

Ordinances Governing  
**EMERGENCY MANAGEMENT**  
in the  
CITY OF ARLINGTON  
TEXAS

Amended by Ordinance No. 87-149  
(August 25, 1987)

(Chapter Designator: EMERGENCY MANAGEMENT)

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
87-149	08/25/87	



## ARTICLE I

### PREAMBLE

#### **Section 1.01 Title**

This Ordinance shall be known and may be cited and referred to as the "Emergency Management Ordinance of the City of Arlington, Texas."

#### **Section 1.02 Intent and Purpose**

- A. It is the intent and purpose of this Ordinance to establish an office that will insure the complete and efficient utilization of all of the City's facilities to combat disaster resulting from a natural or man-made disaster as defined herein.
- B. The Arlington Office of Emergency Management will be the coordinating agency for all activity in connection with disasters and all emergency crises; it will be the instrument through which the City and its officials may exercise their authority pursuant to the Texas Disaster Act of 1975, V.C.S., Article 6889-7, as amended, Article III, Sections 1, 3 and 4 of the City Charter, as amended, the Texas Home Rule Statute, V.C.S., Article 1175, as amended, and this Ordinance, as amended.

## ARTICLE II

### DEFINITIONS

The following definitions shall apply in the interpretation of this Article:

Administrator/Coordinator shall mean the individual responsible for coordinating and administrating the Arlington Office of Emergency Management, as prescribed in this Ordinance.

Attack shall mean a direct or indirect assault against the City of Arlington, its government, its environs or of the nation, by the forces of a hostile nation or the agents thereof, including assault by bombing, radiological, chemical or biological warfare or sabotage.

Disaster means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, other public calamity requiring emergency action or energy emergency.

Emergency Management Volunteers shall mean any person duly registered, identified and appointed by the Administrator/ Coordinator of the Office of Emergency Management and assigned to participate in any emergency activity as the Director, Administrator/Coordinator may require.

Emergency Service Forces shall mean emergency management volunteers and the employees, equipment and facilities of all City departments, boards, institutions and commissions; and, in addition, it may include other volunteers, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.

Office of Emergency Management in its broad meaning, is to carry out the basic government functions of maintaining the public peace, health and safety during a disaster. This shall include plans and preparations for protection from, and relief, recovery and rehabilitation from, the effects of an attack on the City by the forces of an enemy nation or the agents thereof; and it shall also include such activity in connection with disaster as defined herein. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States.

Regulations shall include plans, programs and other emergency procedures deemed essential to emergency management and promulgated pursuant to Article 4, Section 4.01 of this Ordinance.

Volunteer shall mean contributing a service, equipment or facilities to the emergency management organization without remuneration.

**ARTICLE III**  
**OFFICE OF EMERGENCY MANAGEMENT**

**Section 3.01 Designation**

There is hereby created the Office of Emergency Management.

**Section 3.02 Office Structure and Membership**

- A. The Office of Emergency Management shall be established within the Fire Department of the City government and under the direction of the Fire Chief. There shall be an executive head of the Office of Emergency Management who shall be known as the Administrator/Coordinator of the Office of Emergency Management and such assistants and other employees as are deemed necessary for the proper functioning of the organization. On some occasions, the Administrator/Coordinator may be referred to as the Administrator, Office of Emergency Management.
- B. The Administrator/Coordinator of the Arlington Office of Emergency Management shall be a person well versed and trained in planning operation involving the activities of many different agencies which will operate to protect the public health, laws, safety and welfare in event of danger from enemy action or disaster as defined in this Ordinance.
- C. The employees, equipment and facilities of all City departments, boards, institutions and commissions will participate in the emergency activity. Duties assigned to a City department shall be the same or similar to the normal duties of the department.
- D. Volunteer persons and agencies offering service to, and accepted by, the City may participate in the emergency activity.

