

ORDINANCE ____-_____

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, REPEALING ORDINANCE NO.83-38, WHICH PERTAINS TO THE ESTABLISHMENT OF A COMPREHENSIVE EMERGENCY MANAGEMENT PROGRAM, AND AMENDING CHAPTER 2, "ADMINISTRATION" OF THE CITY CODE BY ADOPTING A NEW ARTICLE AND SECTIONS ESTABLISHING A COMPREHENSIVE EMERGENCY MANAGEMENT PROGRAM, CREATING THE OFFICE OF EMERGENCY MANAGEMENT DIRECTOR, AUTHORIZING THE APPOINTMENT OF AN EMERGENCY MANAGEMENT COORDINATOR, PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THE EMERGENCY MANAGEMENT DIRECTOR AND COORDINATOR, AUTHORIZING MUTUAL AID AGREEMENTS WITH OTHER GOVERNMENTAL ENTITIES, AND PROVIDING A PENALTY CLAUSE.

WHEREAS, the City Council of the City of Galveston, Texas, adopted a comprehensive emergency management program in Ordinance No. 83-38; and

WHEREAS, Ordinance No. 83-38 was not codified into **The Code of the City of Galveston, 1982, as amended**; and

WHEREAS, the City Council of the City of Galveston, Texas, deems it in the best interest of the residents of the City of Galveston to codify the emergency management program into **The Code of the City of Galveston, 1982, as amended**; and

WHEREAS, Ordinance No. 83-38 contains a penal provision making violations of the Emergency Management Plan punishable by a fine not to exceed \$200.00; and

WHEREAS, the **Texas Government Code** §418.173 provides a City's Emergency Management Plan may prescribe a punishment of up to \$1,000.00 for failure to comply with the plan or with a rule, order, or ordinance adopted under the plan;

WHEREAS, the City Council of the City of Galveston deems it in the best interest of the City of Galveston to adopt the ability to prescribe the maximum fine allowed by law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Chapter Two of **The Code of the City of Galveston, 1982, as amended**, is hereby amended by addition of Article VIII as follows:

ARTICLE VIII. EMERGENCY MANAGEMENT

Sec. 2-363. Office of emergency management created.

The office of emergency management for the City of Galveston is created and shall exist in accordance with state law as follows:

(1) The Mayor of the City of Galveston is designated as the Director of the office of emergency management.

(2) The Director may appoint a coordinator of the office of emergency management who shall serve at the pleasure of the Director. The Director shall be responsible for conducting a program of comprehensive emergency management with the City of Galveston and for carrying out the duties and responsibilities of this article. The Director may delegate the duties and responsibilities to the emergency management coordinator as Director deems necessary or advisable, but shall retain ultimate responsibility for execution of such duties and responsibilities as the office is charged with fulfilling.

Sec. 2-364. Powers and duties of office of emergency management.

The powers and duties of the office of emergency management shall be the powers and duties of the Director of the office and shall be as follows:

(1) The Director shall maintain an on-going survey of actual or potential major hazards that threaten life and property within the City of Galveston and an on-going 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.

(2) The Director shall supervise the development and maintenance of a current emergency management plan for the City of Galveston. Such plan shall set forth the form of the disaster services organization, establish and designate divisions and functions, assign tasks, duties and powers, designate officers and employees to carry out the provisions of this emergency management plan, and provide the following:

a. Wage, price and rent controls, rationing of critical resources, and other economic stabilization methods in the event of disaster;

b. Curfews, blockades and limitations on utility usage in an area affected by disaster, rules governing ingress and egress to the affected area and other security measures; and

c. Debris removal from public and private lands and water and disposal.

(3) The powers of the Director shall include the authority to declare a state of emergency in accordance with **The City Charter** and state of disaster in accordance with the **Texas Disaster Act**. For the purposes of this article, emergency shall be synonymous with disaster. Nothing in this article shall

abridge in any way the authority of the Mayor of the City of Galveston to execute the powers under **The City Charter** Article II, Section 15, during a state of emergency.

