

CHAPTER 13 CIVIL EMERGENCIES

Sec. 13-1. Intent and purpose.

- (a) It is the intent and purpose of this chapter to establish an organization that will insure the complete and efficient utilization of all municipal resources during periods of emergency and disaster.
- (b) The city office of emergency preparedness will be the coordinating agency responsible for city-wide emergency preparedness; it will provide the means through which the mayor, city commission and the city manager may exercise the authority and discharge the responsibilities vested in them by this chapter and Act No. 390, Public Acts of 1976 [MCL 30.401 et seq., MSA 4-824(11) et seq.].
- (c) This chapter will not relieve any elected or appointed officials or municipal departments of the normal responsibilities or authority given by general law or local ordinance, nor will it affect the work of the American Red Cross or other volunteer agencies organized for relief in a natural disaster. (Ord. of 9-17-1979, 1.240)

Sec. 13-2. Definitions

For the purpose of this chapter, certain words used herein are defined as follows:

Coordinator shall mean a person appointed to coordinate emergency planning and preparedness within the city or as prescribed in this chapter. In the absence of an appointed person, “coordinator” shall mean the city manager.

Disaster means an occurrence or imminent threat of widespread of severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, snow, ice or wind storm, wave action, oil spills, water contamination requiring emergency action to avert danger or damage, utility failure, hazardous peacetime radiological incident, major transportation accident, epidemic, air contamination, blight, drought, infestation, explosion, riot, or hostile military or paramilitary action. Riots and other civil disorders are not within the meaning of this term unless they directly result from and are an aggravating element of the disaster.

District coordinator means the state police district emergency preparedness coordinator or his authorized representative.

Emergency operations plan means the city emergency operations plan which has been prepared under section 13-3 to coordinate disaster response and recovery within the city.

Emergency preparedness shall have a broad meaning to include preparations for, and relief from, the effects of natural and man-made disasters as defined herein, and to include civil defense.

Emergency preparedness forces means all disaster relief forces; all agencies of the municipal government, private and volunteer personnel, public officers and employees; and all other persons or groups of persons having duties or responsibilities under this chapter or pursuant to a lawful order or directive authorized by this chapter.

Emergency preparedness volunteer shall mean any person duly registered and appointed by the coordinator and assigned to participate in the emergency preparedness activity.

Emergency situation means any situation confronting a community requiring emergency actions of a lesser

nature than a disaster, as defined above, to include, but not limited to, civil disturbances, labor strikes, visits by national or international dignitaries, and build-up activities prior to an actual disaster.

State of disaster means a declaration by executive order or proclamation by the governor under the provisions of Act 390, Public Acts of 1976 [MCL30.401 et. seq., MSA 4.824(11) et. seq.], which activates the disaster response and recovery aspects of state, local and interjurisdictional disaster emergency plans and authorizes the deployment and use of any force to which the plan or plans apply.

State of emergency means a declaration by the mayor pursuant to this chapter which activates the disaster response and recovery aspects of the city emergency operations plan and authorizes the deployment and use of any municipal forces to which the plan applies. (Ord. of 9-17-79, 1.241)

Cross reference – Definitions and rules of construction generally, 1-2.

Sec. 13-3. Organization for emergency preparedness.

- (a) The city manager, with the approval of the city commission, is hereby authorized and directed to create an organization to prepare for community disasters utilizing to the fullest extent existing agencies within the city. The city manager, as administrative head of the city government, shall be the director of the emergency preparedness forces of the city and shall be responsible for their organization, administration and operation, working through the coordinator.
- (b) The organization for providing emergency preparedness shall consist of the following:
 - (1) An office of emergency preparedness established within city government. The office of emergency preparedness shall have an administrative head appointed who will be known as the coordinator, office of emergency preparedness. Such assistants and other employees as are deemed necessary for the proper functioning of the organization will be employed.
 - (2) The employees, equipment and facilities of all municipal departments, boards, institutions and commissions suitable for, or adaptable to emergency preparedness activities may be designated as part of the total emergency preparedness forces. Such designations shall be by the city manager with the approval of the city commission.
 - (3) All officers and employees of departments, commissions, boards, institutions and other agencies of the city government designated by the city manager, with the approval of the city commission, as emergency preparedness forces shall cooperate with the emergency preparedness coordinator in the formulation of the emergency operation plan, and they shall assist the coordinator in all matters pursuant to the provisions of this chapter. (Ord. of 9-17-79, 1.242)