## ARTICLE IV

### EMERGENCY POWERS AND DUTIES

#### **Section 4.01 The Mayor**

- A. During any period when disaster threatens or when the City has been struck by disaster within the definition of this Ordinance, the Mayor may declare, by proclamation, a state of disaster and promulgate as a result thereof such regulations as he deems necessary to protect life and property and preserve the critical resources. Such regulations may include, but shall not be limited to, the following:
1. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of emergency service personnel or to facilitate the mass movement of persons from critical areas within or without the City.
  2. Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to a disaster.
  3. Such other regulations necessary to preserve public peace, health and safety.
  4. Regulations promulgated in accordance with the authority above will be given widespread circulation by proclamations published and uttered by newspapers, television and radio. These regulations will have the force of ordinance when duly filed with the City Secretary, and violations will be subject to the penalties provided in this Ordinance.
- B. 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 Council.
- C. The City Council may convene to perform its legislative and administrative powers as the situation demands, and shall receive reports relative to emergency management activities. Nothing in this Ordinance shall be construed as abridging or curtailing the powers or restrictions of the City Council as defined in Article VII of the City Charter.

#### **Section 4.02 The Administrator/Coordinator**

The Administrator/Coordinator of the Office of Emergency Management shall be responsible to the Fire Chief in regard to all phases of emergency management activities. Under the supervision of the Fire Chief, The Administrator/Coordinator shall be responsible for the planning, coordination and operation of the emergency management activities in the City. Under the super-

vision of the Fire Chief, he shall maintain liaison with the State and Federal authorities of other nearby political sub- divisions as to insure the most effective operation of the Emergency Management Operational Plan. His duties shall include, but not be limited to, the following:

- A. Coordinating the activities of all public and private agencies engaged in any disaster.
- B. Assuming such authority and conducting such activity as the Fire Chief may direct to promote and execute the Emergency Management Operational Plan and its annexes.
- C. Negotiating and concluding agreements with owners or persons in control of buildings or other property regarding the use of such buildings or other property for sheltering purposes and designating suitable buildings as public shelters.
- D. Through public informational programs, educating the civilian population as to actions necessary and required for the protection of their persons and property in case of enemy attack or disaster, as defined herein, either impending or present.
- E. Conducting public practice alerts to insure the efficient operation of emergency services' personnel and to familiarize residents with emergency management regulations, procedures and operations.
- F. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the City for emergency management purposes.
- G. Development and coordination of plan and annexes 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 and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.
- H. Assuming such authority to create emergency purchase of equipment or supplies necessary to perform duties to protect health, safety and welfare. Such emergency purchases are not to exceed five hundred dollars (\$500.00). Emergency purchases over five hundred dollars (\$500.00) will require the approval of the individual as follows:
  - 1. Department Heads up to five thousand dollars (\$5,000.00)
  - 2. Director of Finance up to twenty-five thousand dollars (\$25,000.00)
  - 3. City Manager up to one hundred thousand dollars (\$100,000.00)



4. Emergency Management Director over one hundred thousand dollars (\$100,000.00)
- I. Assuming such authority to designate key personnel to activate the outdoor warning siren.

#### **Section 4.03 The City Manager**

The City Manager is designated to be the Chief Executive Officer, reporting directly to the Mayor and Council. The City Manager, or his designee, will be overall responsible for the execution of the Emergency Operation Plan.

#### **Section 4.04 The City Council**

The City Council shall have the authority to enact temporary ordinances to facilitate recovery from the disaster.

## ARTICLE V

### EMERGENCY MANAGEMENT BASIC OPERATIONAL PLAN

#### **Section 5.01 Purpose**

A comprehensive Emergency Management Basic Operational Plan shall be adopted and maintained by resolution of the Council upon the recommendations of the City Manager. In the preparation of this Operational Plan as it pertains to City organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all municipal departments and agencies to perform the functions assigned by the Operational Plan and to maintain their portion of the Operational plan in a current state of readiness at all times. The Basic Operational Plan shall be considered supplementary to this Ordinance and is incorporated herein by reference, and shall have the effect of law whenever a disaster, as defined in this Chapter, has been proclaimed.

