

**ORDINANCE NO. 2580**

**AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES OF THE CITY OF TERRELL ADDING SECTION 12 EMERGENCY MANAGEMENT; CREATING THE OFFICE OF EMERGENCY MANAGEMENT DIRECTOR; ESTABLISHING POWERS AND DUTIES OF EMERGENCY MANAGEMENT DIRECTOR; AUTHORIZING PARTICIPATION IN COUNTY-WIDE JOINT EMERGENCY PLAN; ESTABLISHING FUNCTIONS AND DUTIES OF EMERGENCY MANAGEMENT ORGANIZATION; PROHIBITING UNAUTHORIZED USE OF WARNING SIGNALS; PERTAINING TO CONFLICTING REGULATIONS; ESTABLISHING LIABILITY PROTECTION; RESTRICTING THE EXPENDITURE OF PUBLIC FUNDS FOR EMERGENCY MANAGEMENT; PROHIBITING INTERFERENCE WITH EMERGENCY MANAGEMENT ORGANIZATION OR REGULATIONS; REQUIRING ALLEGIANCE TO GOVERNMENT; PROVIDING FOR A GENERAL PENALTY FOR VIOLATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Terrell recognizes its responsibility to provide services to meet the needs of its citizens in case of disaster; and

WHEREAS, 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, advance planning for coordination of activities relating to disaster prevention, preparedness, response and recovery is necessary to meet those needs and concerns; and

WHEREAS, the preparation, adoption and implementation of such plans for the protection of lives and property in the City of Terrell from natural or man-caused disasters, or the threat thereof, is essential.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS:

**SECTION 1.** Chapter 8 1/2, of the Code of Ordinances of the City of Terrell, Texas, creating the office of Emergency Management Director; is hereby repealed in its entirety.

**SECTION 2.** The Code of Ordinances is hereby amended by adopting a new section 9-12 Emergency Management to read as follows:

## ARTICLE I.

That Chapter 9-12 of the Code of Ordinances, City of Terrell, Texas is hereby amended to read as follows:

### CHAPTER 9-12: EMERGENCY MANAGEMENT

#### SECTION 9-12-1: PURPOSE.

The purposes of this Ordinance are to:

- A. Reduce the vulnerability of the citizens of this community to damage, injury, and loss of life and property resulting from natural or man-made catastrophes, riots, or other emergency conditions.
- B. Prepare for prompt and efficient rescue, care and treatment of persons victimized or threatened by disaster.
- C. Provide a setting conducive to the rapid and orderly restoration and rehabilitation of persons and property affected by disasters.
- D. Clarify and strengthen the role of the Mayor in prevention of, preparation for, response to, and recovery from disasters.
- E. Authorize and provide for cooperative and mutual aid agreements and plans with neighboring jurisdictions and other agencies and organizations to aid in emergency management.
- F. Provide for surveying and cataloging of resources available for response to emergency conditions.

#### SECTION 9-12- 2: DEFINITIONS.

The following definitions shall be applicable.

- A. Director shall refer to the acting Director of Emergency Management of the City of Terrell which position shall be filled by the Mayor, or in the Mayor's absence, as set forth in the approved emergency management plan for the City.
- B. Disaster shall refer to any natural or man-caused destruction of life and/or property within the City which, due to its extent, requires implementation of the emergency management plan.
- C. Emergency shall refer to any situation or condition which, due to the probability of its having a severe adverse effect upon the populace of the City, calls for implementation of the emergency management plan.

### SECTION 9-12-3: OFFICE OF EMERGENCY MANAGEMENT DIRECTOR CREATED

The office of Director of Emergency Management of the City of Terrell shall be held by the Mayor in accordance with State Law (Texas Disaster Act of 1975, as amended).