Sec. 13-4 Emergency preparedness coordinator designated; assistants; deputies.

- (a) The city manager, with the approval of the city commission, shall appoint an emergency preparedness coordinator who shall be a person with the personal attributes, experience and training needed to coordinate the activities of the agencies, departments and individuals within the city to protect the public health, safety and welfare during emergency situations and disasters.
- (b) An assistant coordinator shall be designated to work with the coordinator on emergency planning matters. Assistant coordinators shall be selected and shall serve as follows:
 - (1) There shall be one such assistant coordinator appointed from each city department as designated by the department head, with the approval of the mayor, as part of the emergency preparedness forces.
 - (2) Assistant coordinators shall assume the duties of the coordinator whenever he is unavailable during disasters or emergency situations in the order of designation by the mayor, acting upon the recommendation of the coordinator. (Ord. of 9-17-79, 1.243; Ord. No. 531-84, 13-4, 7-9-84)

Sec. 13-5. Powers and duties – Mayor.

- (a) In the event of actual or threatened enemy attack or natural disaster, the mayor, or in his absence or inability to serve, the mayor pro-tem, as conservator of the peace, shall:
 - (1) Declare a state of emergency within the city thereby placing in effect the emergency preparedness plan required by this chapter.
 - (2) As soon as possible, thereafter, convene the city commission to perform its legislative and administrative functions as the situation may demand. The commission shall have the power to terminate the state of emergency.
 - (3) Request the state, its agencies or political subdivisions to send aid if the situation is beyond the control of the regular and emergency city forces.
 - (4) Have the power to command services and the use of equipment and facilities for such work and duties as the city may require to aid the regular and volunteer city forces in time of emergency.
 - (5) Promulgate such emergency regulations as may be deemed necessary to protect life and property and conserve critical resources, which regulations may be invoked when necessary for tests of emergency preparedness plans. All such regulations shall be subject to approval of the commission as soon as practicable subsequent to promulgation.
- (b) The mayor, or in his absence or inability to serve, the mayor pro-tem, shall have power to order emergency preparedness forces to the aid of the state or political subdivisions thereof subject to commission review as soon as practicable. (Ord. No. 531-84, 7-9-84)

Sec. 13-5.1 Same – City manager

- (a) The powers and duties of the city manager, as the director of emergency preparedness shall consist of the following:
 - (1) The city manager shall coordinate the emergency preparedness activities and make emergency assignments of emergency preparedness duties and emergency preparedness forces in order to meet the situations not covered in the normal duties of such forces.
 - (2) The city manager may take all necessary action to conduct tests of the emergency preparedness plans.
 - (3) When a state of emergency has been declared, the city manager shall assemble and utilize emergency preparedness forces and prescribe the manner and conditions of their use.
 - (4) The city manager shall designate a line of succession among his department heads to carry out the powers and duties of this subsection in the event of his absence or his inability to serve.
 - (5) The city manager shall be responsible for public relations, information, and education regarding all phases of emergency preparedness.
 - (6) The city manager shall be responsible for the development of an emergency preparedness plan, and upon adoption, shall be responsible for such implementation and revision of the plans to maintain it in a current state of readiness at all times.
 - (7) The city manager shall maintain liaison and cooperate with all other interested and affected agencies, public and private.
 - (8) The city manager shall coordinate the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the city for emergency preparedness purposes.
- (b) The city manager is hereby authorized to exercise the powers granted to the mayor in section 13-5 either in the absence or inability to serve of the mayor and mayor pro-tem or where delay in the exercise of such powers would be contrary to the public interest. (Ord. of 9-17-79, 1,244; Ord. No. 531-84, 7-9-84)

Sec. 13-6 Same-Emergency preparedness coordinator.

