

CHAPTER 26

EMERGENCY MANAGEMENT

Article 1. Civil Defense and Emergency Management

Sec. 26-1 Citation

This ordinance may be cited as the City of Wilburton Civil Defense and Emergency Management Ordinance of 1997.

Sec. 26-2 Findings and declarations.

1. Because of the existing and increasing possibility of the occurrence of Natural and Technological disasters and future discovery of presently unknown Natural or Technological potentials for disaster of unprecedented destructiveness including, but not limited to, enemy attack, sabotage, or other hostile action, or from fire, flood, tornado, hazardous material incidents, or other causes, and in order to insure that the City of Wilburton is adequately prepared to deal with such disasters to protect the lives and property of the citizens of Wilburton, to prevent further loss of life and property, to maintain the objectives of the City and to provide for the recovery of such disasters, it is hereby found and declared to be necessary:
 - a. To create a Civil Emergency Management Department; to provide for an appointment of a director of Civil Emergency Management and the procedure thereof;
 - b. To establish a method of funding for such department;
 - c. To confer upon the Mayor and Council and the Director of Civil Emergency Management emergency powers provided herein.
 - d. To provide for rendering mutual aid and the procuring of mutual aid as set forth.
 - e. To provide sufficient organization to mitigate and meet emergencies in the general interest of the City of Wilburton.
2. It is further declared that the purpose of this ordinance and intent of the City of Wilburton is that all Civil Emergency Management functions be coordinated to the maximum extent with comparable functions of the State, other states and Localities and private agencies of every type, to the end that the most effective

planning, resources and facilities be made to address potential or actual disasters threatening this city.

Sec.26- 3 Definitions:

1. "Emergency" shall mean any concentrated effort by one or more departments that requires some coordination to respond to a life or property threatening incident.
2. "Declared Emergency" shall mean any situation requiring substantial response by one or more departments, requiring coordination and so declared by an elected official and/or the Director of Civil Emergency Management.
3. "Declared Disaster" shall mean any event, natural or technological, impending or actual, that cannot be handled by the City of Wilburton's resources.
4. "Director" shall mean the Director of Civil Emergency Management as appointed by the Mayor or his designated Assistant.
5. "Civil Emergency Management Volunteer" shall mean any person duly registered, identified, and appointed by Director and assigned to participate in Civil Emergency Management activity.
6. "Volunteer" shall mean contributing a service, equipment, or facilities to the Civil Emergency Management organization without remuneration.
7. "Civil Emergency Management Forces" shall mean the employees, equipment and facilities of all City Departments, Boards, Institutions and Council; and, in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from any other source.
8. "Regulations" shall include plans, programs and other emergency procedures deemed essential to Civil Defense.
9. "Emergency Management or Civil Emergency Management" in any or all pieces where these terms may be used shall also be interchangeable with the term "Civil Defense".

Sec.26-4. Organization and Appointments.

1. The Mayor and City Council hereby creates a Department of Civil Emergency Management in cooperation with Latimer County, commonly referred to as

Wilburton/Latimer County Civil Emergency Management, with the intent that such department shall coordinate the City's mitigation, preparedness, response and recovery to emergencies, declared emergencies, declared disasters, or any other emergency action or impending emergency that confronts the city.

2. Further, Wilburton/Latimer County Civil Emergency Management shall be an executive department of the City government utilizing to the fullest extent all employees, equipment and facilities of all City departments, Boards, institutions, and Commissions to insure efficient response to the Citizens of Wilburton during aforementioned phases of management and/or response to emergencies or disasters or the recovery from emergencies or disasters.
3. The organization shall consist of the following:
 - a. As the Office of Civil Emergency Management within the executive department of the City government and under the supervision of the Mayor and Council and in cooperation with the Board of County Commissioners there shall be an executive head of the office known as the Director of the Office of Civil Emergency Management and such assistance and other employees as are deemed necessary for the proper functioning of the organization.
 - i. The Director shall be appointed by the Mayor as is common practice for like administrators of other departments within the City and jointly with the Board of County Commissioners.
 - b. The employees, equipment and facilities of all City departments, Boards, institutions and Commissions, will participate in the Civil Emergency Management activity.
 - i. Duties assigned to a City department shall be the same or similar to the normal duties of the department except as is necessary to preserve life or property or prevent further loss of life or property.
 - c. Volunteer persons and agencies offering service to and accepted by, the City.

Sec.26-5 Funding.

