

Village of Volente

AMENDING ORDINANCE NO. 2015-O-01

AN ORDINANCE UNDER TITLE IV PUBLIC HEALTH AND SAFETY CHAPTER 43 EMERGENCY MANAGEMENT AMENDING ORDINANCE NUMBER 2005-O-49 ADDING THE FORMATION OF AN EMERGENCY MANAGEMENT PROGRAM WITHIN THE VILLAGE OF VOLENTE; TO DEVELOP AN EMERGENCY MANAGEMENT PROGRAM TO PROVIDE AN EFFECTIVE MANGAGEMENT OF SITUATIONS INVOLVING NATURAL DISASTERS, MAN-MADE DISASTERS OR TERRORISM AND; PROVIDING FOR DEFINITIONS; PROHIBITIONS; ENFORCEMENT, FINES AND CRIMINAL PENALTIES; SEVERABILITY; PUBLIC NOTICE; OPEN MEETINGS; AND, EFFECTIVE DATE.

WHEREAS, the Village of Volente finds that vulnerability to many potential hazards by the residents of the Village of Volente and;

WHEREAS, the Village of Volente further finds that the goal of emergency management can best be achieved through a defined plan for the accomplishment of the significant responsibilities associated with prevention, preparedness, response, recovery, and mitigation of all major hazards situations; and,

WHEREAS, that the adoption of the Emergency Management Plan as set forth in this Ordinance will help protect its citizens from hazards to the public health and welfare, safety, and quality of life; and,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS:

Section One: The Village of Volente adds Title IV Public Health and Safety Chapter 43 Emergency Management to its Code of Ordinances by adopting the following Emergency Management Plan within its corporate boundaries.

Section Two: Legislative Findings.

The recitals above made in the Preamble are hereby deemed to be the Factual and Legislative Findings of the Village Council, and are hereby incorporated within this Ordinance.

Section Three: Purpose and Scope:

This Ordinance is adopted to develop a defined plan for the accomplishment of the significant responsibilities associated with prevention, preparedness, response, recovery, and mitigation of all major hazards situations within the corporate limits of the Village of Volente to promote the health, safety, welfare, convenience and enjoyment of the citizens of the Village of Volente.

Section Four: Emergency Management

DIVISION 1. GENERALLY

Sec. 43.01 National Incident Management System (NIMS) adopted

The National Incident Management System dated March 1, 2004, was adopted by the Village (Ordinance No. 2005-O-49 09/20/2005), and the city administrator along with the Public Safety Committee is hereby authorized to develop a strategy for full compliance by _____.

DIVISION 2. EMERGENCY MANAGEMENT PROGRAM

Sec. 43.02 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 or coordinators may be appointed 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 division. He/she may delegate authority for execution of these duties to the coordinator(s), 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 and the inter-local agreement with Travis County.

Section. 43.03 Duties of emergency management director

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

- (1) Conduct an ongoing survey of actual or potential hazards which threaten life and property within the city and an ongoing 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.

- (2) 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 implementation of such plan.
- (3) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of seven (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 administrator and city secretary.
- (4) Issuance of necessary proclamations, regulations, or directives which are necessary for carrying out the purposes of this division. Such proclamation, regulation, or directive 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 filing with the city administrator and city secretary.
- (5) Direction and control of operations of the city emergency management organization, as well as the training of emergency management personnel.
- (6) Determination of all questions of authority and responsibility that may arise within the emergency management organization of the city.
- (7) Maintenance of liaison with other municipal, county, district, state, regional or federal emergency management organizations.
- (8) 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.
- (9) Supervision of drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and 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.
- (10) 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.
- (11) Authorizing of agreements, after approval by the city attorney, for use of private property for public shelter and other purposes.
- (12) Survey of the availability of existing personnel, equipment, supplies, and services which could be used during a disaster, as, provided for herein.

(13) Other requirements as specified in the Texas Disaster Act of 1975, Vernon's Codes Annotated, Government Code chapter 418.

Sec. 43.04 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 division as provided by state law. The plan shall follow the standards and criteria established by the state division of emergency management. 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 portions of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this division and have the effect of law during the time of a disaster.

Sec. 43.05 Inter-jurisdictional Program

The mayor is hereby authorized to join with the county judge and the mayors of other cities in the county in the formation of an inter jurisdictional emergency management program for the county, and shall have the authority to cooperate in the preparation of an inter jurisdictional 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 said program may affect the city.

Sec. 43.06 Override

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

Sec. 43.07 Liability

This division 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 division shall be liable for any damages sustained to persons as the result of said 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 or natural or man-made disaster 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.

Sec. 43.08 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 division 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 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.

Sec. 43.09 Offenses; 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 division.

(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 division and shall be subject to the penalties imposed by this division.

(d) Convictions for violations of the provisions of this division shall be punishable by fine in accordance with the general penalty provision of not less than \$100.00 nor more than \$1,000.00 and each day of violation constitutes a separate violation. .

Section Five: Severability

If any provision of this ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

Section Six: Effective Date

This Ordinance shall take effect after any required posting and publication of this Ordinance.

Section Seven: Public Notice and Meeting

It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this 20 day of January, 2015 by a vote of 5 to 0.



Ken Beck, Mayor
Village of Volente

ATTEST:



Julia Vicars, City Secretary