

ORDINANCE NO. 1990

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ESTABLISHING A PROGRAM OF COMPREHENSIVE EMERGENCY MANAGEMENT WHICH INCLUDES THE MITIGATION, PREPAREDNESS RESPONSE AND RECOVERY PHASES OF CIVIL PREPAREDNESS; ACKNOWLEDGING THE OFFICE OF EMERGENCY MANAGEMENT DIRECTOR; AUTHORIZING THE APPOINTMENT OF AN EMERGENCY MANAGEMENT COORDINATOR; AND PROVIDING 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 CITY OF MESQUITE; AUTHORIZING COOPERATIVE AND MUTUAL AID AGREEMENTS FOR RELIEF WORK BETWEEN THIS AND OTHER CITIES OR COUNTIES AND FOR RELATED PURPOSES; BY PROVIDING A SEVERABILITY CLAUSE; PROHIBITING UNAUTHORIZED WARNING AND ALL-CLEAR SIGNALS AND MAKING VIOLATIONS A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Mesquite 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 plan, and the means for its implementation, for the protection of lives and property in the City of Mesquite 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, adoption, and implementation of such plans are now imperative;

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

SECTION 1. There exists the office of Emergency Management Director of the City of Mesquite, which shall be held by the Mayor in accordance with state law.

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(a) An Emergency Management Coordinator may be appointed by and serve at the pleasure of the Director;

(b) The Director shall be responsible for conducting a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in Section 4 of 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.

SECTION 2. The powers and duties of the Director shall include an on-going survey of actual or potential major hazards which threaten life and 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. As part of his responsibility in hazard mitigation, the Director shall supervise and shall recommend that plan for adoption by the City Council along with any and all mutual aid plans and agreements which are deemed essential for the implementation of such emergency management plan. The powers of the Director shall include the authority to declare a state of disaster, but such action may be subject to confirmation by the City Council at its next meeting. The duties of the Director shall also include the causing of a survey of the availability of existing personnel, equipment, supplies and services which 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.

SECTION 3. 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 Emergency Management Council for the County of Dallas and shall have the authority to cooperate in the preparation of a joint 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 Mesquite.

SECTION 4. The duties and responsibilities of the Emergency Management Director shall include the following:

(a) The direction and control of the actual disaster operations of the Mesquite Emergency Management organization as well as the training of Emergency Management personnel.

(b) The determination of all questions of authority and responsibility that may arise within the Emergency Management organization of the City.

(c) The maintenance of necessary liaison with other municipal, county, district, state, regional, federal, or other Emergency Management organizations.

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(d) The marshaling, after declaration of a disaster as provided for above, 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.

(e) The issuance of all necessary proclamations as to the existence of a disaster and the immediate operational effectiveness of the City of Mesquite emergency management plan.

(f) The issuance of reasonable rules, regulations or directives which are necessary for the protection of life and property in the City of Mesquite. 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 to the enemy.

(g) The supervision of the 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 said city is located and with other municipalities within the county, for the county-wide coordination of Emergency Management efforts.

(h) The 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.

(i) The authorizing of agreements, after approval by the City Attorney, for use of private property for public shelter and other purposes.

SECTION 5. The operational Emergency Management organization of the City of Mesquite 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 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 the Federal Government.

SECTION 6. 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 ordinance and shall be subject to the penalties imposed by this ordinance.

SECTION 7. 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, order, rules, and regulations insofar as the latter may be inconsistent therewith.

SECTION 8. 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.

SECTION 9. 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 Mesquite, 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 City of Mesquite 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 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 10. 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.

SECTION 11. 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 ordinance, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this ordinance. 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 Mesquite, unless authority to do so has been granted to such person by the proper officials. Convictions for violations of the provisions of this ordinance shall be punishable by fine not to exceed two hundred dollars (\$200.00).

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SECTION 12. Each employee or any individual that is assigned a function or responsibility shall solemnly swear or affirm to support and defend the Constitution of the United States, laws of the State of Texas and the Ordinances of the City of Mesquite.

SECTION 13. If any portion of this ordinance shall, for any reason, be declared invalid, such invalidity shall not affect the remaining provisions thereof.

SECTION 14. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed to the extent of such conflict but to the extent that such ordinance, resolution or part thereof does not conflict herewith but is cumulative and complimentary hereto, same shall remain in full force and effect. All plans prepared and action taken pursuant to Ordinance Number 957 shall continue in effect during the transition period until supplanted by plans and acts pursuant to this ordinance.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th of February, A.D., 1984.

Mrs. Brunhilde Nystrom
Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynne Prugel
Lynne Prugel
City Secretary

Elland Archer
City Attorney

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