

ORDINANCE 2022-11

AN ORDINANCE CREATING CHAPTER 20 "EMERGENCY MANAGEMENT", OF THE CODE OF THE TOWN OF WARRENTON

WHEREAS, over the last two years, the Town of Warrenton has made significant progress in its ability to respond to and prepare for natural or human-caused emergencies effectively; and

WHEREAS, the Town Council of the Town of Warrenton approved the Emergency Services & Risk Manager position during the December 2020 regular meeting; and

WHEREAS, the Commonwealth of Virginia Emergency Services and Disaster Law of 2000, § 44-146.13 et seq., Code of Virginia, prescribes the duties and responsibilities of political subdivisions; and

WHEREAS, the Town Council of the Town of Warrenton has determined the need for Emergency Management programs to ensure coordination before, during, and after emergencies;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Warrenton that pursuant to the Commonwealth of Virginia Emergency Services and Disaster Law of 2000, § 44-146.13 et seq., Code of Virginia, the Town Code be and is hereby amended by the addition of Chapter 20 "Emergency Management" be, and it hereby is, adopted to read in its entirety as follows:



Thomas Cureton, Town Clerk

Chapter 20 EMERGENCY MANAGEMENT

ARTICLE I. IN GENERAL

Sec. 20-1. Purpose.

It is the purpose of this chapter to implement within the Town of Warrenton the provisions of the Commonwealth of Virginia Emergency Services and Disaster Law of 2000, § 44-146.13 et seq., Code of Virginia, by providing, insofar as the resources of the Town permit, the organization, personnel, equipment and plans which are necessary to deal adequately with natural and human-caused disasters which may occur within the Town and its environs and, to the extent of the means available, to provide emergency disaster services to other communities and respond to calls made by the Governor or by the Virginia Department of Emergency Management.

State Law reference— Code of Virginia, § 44-146.24. Cooperation of public agencies.

Sec. 20-2. Definitions.

Definitions shall be as provided in § 44-146.16 of the Code of Virginia.

Sec. 20-3. Office of Emergency Management created; Director, Coordinator.

In accordance with § 44-146.19 of the Code of Virginia, the Office of Emergency Management is hereby created and shall serve as the agency of emergency management for the Town of Warrenton. The Town Manager shall be the Director of Emergency Management (within this chapter, the "Director"). The Emergency Services & Risk Manager shall serve as the Deputy Director and Coordinator of Emergency Management (within this chapter, the "Coordinator"), who shall report to the Director and shall have such powers as outlined in the Commonwealth of Virginia Emergency Services and Disaster Law of 2000, § 44-146.13 et seq., Code of Virginia and this chapter unless restricted by the Director or as may otherwise be assigned or delegated by the Director.

State Law reference— Agency of emergency management, Director and Coordinator of Emergency Management, Code of Virginia, § 44-146.19.

ARTICLE II. IN GENERAL

Sec. 20-4. - General powers and duties.

- a) The Director shall develop or cause to be developed mutual aid arrangements with other public, private, not-for-profit, or non-governmental organizations for reciprocal assistance in case of a disaster too great to be dealt with unassisted.

- b) The Director shall prepare or cause to be prepared and kept current one or more local or interjurisdictional emergency plans for the area for dealing with disasters of different types and scopes. The plan or plans shall include, but not be limited to, responsibilities of all local agencies, and they shall establish a chain of command according to the National Incident Management System. Plans shall be reviewed annually and updated when changes result from the review, with documentation.
- c) The Director and Coordinator shall have such other powers and duties as provided for in the Commonwealth of Virginia Emergency Services and Disaster Law of 2000 (Code of Virginia, § 44-146.13 et seq.), and any and all other applicable laws, plus all powers reasonably and necessarily implied from any express grant of authority.

State Law Reference— Powers and duties of political subdivisions Code of Virginia, § 44-146.19, Definitions, Code of Virginia, § 44-146.16.

Sec. 20-5. - Declaration of emergencies.