A. The powers of the Emergency Director shall include, but not be limited to:

1. The declaration of a state of disaster, or state of emergency, which declaration may be continued or renewed for a period not to exceed seven (7) days without confirmation by the City Council;

2. The issuing of reasonable rules and regulations, or directives, which are necessary for the protection of life and property within the City during emergencies or following disasters and which rules and regulations, or directives, shall be filed in the office of the City secretary and shall receive widespread publicity, unless publicity would be of aid and comfort of the enemy, and which shall be confirmed by the City Council within seven (7) days of issuance;

3. The marshaling, following the declaration of a disaster or emergency, of all necessary personnel, equipment or supplies from any department of the City to aid in the carrying out of the provisions of the local emergency management plan;

4. The supervision of 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;

5. Determining questions of authority within the local emergency management organization; and

6. The authorizing of agreements, after approval by the City attorney, for use of private property for public shelter and other purposes.

B. The duties and responsibilities of the Director shall include, but not be limited to:

1. Conducting a program of comprehensive emergency management within the City;

2. The causing of a survey of the availability of personnel, equipment, supplies and services which could be used during a disaster, and the cataloging of such information;

3. Supervision of the development of the local emergency management plan and recommendation of the plan for adoption by the City Council;

4. The maintenance of necessary liaison with other municipal, county, state and federal emergency management organizations;

5. Recommending for approval by the City Council mutual aid agreements with other jurisdictions;

6. The issuance of all necessary proclamations as to the existence of an emergency or disaster and the immediate operational effectiveness of the emergency management plan;

7. The direction and control of the actual disaster operations of the local emergency management organization;

8. The training of emergency management personnel; and

9. Directing a continuing study of ways to improve the City's emergency management plan including the identification of actual and/or potential hazards and the mitigation of their concurrence.

C. The Director may appoint an Emergency Management Coordinator to serve at his pleasure. He may delegate authority for the execution of his duties to the Coordinator, but ultimate responsibility for such execution shall remain with the Director.

#### SECTION 9-12-4: FUNCTIONS AND DUTIES OF EMERGENCY MANAGEMENT ORGANIZATION.

The operational Emergency Management Organization of the City of Terrell shall consist of the officers and employees of the City, as well as certain other organizations, organized volunteer groups and other persons, as designated by the Director. The functions and duties of this organization shall be as set forth in the approved emergency management plan.

#### SECTION 9-12-5: AUTHORIZATION FOR COUNTY-WIDE JOINT EMERGENCY PLAN

The Mayor is hereby authorized to join with the County Judge of the County of Kaufman and the mayors of other cities in said county in the formation of an Emergency Management Council for the County of Kaufman 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 in so far as said program may affect the City of Terrell.

#### SECTION 9-12-6: CONFLICTING REGULATIONS

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

#### SECTION 9-12-7: EXPENDITURE OF PUBLIC FUNDS FOR EMERGENCY MANAGEMENT

No person shall have the right to expend any public funds of the City in carrying out an emergency management activity authorized by this Ordinance 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.

#### SECTION 9-12-8: INTERFERENCE WITH EMERGENCY MANAGEMENT ORGANIZATION OR REGULATIONS

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 Ordinance, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this Ordinance. 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 of Terrell, unless authority to do so has been granted to such person by the proper officials.

#### SECTION 9-12-9: LIABILITY

This Ordinance 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 Terrell, 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 person as the result of said activity.

#### SECTION 9-12-10: UNAUTHORIZED USE OF WARNING SIGNAL

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 Ordinance and shall be subject to the penalties imposed by this Ordinance.

### ARTICLE II

Penalty for Violations. Violations of this Ordinance are punishable as provided in Chapter 1, Section 1-1(g) *General penalty for violations of code; civil actions by City.*

Nothing contained herein shall prevent the City of Terrell from taking such other lawful action as is necessary to prevent or remedy any violation.

### ARTICLE III

City of Terrell Ordinance No. 1347, adopted February 14, 1984, and all other ordinances, parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

### ARTICLE IV

Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase,

clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

#### ARTICLE V

That this Ordinance will take effect immediately form and after its passage and the publication of the caption as the law in such cases provides.

PASSED AND APPROVED THIS THE 3RD DAY OF SEPTEMBER, 2013.

PASSED AND ADOPTED THIS THE 17TH DAY OF SEPTEMBER, 2013.

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HAL RICHARDS, MAYOR

ATTEST:

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JOHN ROUNSAVALL, CITY SECRETARY

APPROVED AS TO FORM:

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MARY GAYLE RAMSEY, CITY ATTORNEY