

ORDINANCE NO. 092-044

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF ADDISON, TEXAS, BY AMENDING CHAPTER 6-3, EMERGENCY OPERATIONS PLAN, BY ESTABLISHING A PROGRAM INCLUDING MITIGATION, PREPAREDNESS, 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 TOWN OF ADDISON; AUTHORIZING COOPERATIVE MUTUAL AID AGREEMENTS FOR RELIEF WORK BETWEEN THIS AND OTHER CITIES AND RELATED PURPOSES; PROHIBITING UNAUTHORIZED WARNING AND ALL-CLEAR SIGNALS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCE NO. 087-054 AND ALL OTHER CONFLICTING ORDINANCES; AND FOR PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the Town of Addison 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 in the Town of Addison 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; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Code of Ordinances for the Town of Addison, Texas, be, and the same is hereby amended by amending Chapter 6.3, Emergency Operations Plan, to read as follows:

Section 1. Organization

There exists the office of Emergency Management Director of the Town of Addison, which shall be held by the Mayor in accordance with State Law.

- (a) An Emergency Management Coordinator may be appointed by and serve at the pleasure of the Director;
- (b) 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 ordinance. He/she may delegate authority for execution of these duties to the Coordinator, but ultimate responsibility for such execution shall remain with the Director.
- (c) The operational Emergency Management organization of the Town of Addison 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.

Section 2. 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 or 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) Supervise the development and approval of an emergency management plan for the Town of Addison, and recommend for adoption by the City Council all mutual aid arrangements deemed necessary for the implementation of such plan.
- (c) Have 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) Issue necessary proclamations, regulations, or directives which are necessary for carrying out the purposes of this ordinance. Such proclamations, regulations, or directives shall be disseminated promptly by means calculated to bring their 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) Direct and control the operations of the Addison Emergency Management organization as well as the training of Emergency Management personnel.
- (f) Determine all questions of authority and responsibility that may arise within the Emergency Management organization of the City.
- (g) Maintain liaison with other Municipal, County, District, State, Regional or Federal Emergency Management organizations.

- (h) Marshal 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) Supervise 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) Supervise and give 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) Authorize agreements after approval by the City Attorney for use of private property for public shelter and other purposes.
- (l) Survey the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for herein.
- (m) Successfully complete other requirements as specified in the Texas Disaster Act of 1975, Vernon's Texas Codes Annotated, Government Code Chapter 418.

Section 3. 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, it shall be adopted and amended by a resolution of the City Council and have the effect of law during the time of a disaster.

Section 4. Interjurisdictional Program

The Mayor is hereby authorized to join with the County Judge of the County of Dallas and the mayors of the other cities in said County in the formation of an interjurisdictional emergency management program for the County of Dallas, and shall have the authority to cooperate in the preparation of an interjurisdictional 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 Town of Addison.

Section 5. Override

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.

Section 6. 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 Town of Addison, 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 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 Town of Addison 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 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.

Section 7. 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 ordinance without prior approval by the

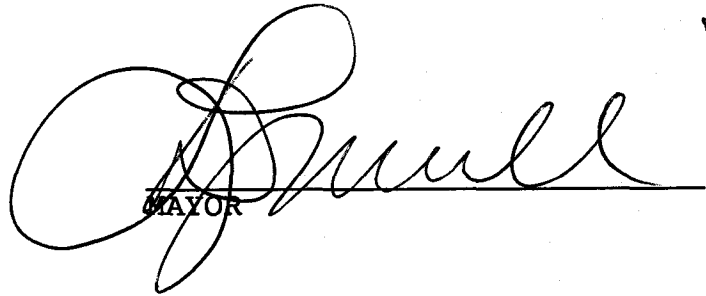
City Council, nor shall any person have any right to bind the City by contract, agreement, or otherwise without prior and specific approval of the City Council unless during a declared disaster. During a declared disaster, the Mayor may expend and/or commit public funds of the City when deemed prudent and necessary for the protection of health, life, or property.

SECTION 2. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City, as heretofore amended, and upon conviction shall be punished by a fine set in accordance with Chapter 1, General provisions, Section 1.10, General Penalty for violations of Code; continuing violations, of the Code of Ordinances for the Town of Addison.

SECTION 3. That all ordinances of the City in conflict with the provisions of this ordinance, specifically Ordinance 087-054, and any and all other conflicting ordinances are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of this ordinance as a whole.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, this the 28th day of July, 1992.



MAYOR

ATTEST:



CITY SECRETARY

Published
8/20/92