All fiscal procedures, budgetary processes, purchasing requirements as mandated by City policy, State or Federal law shall apply to the Office of Civil Emergency Management with exceptions:

1. The City of Wilburton authorizes the Director of Civil Emergency Management to accept services, equipment, supplies, materials, funds or any other thing of value by way of gift, grant, or loan, for purposes of Civil Emergency Management from any State or Federal Government or its political subdivisions.
2. The City of Wilburton authorizes the Director of Civil Emergency Management to accept services, equipment, supplies, materials, funds or any other thing of value by way of gift, grant, or loan, for purposes of Civil Emergency Management from any person, firm, or corporation within the consent of the Mayor and Council and subject to the terms of the offer.
3. The City of Wilburton is authorized to exercise the powers vested under Title 63, Chapter 24, Section 683.11, (b), of the Oklahoma Statutes as pertains to an emergency, declared emergency or declared disaster as defined by ordinance, in the light of exigencies of the extreme emergency situation without regard to time consuming procedures and formalities prescribed by law (excepting constitutional requirements) pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation and expenditure of public funds as is provided under Emergency Powers herein.
4. The Director of Civil Emergency Management is hereby authorized to enter into mutual aid agreements, matching fund programs, grants, or any other funding avenues with regard to all laws and contingent on the approval of the Mayor and City Council.
5. The Director of Civil Emergency Management is authorized to participate in fund raising projects sponsored by the Civil Emergency Management Volunteer organization, providing permission is obtained prior to the project from the Mayor. The City of Wilburton further acknowledges that such funds are property of the Volunteer Organization and are not subject to the City's fiscal procedures or other requirements.

Sec. 26-6.. Emergency Powers.

1. When in the judgement of the Director it is necessary to invoke the emergency powers herein, he shall immediately seek the concurrence of the Mayor and City Council by whatever means are necessary or available to him. In the event that the nature of the emergency prevents his consultation with the Mayor and City Council, or in the event the Mayor and the City Council are not available to act, then the judgement of the Director, with consultation of the Vice Mayor, or if the Vice Mayor is not available ,the most senior council person available shall be consulted, the judgement of the Director alone shall be the sole criteria necessary to invoke the powers provided herein. Nothing in this ordinance shall be construed as abridging or curtailing the powers or restrictions of the Mayor and City Council

as defined in the Charter of the City of Wilburton, and the Mayor and City Council may convene to review the invocation of emergency powers at any time and perform their legislative and administrative powers, and shall receive reports relative to Civil Emergency Management activities.

2. During any period when an emergency, declared emergency or declared disaster exists or is threatened, within the definition of this Ordinance, the Director may promulgate such regulations as he deems necessary to protect life and property and preserve critical resources. Such regulations shall remain in effect until declared unnecessary by the Mayor and Council or the Director if the Mayor and Council are not available and may include, but shall not be limited to, the following:
 - a. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of Civil Emergency Management forces, or to facilitate the mass movement of persons from critical areas within or without the City.
 - b. Regulations pertaining to the movement of persons in or around areas deemed to be hazardous or vulnerable to disaster.
 - c. Regulations restricting the movement of persons upon the streets, public property or within the City at particular times of day or night and in particular areas.
 - d. Such other regulations necessary to preserve public peace, health, and safety.
 - e. Regulations promulgated in accordance with the authority above will be given widespread circulation by proclamations published and uttered by newspaper, radio, Civil Emergency Management forces or recognized volunteers. These regulations will have the force of Ordinance when duly filed with the City Administrator or his office and violations will be subject to the penalties provided in this chapter.
3. The Director shall order Civil Emergency Management forces to the aid of other communities when required in accordance with the statutes of the State, and he may request the State, or a political subdivision of the State, to send aid to the City of Wilburton in case of an emergency, declared emergency or declared disaster.
4. The director may obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people, and bind the City for the fair value thereof. The Director will make a concentrated effort to consult with the City Financial Officer and/or the City Council or Mayor or other elected City official, if available, pr or to such transaction. Regardless, such

action take through this ordinance shall be reported by the City Financial Officer to the Mayor and Council for review at the first opportune time.

5. The Director may require emergency services of any City Officer or employee. If regular City forces are determined inadequate, the Director may require the services of such other personnel as he can obtain including citizen volunteers within and without the City. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as are provide by State Law, the City Charter and Ordinances for regular City employees and other registered and identified Civil Emergency Management and disaster workers and upon demand, may receive appropriate compensation for their emergency employment.

Sec 26-7 Duties of the Civil Emergency Management Director.

