Chapter. 26. Emergency Services

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Sec. 26-1 Organization

There exists the office of Emergency Director of the City of East Tawakoni, which shall be held by the mayor in accordance with State Law.

1. An Emergency Management Coordinator may be appointed by and serve at the pleasure of the Director.
2. 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, but the execution shall remain with the Director.
3. The operational Emergency Management Organization of the City of East Tawakoni 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.

Adopted 10-21-2003

Sec. 26-2 Emergency Management Director-Powers and Duties

The duties and responsibilities of the Emergency Management Director shall include the following:

1. Surveying actual or potential hazards which threaten life and property within the city and 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 of East Tawakoni, and shall recommend for adoption by the City Council all mutual aid arrangements deemed necessary for the 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 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.
4. Issuance of necessary proclamations, regulations, or directives which are necessary for carrying out 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 impeded promptly filed with the City Secretary.
5. Direction and control of the operations of the City of East Tawakoni 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 the other municipal, county, district, state, regional or federal emergency management organizations.
8. Marshalling 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 the drafting and execution of mutual aid agreements, in cooperation with the representative of the state and other local political subdivisions of the state, and the drafting and execution, if deemed desirable, 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.
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. Surveying 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 (Chapter 418 of the Government Code.
14. Adopted 10-21-2003

Sec. 26-3 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 department 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.

Adopted 10-21-2003

Sec. 26-4 Inter-jurisdictional Program

The Mayor is hereby authorized to join with the County Judge of the County of Rains and the mayors of the other cities in said county in the formation of an inter-jurisdictional Emergency Management Program for the county of Rains 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 county – wide program of emergency management insofar as said program may affect the City of east Tawakoni.

Adopted 10-21-2003

Sec. 26- 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 letter may be inconsistent therewith.

Adopted 10-21-2003

Sec. 26-6 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 City of East Tawakoni, 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 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 of East Tawakoni 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.

Adopted 10-21-2003

Sec. 26-7 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.

Adopted 10-21-2003

Sec. 26-8 Offenses; Penalties

1. It shall be unlawful for any person to willfully obstruct, hinder or delay any member of the Emergency Management Organization in the enforcement of any rule or regulation issued pursuant to this ordinance.
2. 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 East Tawakoni, unless authority to do so has been granted such person by the proper officials
3. Convictions for violation of the provisions of this ordinance shall be punishable by a fine not to exceed $1000.00 or confinement in jail for a term not to exceed 180 days in

Adopted 10-21-2003

Sec. 26-9 Severability

If any portion of this ordinance shall, for any reason, be declared invalid, such invalidity shall not affect the remaining provisions thereof.

Adopted 10-21-2003

Sec. 26-10 Limitations

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.

Adopted 10-21-2003

Sec. 26-11 Repealer

All ordinances, parts of ordinances or resolutions in conflict herewith are expressly repealed.

Adopted 10-21-2003