- a) Except as provided in subsection (c) of this section or as otherwise provided by law, a local emergency may be declared by the Director with the consent of the town council.
- b) Prior to the declaration of a local emergency, the Director shall attempt to obtain the prior formal or informal consent of the town council. However, if such consent is not reasonably practical under the circumstances, the declaration shall nevertheless be legally valid and of full legal force and authority.
- c) The declaration shall be in writing. It shall remain in effect for 45 days or until confirmed, modified, extended, or canceled by official recorded vote of the town council, whichever occurs first. If the town council extends the declaration, it shall state the length of the extension and the conditions and procedures under which it shall be ended, if practicable. If the town council is unable to meet within 45 days, then the declaration may be renewed or extended by the Director for an indefinite period of time unless and until later modified or canceled by the Director or town council.
- d) To the greatest extent practicable, the Director, Coordinator, or Town Clerk shall maintain a written record of all official actions taken hereunder for later review by applicable state, federal, and local agencies.

State Law Reference— Powers and duties of political subdivisions, Code of Virginia, § 44-146.19, Definitions, Code of Virginia, § 44-146.16, Declaration of local emergency, Code of Virginia, § 44-146.21

Sec. 20-6. – Emergency powers.

When a local emergency has been declared by the Director pursuant to section 20-5, or by order of the Governor, pursuant to Code of Virginia, § 44-146.17:

- a) All departments and agencies of the town government shall cooperate fully with all directives from the Director or the coordinator.
- b) The Director or the coordinator may:
 - 1. Implement any applicable emergency plans and mutual aid agreements.
 - 2. Suspend all normal procurement requirements in whole or in part.
 - 3. Control, restrict, allocate or regulate the use, sale, production, and distribution of food, fuel, clothing, and other commodities, materials, goods, services, and resource systems within the Town.
 - 4. Establish shelters as necessary. If any private property is declared to be a shelter, the owner thereof shall have the right to just compensation upon conclusion of the emergency, but he may not lawfully resist or interfere with the use of said property as a shelter during the emergency; provided that no shelter shall be established in a private residence without the consent of the property owner.
 - 5. Commandeer and appropriate automobiles, boats, other vehicles, or other personal property if needed to protect the public. The owner of any such personal property shall have the right to just compensation upon conclusion of the emergency but may not lawfully resist or interfere with the taking of such property to protect the public.
 - 6. Direct any Town employees to work at such hours and perform such duties as are reasonably necessary to help protect and serve the public, and it shall be their duty to perform as directed.
 - 7. Request the assistance of the County Administrator, Superintendent of schools, the Sheriff, or any other public official to make employees, officials, facilities, and equipment available to assist as needed with emergency efforts.
 - 8. Order an emergency curfew.
 - 9. Order the evacuation of areas of the Town. Such evacuation orders may be enforced by any sworn officer. Failure to evacuate shall comprise the misdemeanor offense of resisting a police officer in the enforcement of their duty and disorderly conduct.

- c) Any official of the Town police department may order the evacuation of buildings. Any sworn officer may order evacuation because of an explosive device or other situations deemed immediately dangerous to life or health. Failure to evacuate shall comprise obstruction or hindrance of a Town employee in the discharge of their duty and disorderly conduct and shall be punishable as a class 1 misdemeanor.

State Law reference— Powers and duties of political subdivisions, Code of Virginia, § 44-146.19, Definitions, Code of Virginia, § 44-146.16, Declaration of local emergency, Code of Virginia, § 44-146.21

Sec. 20-5. – Emergency succession.

If a local emergency has been declared, and the Director is for any reason incapacitated, disabled, or for any other reason unable to perform their duties, the powers of the Director shall pass to a successor official, in the following order:

- a) The community development director.
- b) The finance director.
- c) The Coordinator.
- d) The public works director.

Sec. 20-5. – Severability.

If any portion of this Article is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Article, and such invalid provisions or portions thereof shall be severable.