

Chapter 30 CIVIL EMERGENCIES

**Chapter 30 CIVIL EMERGENCIES** [\[1\]](#)

ARTICLE I. - IN GENERAL

ARTICLE II. - EMERGENCY MANAGEMENT

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FOOTNOTE(S):

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**Cross reference**— Administration, ch. 2. [\(Back\)](#)

**State Law reference**— Emergency management, V.T.C.A., Government Code § 418.001 et seq.; local and interjurisdictional emergency management, V.T.C.A., Government Code § 418.101 et seq.; false alarm or report, V.T.C.A., Penal Code § 42.06. [\(Back\)](#)

**ARTICLE I. IN GENERAL**

[Sec. 30-1. National Incident Management System \(NIMS\); adopted.](#)

[Secs. 30-2—30-30. Reserved.](#)

**Sec. 30-1. National Incident Management System (NIMS); adopted.**

The city council hereby adopts the National Incident Management System (NIMS), dated March 1, 2004, as the standard for incident management by the city.

(Ord. No. 2005-6-21, 7-19-05)

**Secs. 30-2—30-30. Reserved.**

**ARTICLE II. EMERGENCY MANAGEMENT**

[Sec. 30-31. Organization.](#)

[Sec. 30-32. Emergency management director; powers and duties.](#)

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[Sec. 30-38. Offenses; penalties.](#)

**Sec. 30-31. Organization.**

There exists the office of emergency management director of the city, 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 chapter. Except as otherwise provided by law, he may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the director;
- (3) The operational emergency management organization of the city shall consist of the officers and employees of the city as 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.

(Code 1978, § 7-1)

**Sec. 30-32. Emergency management director; powers and duties.**

The duties and responsibilities of the emergency management director shall include the following:

- (1) Conduct an ongoing survey of actual or potential hazards which threaten life and property within the city and an ongoing program of identifying, 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 and 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 seven days except 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 the purposes of this chapter. 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 impede, promptly filed with the city secretary.
- (5) Direction and control of the operations of the city 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.

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- (7) Maintenance of liaison with other municipal, county, district, state, regional or federal emergency management organizations.
- (8) Marshaling 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 representatives of the state and of other local political subdivisions of the state, and the drafting and execution of an agreement with the county in which the city is located and with other municipalities within the county, for the countywide 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 providing 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) Survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for in this section.
- (13) Other requirements as specified in the Texas Disaster Act of 1975 (V.T.C.A., Government Code ch. 418).

(Code 1978, § 7-2)

**Sec. 30-33. Comprehensive emergency management plan.**

- (a) 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 article.
- (b) The emergency management plan must provide for:
  - (1) Wage, price and rent controls and other economic stabilization methods in the event of a disaster; and
  - (2) Curfews, blockades and limitations on utility use in an area affected by a disaster, rules governing entrance to and exit from the affected area, and other security measures.
- (c) As provided by state law, the emergency management plan shall follow the standards and criteria established by the state division of emergency management. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the state division of emergency management. 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 when the plan is approved. The emergency management plan shall be considered supplementary to this chapter and shall have the effect of law during the time of a disaster.

(Code 1978, § 7-3)

**Sec. 30-34. Interjurisdictional program.**

The mayor is hereby authorized to join with the county judge of the County of Brewster in the formation of an emergency management council for the county and shall have the authority to cooperate

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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 countywide program of emergency management insofar as such program may affect the city.

(Code 1978, § 7-4)

**Sec. 30-35. Effect of orders, rules, regulations.**

At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede and override all existing ordinances, orders, rules and regulations insofar as the existing ordinances, orders, rules and regulations may be inconsistent with this article.

(Code 1978, § 7-5)

**Sec. 30-36. Liability.**

This article is an exercise by the city of its governmental functions for the protection of the public peace, health and safety; and except as otherwise provided by law, neither the city, the agents and representatives of the 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 article shall be liable for any damage sustained to persons as the result of such activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the city a license or 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 manmade 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.

(Code 1978, § 7-6)

**Sec. 30-37. 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 article without prior approval by the city council. No person shall 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.

(Code 1978, § 7-7)

**Sec. 30-38. Offenses; penalties.**

- (a) 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 article, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this article.

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- (b) 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 article and shall be subject to the penalties imposed by this article.

(Code 1978, § 7-8(a), (c))