

CHAPTER 34: EMERGENCY MANAGEMENT

§ 34.01 ORGANIZATION.

- (A) There exists the Office of Emergency Management Director of the City, which shall be held by the Mayor in accordance with state law.
- (B) An Emergency Management Coordinator may be appointed by and serve at the pleasure of the Director.
- (C) 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 chapter. He or she may delegate authority for execution of these duties to the Coordinator, but ultimate responsibility for such execution shall remain with the Director.
- (D) 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 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.

(Ord. 89-31A, 8-23-2000)

§ 34.02 EMERGENCY MANAGEMENT DIRECTOR; POWERS AND DUTIES.

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

- (A) Conduct an on-going survey of actual or potential 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;
- (B) Supervision of the development and approval of an Emergency Management Plan for the City, 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 seven 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 chapter. 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 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 liaison with other municipal, county, district, state, regional or federal emergency management organizations;

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- (H) Marshaling of all necessary personnel, equipment or supplies from any department of the City to aid in 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 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 by the City Attorney, for use of private public shelter and other purposes;
 - (L) Survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for herein; and
 - (M) Other requirements as specified in State Disaster Act 1975 (Tex. Gov't. Code § 418.001 et seq.).
- (Ord. 89-31A, 8-23-2000)

§ 34.03 INTERJURISDICTIONAL PROGRAM.

The Mayor is hereby authorized to join with the County Judge and the mayors of the other cities in said 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 county-wide program of emergency management insofar as said program may affect the City.

(Ord. 89-31A, 8-23-2000)

§ 34.04 OVERRIDE.

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

(Ord. 89-31A, 8-23-2000)

§ 34.05 LIABILITY.

- (A) This chapter 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 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 chapter shall be liable for any damage sustained to persons as the result of said activity.
- (B) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the City 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 human-made disaster shall, together with his or her 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.

(Ord. 89-31A, 8-23-2000)

§ 34.06 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 chapter 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 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.

(Ord. 89-31A, 8-23-2000)

§ 34.07 LIMITATIONS.

This chapter shall not be construed so as to conflict with any state or federal statute or with any military or naval order, rule or regulation.

(Ord. 89-31A, 8-23-2000)

§ 34.99 PENALTY.

- (A) 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 chapter, or to do anything forbidden by any rule or regulation issued pursuant to the authority contained in this chapter.
- (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 the City, unless authority to do so has been granted to such person by the proper officials.
- (C) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this chapter and shall be subject to the penalties imposed by this chapter.
- (D) Convictions for violations of the provisions of this chapter shall be punishable by fine not to exceed \$100.00.

(Ord. 89-31A, 8-23-2000)