(4) The Director shall also survey the availability of existing and potential personnel, equipment, supplies, services and facilities that could be used during a disaster, as provided for herein, as well as a continuing study of the need for amendments and improvements in the emergency management plan. The Director shall keep current with all federal and state regulatory and informational requirements.

(5) The Director shall have direction and control of the actual disaster operations of the Galveston Emergency Management organization and training activities in emergency management and disaster relief.

(6) The Director shall determine all questions of authority and responsibility that may arise within the Emergency Management organization of the City.

(7) The shall maintain all necessary liaison and coordination of activities with other municipal, county, district, state, regional, federal, and other emergency management, civil defense, and disaster relief organizations.

(8) The Director may marshal, after declaration of disaster or emergency as provided for above, all necessary personnel, equipment, or supplies from any department of the City and from private contributors to aid in the implementation of the provisions of the emergency management plan.

(9) The Director may issue all reasonable rules, regulations, or directives that are necessary for the protection of life and property in the City of Galveston. Such

rules and regulations shall be filed in the office of the City Secretary and shall receive widespread publicity unless publicity would be of aid and comfort the enemy.

(10) The Director shall supervise the drafting and execution of any and all mutual aid plans and agreements deemed essential or desirable for the implementation of the City's emergency management plan and coordinatin of combined area disaster services efforts, including the formation of a county or other joint disaster services council and emergency management plan and the appointment of a disaster coordinator for such joint effort.

(11) The Director shall supervise and have final authorization for, the procurement of all necessary supplies and equipment, including acceptance of private contributions that may be offered for the purpose of improving Emergency Management within the City.

(12) The Director may execute agreements, after approval by the City Attorney, for the use of private property for public shelter and other purposes during the course of an emergency.

Sec. 2-365. Organization.

The operational Emergency Management organization of the City of Galveston shall consist of the officers and employees of the City so designated by the Director in the emergency management plan, as well as all organized volunteer groups. The functions and other duties of this organization shall be distributed among such officers and employees in accordance with the terms of the

emergency management plan. Such plan shall set forth the form of the organization, establish and designate divisions and functions, assign tasks, duties, and powers, and designate officers and employees to carry out the provisions of this ordinance. Insofar as possible, the form of organization, titles, and terminology shall conform to the recommendations of the State Division of Emergency Management of the State of Texas and of Federal Government.

Sec. 2-366. Burn and Disposal Sites

It shall be unlawful for any person to burn or otherwise dispose of debris during a state of emergency or state of disaster except at designated sites.

(1) The following sites are hereby designated as burn sites:

a.

b.

c.

(2) The following sites are hereby designated as disposal sites:

a.

b.

c.

(3) Additional sites may be designated by the Director during a disaster as so needed. Additional sites must be approved by the Fire Marshal or the Fire Marshal's designee.

Sec. 2-367. Violations.

(1) 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 violation of this ordinance and shall be subject to the penalties imposed by this ordinance.

(2) 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 ordinance, resolution, proclamation, rule or regulation issued pursuant to this ordinance.

(3) It shall be unlawful for any person to do any act forbidden by any ordinance, resolution, proclamation, rule or regulation issued pursuant to the authority contained in this ordinance.

(4) It shall 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 Galveston, unless authority to do so has been granted to such person by the proper officials.

(5) Convictions for violations of the provisions of this ordinance shall be punishable by fine not to exceed one thousand (\$1,000.00) dollars.

(6) At all times when 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, insofar as the latter may be inconsistent therewith.

(7) This ordinance shall not be construed so as to conflict with any State or Federal statute or with any military or naval order, rule, or regulation.

Sec. 2-368. Nonliability.

(1) 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 Galveston, 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 ordinance, resolution, proclamation, order, rule, or regulation promulgated pursuant to the provisions of this ordinance shall be liable for any damage sustained to persons as a result of said activity.

(2) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the City of Galveston a license of privilege, or otherwise permits the City to inspect, designate, and use the whole or any part of or parts of such real estate or 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 person.

SECTION 3. 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 should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such

invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, because the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

SECTION 4. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE

I, BARBARA LAWRENCE, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its regular meeting held on the ____ day of _____, _____, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this ____ day of _____, _____.

Secretary for the City Council
of the City of Galveston