

## Chapter 7

### EMERGENCY MANAGEMENT\*

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\* **Editors Note:** Provisions enacted by the Emergency Management Ordinance passed Oct. 5, 1995, have been treated as superseding provisions formerly codified as Ch. 7 and derived from an ordinance of July 25, 1985, §§ 1--8, 10. The basic emergency management plan for the city has been set out in Appendix B to this Code.

**Cross References:** Administration generally, Ch. 2; fire protection and prevention, Ch. 8.

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#### Sec. 7-1. Emergency management director.

(a) *Office created.* There exists the office of emergency management director of the City of Brenham, which shall be held by the mayor in accordance with state law.

(b) *Responsibilities generally.* 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. He or she may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the director.

(c) *Powers and duties generally.* The powers and duties of the director shall include the conduct of an on-going survey of actual or potential 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 a part of this responsibility, the director shall supervise the development and approval of an emergency management plan for the city, and shall recommend for adoption by the city council all mutual aid arrangements deemed necessary for the implementation of such plan.

The powers of the director shall include authority to declare a local state of disaster, but such declaration may not be continued or renewed for a period in excess of seven (7) days except by or 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.

The director shall also have the authority to issue 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.

(d) *Duties and responsibilities enumerated.* The duties and responsibilities of the emergency management director shall include the following:

- (1) The direction and control of the operations of the Brenham Emergency Management organization as well as the training of emergency management personnel.
- (2) The determination of all questions of authority and responsibility that may arise within the

emergency management organization of the city.

- (3) The maintenance of liaison with other municipal, county, district, state, regional or federal emergency management organizations.
- (4) The 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.
- (5) 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.
- (6) 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.
- (7) The authorizing of agreements, after approval by the city attorney, for use of private property for public shelter and other purposes.
- (8) The survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for herein.
- (9) Any other requirements as specified in Texas Disaster Act 1975 (V.T.C.S. Article 6889--7).  
(Ord. of 10-5-95, §§ 1, 2)

#### **Sec. 7-2. Emergency management coordinator.**

An emergency management coordinator may be appointed by and serve at the pleasure of the director.  
(Ord. of 10-5-95, § 1(a))

#### **Sec. 7-3. Authority to participate in interjurisdictional program.**

The mayor is hereby authorized to join with the county judge of the County of Washington and the mayors of other cities in said county in the formation of an emergency management council for the County of Washington 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 Brenham.

(Ord. of 10-5-95, § 4)

#### **Sec. 7-4. 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 chapter.

(b) As provided by state law, the 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.

(c) When approved, 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.

(d) The emergency management plan shall be considered supplementary to this chapter and have the effect of law during the time of a disaster.  
(Ord. of 10-5-95, § 3)

#### **Sec. 7-5. Reserved.**

#### **Sec. 7-6. Orders, rules and regulations to supersede existing ordinances.**

(a) *Override.* 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 latter may be inconsistent therewith.

(b) *Limitations.* This chapter shall not be construed so as to conflict with any state or federal statute or with any military or naval order, rule or regulation.  
(Ord. of 10-5-95, §§ 5, 10)

#### **Sec. 7-7. Exemption from liability for damages resulting from activities under this chapter.**

(a) *City.* This chapter 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 Brenham, 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 chapter shall be liable for any damages sustained to persons as the result of said activity.

(b) *Individual.* Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the city 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 or natural or man-made 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.  
(Ord. of 10-5-95, § 6)

**State Law References:** Texas Tort Claims Act, V.T.C.S. art. 6252--19.

#### **Sec. 7-8. Expenditure and 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 chapter without prior approval by the city commission, 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 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.

(Ord. of 10-5-95, § 7)

**Sec. 7-9. Offenses; penalty for chapter violation.**

(a) *Obstruction of emergency management organization personnel prohibited.* 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 chapter, or to do any act forbidden by rule or regulation issued pursuant to the authority contained in this chapter.

(b) *Impersonating emergency management personnel prohibited.* 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 unless authority to do so has been granted to such person by the proper officials.

(c) *Unauthorized warning and all-clear signals prohibited.* 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 chapter and shall be subject to the penalties imposed by this chapter.

(d) *Fine for violation of chapter provisions.* Convictions for violations of the provisions of this chapter shall be punishable by fine not to exceed one thousand dollars (\$1,000.00) or one hundred eighty (180) days in jail.

(Ord. of 10-5-95, § 8)