#### **Section 5.02 Amendments**

Proposed amendments to the Basic Operational Plan shall be submitted to the Fire Chief. If approved, the Fire Chief will submit the amendments to the City Manager for approval and submission with recommendations to the City Council for its approval. Such amendments shall take effect fourteen (14) days from the date of submission to the Council unless action is taken by the Council disapproving the City Manager submission. In the event an amendment is pending at the time that a disaster is proclaimed under provision of this Ordinance, the amendment, if approved by the City Manager or his designee, will be considered approved immediately and will remain effective unless specifically revoked by the Council.

#### **Section 5.03 Succession List**

The Basic Operational Plan shall prescribe those positions within the disaster organization for which lines of succession are necessary. The list will be in order of succession and will as nearly as possible designate persons best capable of carrying out all assigned duties and functions.

#### **Section 5.04 Department Operational Annexes**

Each department head assigned responsibility in the Basic Operational Plan shall be responsible for carrying out all duties and functions assigned herein. Duties will include the organization and training of assigned City employees and volunteers. Each department head shall formulate the operational annex for that department's service. The annexes shall be submitted to the

Administrator of the Office of Emergency Management. Annexes affecting the Basic Operational Plan shall be submitted by the Administrator to the Fire Chief for approval and submission to the City Manager. Upon approval by the City Manager, the annexes shall become a part of the Basic Operational Plan.

**Section 5.05 Non-Municipal Employee Assistance**

When a required competency or skill for a disaster function is not available within the City government, the Administrator/Coordinator is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons so assigned to carry out such duties prior to, during and after the occurrence of a disaster. Such service from persons outside of government may be accepted by the City on a volunteer basis. Such citizens shall be enrolled as Emergency Management Volunteers in cooperation with the heads of the City departments affected.

## ARTICLE VI

### LIABILITY LIMITATIONS

#### **Section 6.01 Governmental Immunity**

This Ordinance is an exercise by the City of Arlington of its governmental functions for the protection of the public peace, health and safety; and neither the City nor agents and representatives of said City (or any individual, receiver, firm, partnership, corporation, association, trustee or 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 or property as the result of said activity.

#### **Section 6.02 Property Owner Immunity**

Any person owning or controlling real estate, fixtures or other premises, who is compelled by reason of authority exercised pursuant to law to grant the City the right to inspect, designate and use the whole or any part or parts of such real estate, fixtures or premises for the purpose of sheltering persons during an actual, impending or practice disaster shall not be civilly liable for the death of, or injury to, any persons 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 6.03 Standard of Care for Emergency Action**

Every officer, agent or employee of the City, and every officer, agent, or employee of an authorized provider of emergency services, including, but not limited to every unit of government or subdivision thereof, while responding to emergency calls or reacting to emergency situations, regardless of whether any declaration of emergency has been declared or proclaimed by a unit of government or subdivision thereof, is hereby authorized to act or not to act in such a manner to effectively deal with the emergency. An action or inaction is "effective" if it in any way contributes or can reasonably be thought by the provider of such emergency service to contribute to preserving any lives or property. This Section shall prevail over every other ordinance of the City and, to the extent to which the City has the authority to so authorize, over any other law establishing a standard of care in conflict with this Section. Neither the City nor the employee, agent, or officer thereof, or other unit of government or subdivision thereof or its employees, agents, or officers shall be liable for failure to use ordinary care in such emergency. It is the intent of the City Council, by passing this Ordinance, to assure effective action in emergency situations by those entrusted with the responsibility of saving lives and property by protecting such governmental units from liability, and their employees, agents, and officers from

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non-intentional tort liability to the fullest extent permitted by statutory and constitutional law. This Section shall be liberally construed to carry out the intent of the City Council.

**ARTICLE VII****VIOLATIONS OF REGULATIONS**

It shall be unlawful for any person to violate any of the provisions of this Ordinance or to fail to comply with the Emergency Management Basic Operational Plan. It shall further be unlawful for any person to, in any manner whatsoever, represent or hold oneself out as a member of the Emergency Management organization of the City of Arlington, unless authority to do so has been granted to such person by the Emergency Management Director or his appointed designee. Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Ordinance or the Basic Operational Plan shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed One Thousand Dollars and No Cents (\$1,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.