

Chapter 10

EMERGENCY MANAGEMENT*

Art. I. In General, §§ 10-1--10-25

Art. II. Emergency Management Agency, §§ 10-26--10-37

ARTICLE I. IN GENERAL

Sec. 10-1. Penalty.

Unless stated otherwise, violations of this chapter shall be punished as provided in section 1-8.

Secs. 10-2--10-25. Reserved.

ARTICLE II. EMERGENCY MANAGEMENT AGENCY**

Sec. 10-26. Liability under article.

This article is an exercise by the city of its governmental functions for the protection of the public peace, health and safety, and neither the city, the agents and representatives of the 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 article, shall be liable for any damage sustained to persons as the result of such activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the city a license or 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 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. (Code 1963, Ch. 4, art. 1, § 9 [Ord. No. 81-65, § 9, 12-22-81])

Sec. 10-27. Composition of organization.

The operational emergency management organization of the city shall consist of the officers and employees of the city so designated by the director in the emergency management plan, as well as all 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. Such plan shall set forth the form of the organization, establish and designate divisions and functions, assigns tasks, duties and powers, and designate officers and employees

***Cross reference**—Administration, Ch. 2; emergency actions by city officers and employees, § 2-31.

State law reference—Emergency management, V.T.C.A., Government Code § 418.001 et seq.

****State law reference**—Local emergency management agencies, V.T.C.A., Government Code § 418.001 et seq.

to carry out the provisions of this article. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the state division of emergency management of the state and of the federal government. (Code 1963, Ch. 4, art. 1, § 5 [Ord. No. 81-65, § 5, 12-22-81])

Sec. 10-28. Cooperation within county.

The mayor is hereby authorized to join with the county judge and the mayors of the other cities in this county in the formation of an emergency management council for the county and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of a joint emergency management coordinator, as well as all powers necessary to participate in a countywide program of emergency management insofar as such program may affect the city. (Code 1963, Ch. 4, art. 1, § 3 [Ord. No. 81-65, § 3, 12-22-81])

Sec. 10-29. Emergency management director and coordinator generally.

There exists the office of emergency management director of the city, which shall be held by the mayor in accordance with state law.

- (1) An emergency management coordinator may be appointed by and serve at the pleasure of the director.
- (2) The director shall be responsible for conducting a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in section 10-31. He may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the director. ([Ord. No. 81-65, § 1, 12-22-81], Ch. 4, art. 1, § 1)

Sec. 10-30. Powers and duties of director generally.

The powers and duties of the director shall include an on-going survey of actual or potential major hazards which threaten life and property within the city; and an on-going program of 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. As part of his responsibility in hazard mitigation, the director shall supervise the development of an emergency management plan for the city, and shall recommend that plan for adoption by the city council along with any and all mutual aid plans and agreements which are deemed essential for the implementation of such emergency management plan. The powers of the director shall include the authority to declare a state of disaster, but such action may be subject to confirmation by the city council at its next meeting. The duties of the director shall also include the making of a survey of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for herein, as well as a continuing study of the need for amendments and improvements in the emergency management plan. (Code 1963, Ch. 4, art. 1, § 2 [Ord. No. 81-65, § 2, 12-22-81])

Sec. 10-31. Duties, responsibilities of director enumerated.

The duties and responsibilities of the emergency management director shall include the following:

- (1) The direction and control of the actual disaster operations of the county emergency management organization as well as the training of emergency management personnel.
 - (2) The determination of all questions of authority and responsibility that may arise within the emergency management organization of the city.
 - (3) The maintenance of necessary liaison with other municipal, county, district, state, regional, federal or other emergency management organizations.
 - (4) The marshaling, after declaration of a disaster as provided for above, 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.
 - (5) The issuance of all necessary proclamations as to the existence of a disaster and the immediate operational effectiveness of the city emergency management plan.
 - (6) The issuance of reasonable rules, regulations or directives which are necessary for the protection of life and property in the city. Such rules and regulations shall be filed in the office of the city secretary and shall receive widespread publicity unless publicity would be of aid and comfort to the enemy.
 - (7) The 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 the city is located and with other municipalities within the county, for the countywide coordination of emergency management efforts.
 - (8) The 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.
 - (9) The authorizing of agreements, after approval by the city attorney, for use of private property for public shelter and other purposes.
- (Code 1963, Ch. 4, art. 1, § 4 [Ord. No. 81-65, § 4, 12-22-81])

Sec. 10-32. Precedence of emergency orders, rules, etc.

