

CITY OF SHOREACRES  
ORDINANCE AMENDING EMERGENCY MANAGEMENT PROGRAM

**ORDINANCE 2009-56**

AN ORDINANCE ESTABLISHING A PROGRAM RESPONSE AND RECOVERY PHASES 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 SHOREACRES; AUTHORIZING COOPERATIVE AND MUTUAL AID AGREEMENTS FOR RELIEF WORK BETWEEN THIS AND OTHER CITIES OR COUNTIES AND FOR RELATED PURPOSES; AND ESTABLISHING OFFENSES AND PENALTIES.

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

WHEREAS, the City Council hereby declares that the preparation of a Comprehensive Emergency Management plan, and the means for its implementation, for the protection of lives and property of lives and property in the City of Shoreacres 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 City, 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHOREACRES:

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

That section 14-31 of the Shoreacres City Code is hereby amended to read as follows:

**Sec. 14-31. [Director, coordinator] Organization.**

- (a) The office of Emergency Management Director of the city shall be held by the mayor in accordance with State Law [V.T.C.A., Government Code § 418.101(b)].
- (b) An emergency management coordinator may be appointed by and serve at the pleasure of the Director.
- (c) 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 14-34. He 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.

That section 14-32 of the Shoreacres City Code is hereby amended to read as follows:

**Sec. 14-32. Powers, duties of director.**

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

- (a) Surveying [an ongoing survey of] actual or potential [major] hazards that threaten life and property within the city and [an ongoing program of] identifying and requiring or recommending the implementation of measures that would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.
- (b) [As part of his responsibility in hazards mitigation, the director shall supervise] Supervision of the development and approval of an emergency management plan for the City and shall recommend [that plan] for adoption by the city council [along with] all mutual aid [plans and agreements] arrangements deemed [essential] necessary for the implementation of such emergency management plan.
- (c) [The powers of the director shall include the] 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 that are necessary for carrying out the purposes of this article. 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 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.
- (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 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 property for public shelter and other purposes.
- (l) Surveying [but such action may be subject to confirmation by the council at its next meeting. The duties of the director shall also include the causing of a survey of] the availability of existing personnel, equipment, supplies and services [that] which could be used during a disaster, as provided for in this article. [well as a continuing study of the need for amendments and improvements in the emergency management plan.]
- (m) Other requirements as specified in the Texas Disaster Act (Chapter 418 of the Government Code).

That the Shoreacres City Code is hereby amended by adding a section, to be numbered 14-30, which section reads as follows:

**Sec. 14-30. 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 ordinance. As provided by State law, the plan shall follow the standards and criteria established by the State Division of Emergency Management of the State of Texas. Insofar as possible, the form of organization, titles, and terminology shall conform to the recommendations of the State 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.

That section 14-33 of the Shoreacres City Code is hereby amended to read as follows:

**Sec. 14-33. County council authorized.**

The mayor is authorized to join with the [county judge] County Judge of the County of Harris and the mayors of the other cities in the county in the formation of an inter-jurisdictional emergency management [council] program for the [county] County of Harris, and shall have the authority to cooperate in the preparation of [a] an inter-jurisdictional [joint] emergency management plan and in the appointment of a joint Emergency Management Coordinator, [coordinator,] as well as all powers necessary to participate in a countywide program of emergency management insofar as that program may affect the city.

**Sec. 14-37. Effect of article on other regulations.**

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 with this article.

That section 14-39 of the Shoreacres City Code is hereby amended to read as follows:

**Sec. 14-39. Liability.**

This article is an exercise by the City of its governmental functions for the protection of the public peace, health and safety[;], and safety and [neither] the city, the agents and representatives of the city, [nor] any individual, receiver, firm, partnership, corporation, association, or trustee, and [nor] any of the [their] 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, to the extent permitted by Texas and federal law as amended, be protected from liability [liable] for any damage sustained to persons as the result of said [such] activity.

Any person owning or controlling real estate or other 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 persons.

That section 14-40 of the Shoreacres City Code is hereby amended to read as follows:

**Sec. 14-40. City council approval of expenditures.**

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 the 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.

That section 14-41 of the Shoreacres City Code is hereby amended to read as follows:

**Sec. 14-41. Penalty for violation of article.**

- (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 article, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this article.
- (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) Convictions for violations of the provisions of this article shall be punishable [as provided in section 1-14] by fine not to exceed one thousand dollars (\$1,000.00), or such maximum amount as is set by section 418.173(b) of the Texas Government Code, as amended.

**Sec. 14-38. Conflict with state, federal statutes, military, naval rules.**

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.

The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

This Ordinance shall be effective from and after its passage and approval, and it is so ordered.

PASSED AND APPROVED this the 9<sup>th</sup> day of November 2009.

ATTEST:

  
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David K. Stall  
City Secretary

  
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Jayo Washington, Mayor