

## CHAPTER 16

### EMERGENCY MANAGEMENT ORDINANCE

#### SECTION 1. POLICY AND PURPOSE

Subd. 1. Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds, or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps or catastrophic measure or emergencies that are technological in nature; and in order to insure that preparations of this City will be adequate to deal with such disasters, and generally, to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this City, it is hereby found and declared to be necessary:

- A. To establish a City emergency management organization responsible for City planning and preparation for emergency government operations in time of disasters.
- B. To provide for the exercise of necessary powers during emergencies and disasters.
- C. To provide for the rendering of mutual aid between this City and other political subdivisions of this State and of other states with respect to the carrying out of emergency preparedness functions.
- D. To comply with provisions of Minnesota Statutes, Chapter 12, Section 12.25, which requires that each political subdivision of Minnesota shall establish a local organization for emergency management.

#### SECTION 2. DEFINITIONS

Subd. 1. “Emergency Management” means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by flood, fire, tornado and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps or emergencies that are technological in nature. These functions include, without limitation, fire fighting services, police services, emergency medical services, engineering, warning services, communications, radiological, and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out of the foregoing functions. Emergency management includes those activities sometimes referred to as “Civil Defense” functions.

Subd. 2. “Disaster” means a situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in a catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

Subd. 3. “Emergency” means an unforeseen combination of circumstances, which calls for immediate action to prevent from developing or occurring.

Subd. 4. “Emergency Management Forces” means the total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this resolution or any rule or order thereunder. This includes personnel from City departments, authorized volunteers, and private organizations and agencies.

Subd. 5. “Emergency Management Organization” means the staff element responsible for coordinating city-level planning and preparation for disaster response. This organization provides City liaison and coordination with federal, state, and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

### **SECTION 3. ESTABLISHMENT OF AN EMERGENCY MANAGEMENT ORGANIZATION**

Subd. 1. There is hereby created with the City government an emergency management organization, which shall be under the supervision and control of the City Emergency Management Coordinator, hereinafter called the “Coordinator”. The Coordinator shall be appointed by the Mayor and City Council for an indefinite term and may be removed by them at any time. Any salary or expenses will be determined by the City Council. The Coordinator shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization, subject to the direction and control of the Mayor and City Council.

### **SECTION 4. POWERS AND DUTIES OF THE COORDINATOR**

Subd. 1. The Coordinator, with the consent of the City Council shall represent the City on any regional or state conference for emergency management. The Coordinator shall develop proposed mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present such agreements to the City Council for its action. Such arrangements shall be consistent with the State Emergency Plan.

Subd. 2. The Coordinator shall make studies and surveys of the manpower, industries, resources and facilities of the City as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency or disaster. The Coordinator of Emergency Management shall establish the economic stabilization systems and measures, service staffs, boards and sub-boards required, in accordance with state and federal plans and directions subject to approval of the City Council.

Subd. 3. The Coordinator shall prepare a comprehensive emergency plan for the emergency preparedness of the City including municipal and unincorporated areas and shall present such plan to the City Council for its approval. When the City Council has approved the plan by resolution, it shall be the duty of all City agencies and all emergency preparedness forces of the City to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The Coordinator shall coordinate the emergency management activities of the City to the end that they shall be consistent and fully integrated with the emergency plan of the Federal Government and the State and correlated with emergency plans of other political subdivisions within the state.

Subd. 4. In accordance with the State and County Emergency Plan, the Coordinator shall institute such training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the City Emergency Plan when a disaster occurs.

Subd. 5. The Coordinator shall utilize the personnel, services, equipment, supplies, and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all such departments and agencies shall be, to the maximum extent practicable, cooperate with and extend such services and facilities to the City Emergency Management organization and to the Governor upon request. The head of each department or agency in cooperation with the Coordinator shall be responsible for the planning and programming of such emergency activities as will involve the utilization of the facilities of the department or agency.

Subd. 6. The Coordinator shall, in cooperation with existing City departments and agencies affected, assist in the organizing, recruiting, and training of such emergency management personnel, that may be required on a volunteer basis to carry out the emergency plans of the City and state. To the extent that such emergency personnel are recruited to augment a regular City department or agency for emergencies, they shall be assigned to such departments or agencies and shall be under the administration and control of said department or agency.

Subd. 7. The Coordinator shall carry out all orders, rules and regulations issued by the Governor with reference to emergency management.

Subd. 8. The Coordinator shall act as principal aide and advisor to the City officials responsible for direction and control of all City emergency operations during an emergency. The Coordinator's main responsibility is to assure coordination among the operating departments, non-governmental groups, and with higher and adjacent governments.

Subd. 9. The Coordinator shall prepare and submit such reports on emergency preparedness activities as may be requested by the City Council.

## **SECTION 5. LOCAL EMERGENCIES**

Subd. 1. Only the Mayor of a municipality or Chair of a County Board of Commissioners or their legal successors may declare a local emergency. It shall not be continued for a period in excess of three days except by or with the consent of the governing board of the political subdivision. Any order, or proclamation declaring, continuing, terminating a local emergency shall be given prompt and general publicity and shall be filed promptly by the chief of the local records-keeping agency of the subdivision.

Subd. 2. A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or interjurisdictional disaster plans, and may authorize aid and assistance thereunder.

Subd. 3. No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

## **SECTION 6. EMERGENCY REGULATIONS**

Subd. 1. Whenever necessary to meet a declared emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the City Council, the Council may by resolution promulgate regulations, consistent with applicable federal or state law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services, emergency health, fire, and safety regulation, drills, or practice periods required for preliminary training, and all other matters which are required to protect public safety, health and welfare in declared emergencies.

Subd. 2. Every resolution of emergency regulations shall be in writing: shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the Office of the City Clerk, which copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the City Clerk's Office shall be conspicuously posted at the front of City Hall or other headquarters of the City or at such places in the affected area as the City Council shall designate in the resolution. By like resolution, the City Council may modify or rescind any such regulation.

Subd. 3. The City Council may rescind any such regulation by resolution at any time. If not sooner rescinded every such regulation shall expire at the end of 30 days after its effective date or at the end of the emergency, whichever comes first. Any resolution, rule, or regulation inconsistent with an emergency regulation promulgated by the City Council shall be suspended during the period of time and to the extent such conflict exists.

During a declared emergency, the City is, notwithstanding, any statutory or charter provision to the contrary, empowered, through its governing body acting within or without the corporate limits of the City, to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property and providing emergency assistance to victims of such disaster. The City may exercise such powers in the light of the exigencies of the disaster without compliance with the time consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds including, but not limited to, publication of resolutions, publication of call for bids, provisions of personnel laws and rules, provisions relating to low-bids, and requirement for budgets.

**SECTION 7. EMERGENCY MANAGEMENT A GOVERNMENTAL FUNCTION**

All functions thereunder and all other activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

**SECTION 8. PARTICIPATION IN LABOR DISPUTE OR POLITICS**

The emergency management organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute.

**SECTION 9. EFFECTIVE DATE**

This ordinance becomes effective upon its passage and publication according to law.

(Adopted 1/8/02)