At all times when the orders, rules and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede and override all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith. (Code 1963, Ch. 4, art. 1, § 7 [Ord. No. 81-65, § 7, 12-22-81])

Sec. 10-33. Conflicts with law, rules, regulations.

This article shall not be construed so as to conflict with any state or federal statute or with any military or naval order, rule or regulation. (Code 1963, Ch. 4, art. 1, § 8 [Ord. No. 81-65, § 8, 12-22-81])

Sec. 10-34. Approval of expenditures, contracts, etc., by city council.

No person shall have the right to expend any public funds of the city in carrying out any emergency management activity authorized by this article without prior approval by 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. (Code 1963, Ch. 4, art. 1, § 10 [Ord. No. 81-65, § 10, 12-22-81])

Sec. 10-35. Unlawful acts enumerated.

It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this article, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this article. (Code 1963, Ch. 4, art. 1, § 11 [Ord. No. 81-65, § 11, 12-22-81])

Sec. 10-36. Oaths required.

Each employee or any individual that is assigned a function or responsibility under this article shall solemnly swear or affirm to support and defend the Constitution of the United States, laws of the state and the ordinances of the city. (Code 1963, Ch. 4, art. 1, § 12 [Ord. No. 81-65, § 12, 12-22-81])

Sec. 10-37. Orders by mayor upon declaration of local disaster or emergency.

(a) Pursuant to Texas Government Code Section 418.108, City Ordinance No. 81-65 (adopting and approving the emergency management base plan), and the Code of Ordinances of the city, the mayor of the city is authorized to declare the existence of a local state of disaster or emergency. Such a declaration shall be effective for not more than seven (7) days, subject to city council modification, extension and/or vacation. A suggested form for such a declaration and proclamation is appended to Ordinance No. 95-23 and incorporated in this section by reference, but is not intended to prohibit the use of any other form which may be available at the time of the disaster or emergency.

(b) Upon declaring a local state of disaster or emergency, the mayor is further authorized to implement the following provisions, as conditions may require, by mayoral proclamation:

- (1) *Curfew.* To proclaim it unlawful for any person, without proper authority, to be upon the public streets or rights-of-way within the city between the hours of 8:00 p.m. and 6:00 a.m. the following morning. Such curfew may be imposed either city-wide or be limited to a particular defined area(s) of the city most affected by the disaster or emergency, as specified in the mayor's order. Persons with "proper authority" to be out during curfew hours means only those persons going to or from a place of work directly involved in providing medical, law enforcement, fire, rescue, relief, evacuation, or utility services, or is a bona fide member of the news media bearing press credentials. Such curfew and the hours of it may be altered, extended, or lifted by proclamation of the mayor at any time within the seven (7) days after the declaration of local disaster or emergency, or by the city council.
- (2) *Price controls.* To proclaim it unlawful for any vendor, merchant, landlord, or other person selling or offering to sell, whether retail or wholesale, goods or services at a rate or price in excess of those rates or price prevailing in the county on the last day of the calendar month preceding the month in which the disaster or emergency occurs. Such price controls shall remain in effect from the time of mayoral proclamation imposing same until midnight of the last day of the second calendar month following the calendar month in which the disaster or emergency occurs. Such price controls and the duration of same may be altered, changed, or lifted by proclamation of the mayor at any time within the seven (7) days after the declaration

of local disaster or emergency, or by the city council.

- (3) *Other.* Such other rules and orders as allowed by law and deemed to be reasonably necessary for the immediate protection of the health, safety, and welfare of persons and property in the city, or to restore or maintain good and lawful order within the city during the disaster or emergency and the immediate aftermath.

(c) Upon declaring a state of local emergency or disaster, the mayor may also exercise the following powers if he/she deems it reasonable or necessary for the public welfare or protection:

- (1) To temporarily place any city officers, employees, services, equipment, or properties under the direction or control of an office or officer of the federal, state, or county governments, including the military services and duly constituted offices of the civil defense.
- (2) To reestablish the seat of the city's government at another place if the current seat of government is rendered inaccessible or unusable by the disaster or emergency; provided, however, if such place is outside the city's territorial limits, it shall be at the nearest place thereto which is suitable and practical.

(d) A declaration of local disaster or emergency, together with any proclamation imposing a curfew, price controls, or other reasonably necessary lawful orders, shall be given prompt and general publicity and filed with the city secretary as soon as possible under the then prevailing conditions.

(Ord. No. 95-23, § I, 3-14-95)