- (a) The emergency preparedness coordinator shall be responsible for the administration, planning, coordination and operation of all emergency preparedness activities in the city. He shall maintain liaison with county, state and federal authorities, and the authorities of adjacent and nearby political subdivisions so as to insure the most effective emergency operations.

- (b) His duties shall include, but not be limited to, the following:
- (1) Development of the city emergency operations plan, and any other appropriate disaster plans, for the immediate use of all of the facilities, equipment, manpower, and other resources of the city for the purpose of minimizing or preventing damage to persons or property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and general welfare;
 - (2) Coordinating the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the city for emergency purposes;
 - (3) Through public information programs, educating the population as to actions necessary and required for the protection of person and property in case of a disaster;
 - (4) Conducting practice alerts and exercises to insure the efficient operation of the city's emergency organization and to familiarize residents of the city with emergency regulations, procedures and operations;
 - (5) Coordinating the activity of all other public and private agencies engaged in any emergency or disaster relief programs;
 - (6) Negotiating with owners or persons in control of buildings or other property for the use of such buildings or property for emergency or disaster relief purposes, and designating suitable buildings as public shelters;
 - (7) Establishing and maintaining administrative control over a local radiological defense program, to include emergency preparations for both peacetime radiation incidents and international wartime disasters;
 - (8) Coordinating municipal emergency preparedness activities with those at the county level and adjacent municipalities. (Ord. of 9-17-79, 1.245)

Sec. 13.7. Volunteers; appointments; records

- (a) Each department, commission, board, or other agency of city government may at any time appoint or authorize the appointment of volunteer citizens to augment the personnel of such city department, commission, board, or agency in time of emergency. Such individuals shall be enrolled as emergency preparedness volunteers and shall be subject to the rules and regulations set forth by the respective department, commission, board, or agency head for such volunteers.
- (b) The coordinator may enlist volunteer citizens to form the personnel of an emergency service for which the city has no counterpart or to temporarily augment personnel of the city engaged in emergency activities. The coordinator shall maintain formal records of all such volunteers for workman's compensation purposes. (Ord. of 9-17-79, 1.246)

Sec. 13-8 Right of city employees.

City employees assigned to duty as part of the emergency preparedness forces pursuant to the provisions of this chapter shall retain all of the rights, privileges and immunities of city employees, and shall receive the compensation incident to their employment. (Ord. of 9-17-79 1.247)

Sec. 13-9 No governmental or private liability.

- (a) This chapter is an exercise by the city of its governmental functions for the protection of the public health, safety and general welfare. As such, neither the city nor agents and representatives of the city, nor any individual, receiver, firm, partnership, corporation, association, nor trustee, nor any of the agents thereof acting in good faith carrying out, complying with, or attempting to comply with this chapter shall be liable for any damage sustained to persons or property as a result of such activity.
- (b) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the city the right to inspect, designate and use the whole or any part of such real estate or premises for the purpose of sheltering persons during a disaster or during an authorized practice

disaster exercise, shall 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. (Ord. of 9-17-79, 1.248)

Sec. 13-10 Conflicting ordinances, orders, rules and regulations suspended.

At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all other existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent therewith. (Ord. of 9-17-79, 1.249)

Sec. 13-11 Violations

It shall be unlawful for any person willfully to obstruct, hinder or delay any emergency preparedness forces in the enforcement or accomplishment of any rule or regulation issued pursuant to this chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this chapter. It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or other means of identification as a member of the emergency preparedness forces of the city unless authority to do so has been granted to such person by proper officials.

(Ord. of 9-17-79, 1.249)