1. The Director of the Office of Civil Emergency Management shall be responsible to the Mayor and Council in regard to all phases of the Civil Emergency Management activity.
2. Under the supervision of the Mayor and Council, he shall be responsible for the planning, coordination and operation of the Civil Emergency Management activity in the City.
3. Under the supervision of the Mayor and Council, he shall maintain liaison with the State and Federal authorities and the authorities of other nearby political subdivisions as to insure the most effective operation of the Civil Emergency Management plan.
4. His duties shall include, but not be limited to, the following:
 - a. Coordination of the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the City for Civil Emergency Management purposes.
 - b. Development and coordination 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 and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.
 - c. 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.

- d. Conducting public practice alerts to insure the efficient operation of the Civil Emergency Management forces and to familiarize residents with Civil Emergency Management regulations, procedures and operations.
- e. Coordinating the activity of all other public and private agencies engaged in any Civil Emergency Management activity.
- f. Negotiating mutual aid agreements with other municipal corporations or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the Mayor and Council.
- g. Assuming such authority and conducting such activity as the Mayor and Council may direct to promote and execute the Civil Emergency Management plan.

Sec.26-8 Civil Emergency Management and Disaster Basic Plan.

1. A comprehensive Civil Emergency Management and Disaster Basic Plan shall be adopted and maintained by resolution of the City Council upon the recommendation of the Director.
 - a. In the preparation of this Plan as it pertains to City organization, it is the intent that the services, equipment, facilities, and personnel of all existing departments and agencies 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 Plan and to maintain their portion of the Plan in a current state of readiness at all times.
 - b. The Basic Plan shall be considered supplementary to this Chapter and have the effect of law whenever an emergency, declared emergency, or declared disaster, as defined in this Chapter, has been proclaimed.
2. The Director shall prescribe in the Basic Plan those positions within the disaster organization, in addition to his own, for which lines of succession are necessary. Additionally, all Department Heads for the City of Wilburton shall create a list of succession, and in each instance, the responsible person will keep on file with the Director a current list of a minimum of three persons as successors to his position. 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.
3. The Mayor of the City of Wilburton shall designate a line of succession from his position through all elected City Officials, subject to the approval of the Council. The list will be kept current and approvals made at the first opportune time, except when situations exist that require immediate action, then said appointment will become effective immediately and until such time as normal procedure can be implemented.

4. Each department head assigned responsibility in the Basic Plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned City employees and volunteers. Each department head shall formulate the operational plan for his service to ensure that said plan shall conform to and augment the overall plan, and when approved by the Director and having been approved by the Council as provided herein, shall become an annex to and a part of the Basic Plan.
5. Each department head will maintain a current resource list of any and all materials possessed by his department and a current copy will be furnished to the Director. Additionally, all department heads shall furnish to the Director a list of agencies, persons, materials or any other item they may find pertinent to the emergency management of the City of Wilburton both present or conceived as beneficial for a possible future response by the city.

Sec.26-9. Amendments to Civil Emergency Management and Basic Disaster Plan.

Proposed amendments to the Basic Plan shall be submitted to the Director. The Director will submit the proposed amendments to the City Council with his recommendations for their approval. Upon approval by the City Council by resolution, such amendments shall take effect thirty (30) days from the date of approval, unless an emergency is declared separately with the approval of the amendment. In the event an amendment is pending at the time a declared emergency or declared disaster is proclaimed under provisions of this Chapter, the amendment will be considered approved immediately and remain effective unless specifically revoked by the Council.

Sec.26-10. Assistance from Persons Outside City Government.

When a required competency or skill for a disaster function is not available within the City Government, the Director is authorized to seek assistance from persons outside of government. Any and all license requirements may be waived if the persons so assigned have a like license in another jurisdiction within and without the City or State. 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 Civil Emergency Management volunteers in cooperation with the heads of City department affected.

Sec.26-11. No Municipal or Private Liability.

1. This Ordinance is an exercise by the City 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, or 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.

2. Any persons 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 or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack or as shelter during life threatening severe weather, shall not be civilly liable for the death, 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.

Sec 26-12. Violation of Regulations.

It shall be unlawful for any person to willfully violate any of the provisions of this Ordinance or of the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the Civil Emergency Management organization.

Sec. 26-13 Penalty.

Any person, firm or corporation violating any provision of this ordinance or any rule or regulation promulgated thereunder, upon conviction thereof, shall be fined but not to exceed two hundred fifteen dollars \$215.00.

Sec.26-14. Conflicting Ordinances, Order, Rules and Regulations.

At all time when a declared emergency or declared disaster exists pursuant to this Article the provisions of this ordinance together with any rules or regulations promulgated thereunder shall supersede all other existing ordinances, order, rules and regulations of the City of Wilburton insofar as the latter may be inconsistence therewith.