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this ordinance and have the effect of law during the time of a disaster.

Section 4. INTERJURISDICTIONAL PROGRAM

The Mayor is hereby authorized to join with the County Judge of Fort Bend County and the Mayors of other cities in said County in the formation of interjurisdictional emergency management program for the Fort Bend County, and shall have the authority to cooperate in the preparation of an interjurisdictional emergency management plan as well as have all powers necessary to participate in a county-wide program of emergency management insofar as said program may affect the City of Orchard.

Section 5. OVERRIDE

At all times when the orders, rules and regulations made and promulgated pursuant to this ordinance shall be in effect, they shall supercede and override all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

Section 6. LIABILITY

This order is an exercise by the City of its governmental functions for the protection of the public peace, health, and safety and neither the City of Orchard, the agents and representatives of said City, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof in good faith carrying out, complying with or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this ordinance shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation, grants to the City of Orchard a license of privilege, or otherwise permits the City to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack or natural or man-made disaster shall, together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person.

Section 7. COMMITMENT OF FUNDS

No person shall have the right to expend any public funds of the City in carrying out any Emergency Management activity authorized by this ordinance without prior approval of the City Council, nor shall any person have any right to bind the City by contract, agreement, or otherwise without prior and specific approval of the City Council unless during a declared disaster. During a declared disaster, the Mayor may expend and/or commit public funds of the City when deemed prudent and necessary for the protection of health, life, or property.

Section 8. OFFENSES; PENALTIES

- (a) It shall be unlawful for any person to willfully obstruct, hinder, or delay any member of the Emergency Management organization in the enforcement of any rule or regulation issued pursuant to this ordinance.
- (b) It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia, or any other means of identification as a member of the Emergency Management organization of City of Orchard, unless authority to do so has been granted to such person by the proper officials.
- (c) Convictions for violations of the provisions of this order shall be punishable by fine not to exceed 250.00 dollars (\$ 250.00).

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Section 9. SEVERABILITY

If any portion of this ordinance shall, for any reason, be declared invalid, such invalidity shall not affect the remaining provisions thereof.

Section 10. LIMITATIONS

This ordinance shall not be construed so as to conflict with any State or Federal statute or with any military or naval order, rule, or regulation.

Section 11. REPEALER

All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

READ AND APPROVED on first reading this the 13th day of April,
2005.

READ AND APPROVED on second reading this the _____ day of _____,
20____.

Rod Parlock - Mayor Pro-Tem
Eugene L. Demny, Mayor
City of Orchard, Texas

ATTEST:

Kayla K. Villagomez
City Secretary- Kayla K. Villagomez