

Chapter 12

EMERGENCY PREPAREDNESS*

* **Cross References:** Administration, Ch. 2; fire prevention and protection, Ch. 13.

State Law References: Emergency preparedness act, MCL 30.401 et seq., MSA 4.824(11) et seq.; governor's emergency powers, MCL 10.31 et seq., MSA 3.4(1) et seq.

Sec. 12-1. Intent.

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.
(Code 1977, § 1.281; Ord. No. 432, § 1(1.281), 2-4-85)

Sec. 12-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Coordinator shall mean the responsible head of the city department of emergency services, appointed as prescribed in this chapter.

Disaster means an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or man-made cause, including fire, flood, snow, ice, windstorm, wave action, oil spill, 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, 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.

Emergency proclamation means a proclamation issued by the governor that a state of emergency exists under the provisions of Act No. 390 of the Public Acts of Michigan of 1976 (MCL 30.401 et seq., MSA 4.824(11) et seq.), as amended.

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

Emergency services forces shall mean the employees, equipment and facilities of all municipal departments, boards, institutions and commissions suitable for, or adaptable to, participation in emergency services activities as designated by the mayor, with the approval of the council; and, in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons and agencies.

Emergency services volunteer shall mean any person fully registered and appointed by the coordinator and assigned to participate in the emergency services 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.

(Code 1977, § 1.285; Ord. No. 432, § 1(1.285), 2-4-85)

Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 12-3. Coordinating agency.

The city office of emergency services will be the coordinating agency responsible for city-wide emergency preparedness; it will provide the means through which the council and the mayor may exercise the authority and discharge the responsibilities vested in them by this chapter, and Act No. 390 of the Public Acts of 1976 (MCL 30.401 et seq., MSA 4.824(11) et seq.), as amended.

(Code 1977, § 1.282; Ord. No. 432, § 1(1.282), 2-4-85)

Sec. 12-4. Continuation of existing authority.

This chapter will not relieve any elected 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. No. 432, § 1(1.285), 2-4-85)

Sec. 12-5. Organization generally.

(a) *Creation of emergency services forces.* The mayor, with the approval of the council, 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 mayor, as executive head of the city government, shall be the director of the emergency services forces of the city and shall be responsible for their organization, administration and operation, working through the coordinator.

(b) *Members.* The organization for providing emergency services shall consist of the following:

(1) An office of emergency services shall be established with the city government. It shall have an administrative head appointed who shall be known as the coordinator of emergency services. 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 services activities may be designated as part of the total emergency services forces. Such designations shall be by the mayor with the approval of the council.

(c) *Cooperation of city government.* All officers and employees of departments, commissions, boards, institutions and other agencies of the city government designated by the mayor, with the approval of the council, as emergency services forces shall cooperate with the coordinator of emergency services in the formulation of the emergency services plan and they shall assist the coordinator in all matters pursuant to the provisions of this chapter.

(Code 1977, §§ 1.290--1.292; Ord. No. 432, § 1(1.240--1.292), 2-4-85)

Sec. 12-6. Coordinator--Generally, assistants.

(a) *Appointment.* The mayor, with the approval of the council, shall appoint an emergency services coordinator who shall be a person with 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) *Assistants.* Assistant coordinators 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 designated by the department head, with the approval of the mayor, as part of the emergency services forces.
- (2) Assistant coordinators shall assume the duties of the coordinator whenever he or she is unavailable during disasters or emergency situations in the order of designation by the mayor, acting upon the recommendation of the coordinator.

(Code 1977, §§ 1.295, 1.296; Ord. No. 432, § 1(1.295, 1.296), 2-4-85)

Sec. 12-7. Same--Powers and duties.

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

(b) *Duties.* The coordinator's duties shall include, but not be limited to, the following:

- (1) Development of 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 civilian population as to actions necessary and required for the protection of persons 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 each building 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) Establishing property accountability procedures for federal surplus property acquired by the city, federal excess property on loan to the city, or any other property or equipment loaned to the city for use in disaster or emergency situations;
- (9) Coordinating municipal emergency preparedness activities with those at county level and adjacent municipalities.

(Code 1977, §§ 1.310, 1.311; Ord. No. 432, § 1(1.310, 1.311), 2-4-85)

Sec. 12-8. Emergency powers, authority; reciprocal aid.

(a) *Authority of mayor.* The mayor may exercise the emergency power and authority as specified herein. Whenever a situation requires, or is likely to require, that the mayor invoke such power and authority, he or she shall, as soon as reasonable, expedient, convene the council to perform its legislative and administrative duties as the situation demands, and shall report to that body relative to emergency activities. Nothing in this chapter shall be construed as abridging or curtailing the powers of the council unless specifically provided herein.

(b) *Use of emergency services forces.* Under the following circumstances, the mayor may assemble and utilize the emergency services forces, and he or she may prescribe the manner and conditions of their use:

- (1) Whenever, on the basis of information received from authoritative sources, he or she feels that a large scale disaster or emergency situation in the city or state is imminent;
- (2) During any period of disaster in the city or state and thereafter as long as he or she shall deem it necessary.

(c) *Reciprocal aid agreements.* Whenever the mayor finds that any condition in the city has attained, or threatens to attain, the proportions of a major disaster, he or she may assemble and utilize emergency services forces and he or she may prescribe the manner and condition of their use. The mayor, with the approval of the council, is hereby empowered to enter into mutual aid agreements with other public and private agencies for reciprocal aid and assistance during disasters which are beyond local capabilities and resources. He or she may, when he or she deems it in the public interest, send emergency services forces of the city to the aid of other communities stricken by disaster as provided by mutual aid agreements; provided, that after the council convenes, the future continuance of any such disaster relief and the period thereof shall be subject to action of the council.

(d) *Authority of coordinator.* The mayor, with the approval of the council, may make regulations

permitting the coordinator to assemble and utilize the emergency services forces and provide disaster relief aid as prescribed in subsections (b) and (c) of this section.

(e) *Emergency waiver.* When obtaining formal approvals would result in delay of relief activity, the mayor may, until the council convenes, waive procedures and formalities otherwise required pertaining to the performance of public works, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase and distribution of supplies, materials and facilities and expenditure of existing funds, and the council is also empowered to waive any such procedures and formalities.

(f) *Succession of government during emergencies.* The mayor, with the approval of the council, shall establish procedures for the succession of government during emergencies when officials are unavailable for exercising the powers and discharging the duties of their respective offices, under the provisions of Act No. 390 of the Public Acts of Michigan of 1976 (MCL 30.401 et seq., MSA 4.824(11) et seq.), as amended. (Code 1977, §§ 1.300--1.305; Ord. No. 432, § 1(1.300--1.305), 2-4-85)

Sec. 12-9. Volunteers.

(a) *Appointment.* 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 services 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) *Records.* The coordinator may enlist volunteer citizens to form the personnel of an emergency services force for the city or to temporarily augment personnel of the city engaged in emergency activities. The coordinator shall maintain formal records of all such volunteers for worker's compensation purposes. (Code 1977, §§ 1.315, 1.316; Ord. No. 432, § 1(1.315, 1.316), 2-4-85)

Sec. 12-10. City employee rights.

City employees assigned to duty as a part of the emergency services 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. (Code 1977, § 1.320; Ord. No. 432, § 1(1.320), 2-4-85)

Sec. 12-11. Liability.

(a) *Government liability.* This chapter is an exercise by the city of 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) *Private liability.* 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.

(Code 1977, §§ 1.325, 1.326; Ord. No. 432, § 1(1.325, 1.326), 2-4-85)

Sec. 12-12. Federal surplus property.

(a) *Authority to accept.* The coordinator of emergency services is hereby designated as the person responsible for accepting federal surplus property with the power and full authority to sign for such surplus property. The mayor shall provide a written statement to federal officials designating the current name of the coordinator as responsible for complying with the provisions of this section.

(b) *Property records.* The coordinator is responsible for the accountability and will maintain the necessary records for all surplus property obtained for emergency purposes until relieved from accountability by state and federal authorities.

(c) *Payment of service charges.* The coordinator is further authorized to direct payment of service charges for surplus property to complete all transactions.

(d) *Misuse of public property.* Misappropriation or unauthorized private use of such public property while still accountable is subject to prosecution under federal and state statute.

(Code 1977, §§ 1.330--1.333; Ord. No. 432, § 1(1.330--1.333), 2-4-85)

Sec. 12-13. Suspension of laws.

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.

(Code 1977, § 1.335; Ord. No. 432, § 1(1.335), 2-4-85)

Sec. 12-14. Violations.

It shall be unlawful for any person willfully to obstruct, hinder or delay any emergency services 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 services forces of the city unless authority to do so has been granted to such person by proper officials.

(Code 1977, § 1.340; Ord. No. 432, § 1(1.340), 2-4-85)