

CHAPTER 11

EMERGENCY PREPAREDNESS AND EMERGENCIES¹

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ARTICLE I. IN GENERAL

Sec. 11-1 Purpose and Declaration of Policy.

This Ordinance is enacted to set out and clarify the authority of the City and its officers and employees with regard to emergency and disaster situations. It is intended to grant as broad a power as permitted by statutory and constitutional authority.

Sec. 11-2 Definitions.

When used in this chapter, the following words shall have the definitions set forth below:

1. Public Emergency: As used in this article a Public Emergency means the imminent threat or occurrence of a disaster, civil emergency or utility emergency affecting the City and its residents and inhabitants where the mayor determines that the exercise or discharge of emergency or disaster powers is necessary to save lives, protect property, protect the public health and safety, or to lessen or to avert the threat of a catastrophe or calamity within the city
 - a. Civil Emergency, as used in this section, shall include, but not be limited to, any condition of unrest, riot, civil disobedience, affray, unlawful assembly, hostile or military or paramilitary action, war, terrorism, or sabotage, epidemic or any event which results in mass casualties which may be beyond normal capacity.
 - b. Utility Emergency, as used in this section, shall include, but not be limited to, conditions which endanger or threaten to endanger the safety, potability, availability, transmission, distribution, treatment, or storage of water, natural gas, gas, fuel, electricity, communication, garbage, or sewage.
2. Disaster: As used in this article a disaster, whether natural or manmade, shall include, but not be limited to, flood, fire, cyclone, tornado, earthquake, severe high or low temperatures, water contamination or pollution, land contamination or pollution, air pollution, blizzard, landslide, mudslide, hurricane, building or structural collapse, high water table, pandemic disease, epidemic, riot, blight, drought, civil emergency, utility emergency, severe energy shortages, snow, ice, windstorm, hazardous substance spills or releases, chemical spills or releases, petroleum spills or releases, biological matter spills or releases, radiation releases or exposures, infestation, explosions, sabotage, mass transportation accidents or public health emergencies. This definition should not be applied rigidly to exclude situations not enumerated.

Sec. 11-3 Mayor's Power During Emergency.

1. Notwithstanding any provision of this Code to the contrary, when the Mayor determines in the Mayor's sole discretion that a state of public emergency exists within the City, the Mayor may by proclamation declare a state of emergency, govern the City by proclamation, and exercise all emergency powers, including but not limited to all of the following:
 - a. The power to direct emergency response activities by City departments including but not limited to the police and fire departments, and by such emergency services personnel as the Mayor may designate or appoint.
 - b. The power to execute contracts for the emergency construction or repair of public improvements, when the delay of advertising and public bidding might cause serious loss or injury to the City.
 - c. The power to purchase or lease goods and services that the Mayor deems necessary to the City's

emergency response or for the repair of City facilities, or both, and to acquire and distribute, with or without compensation, of supplies, materials, and facilities.

- d. The power to lease or lend real property, or structures, or both, that the Mayor deems necessary for the continued operation of City government.
 - e. The power to promulgate rules and orders to implement and clarify the mayoral proclamation exercising emergency power.
 - f. The power to delegate any or all of these duties and to provide for sub-delegation.
 - g. The mayor shall be authorized to appoint any commissioned law enforcement officer in this state as a temporarily commissioned officer of this City.
 - h. The power to transfer, appropriate, or lend between funds as may be necessary in the circumstances.
2. In the event the Mayor is unavailable, the president pro tem of the city council shall have the authorities listed in this section, followed by the City Administrator, and then followed by the most senior ranked member of the city council.

Sec. 11-4. Statutory procedures suspended in event of emergency.

In the event of an emergency, the Mayor is authorized to procure all services, supplies, equipment or materials necessary to continue the effective operation of the emergency preparedness plan without regard to normal statutory procedures or formalities normally prescribed by law pertaining to municipal contracts or obligations; provided, that if the city council is meeting at the time, the Mayor shall act pursuant to the orders and directions imposed on that body. In the event of an emergency, the mayor, by proclamation, may waive any time consuming formalities or procedures required by statute or by the provisions of this Code or other ordinances pertaining to the advertisement of bids for the execution of contracts and for the performance of public work contracts.

(Code 1977, § 12-11; Ord. No. 10260, §§ 1, 2, 8-20-84)

Sec. 11-5. Emergency Procurement.

Notwithstanding any provision of this Code to the contrary, the Mayor, upon declaration of a state of emergency by proclamation as provided in Section 11.002, may authorize the City Administrator or the City Administrator's designees to procure by purchase or lease, such goods and services as are deemed necessary for the City's emergency response effort. This emergency procurement of goods or services may be made in the open market without filing a requisition or estimate and without advertisement for immediate delivery or furnishing. A full written account of all emergency procurement made during this emergency, together with a requisition for the required materials, supplies, equipment, or services, shall be submitted to or provided by the City Administrator within 30 days after their procurement, and shall be open to public inspection for a period of at least one year subsequent to the date of the emergency purchases. The City Administrator shall, within three months of the conclusion of the emergency, formally communicate these emergency expenditures in a full written account to the City Council.

Sec. 11-6. Effective Date and Termination of Emergency Powers.

Proclamations, rules, and orders issued pursuant to Section 11.008 shall be effective upon issuance and shall remain in effect for a period of up to thirty (30) days or until terminated by the Mayor or Council, whichever comes first. This period may be extended by the mayor only upon approval of the city council. Upon the expiration of the local state of emergency, those persons acting pursuant to Section 11.008 shall cease to exercise

emergency powers. The Mayor or Council shall consult with the incident commander prior to terminating the state of emergency.

Sec. 11-7 Penalty for Violation of Emergency Proclamation, Rule, or Order.

The violation of a proclamation of emergency, a subsequent proclamation exercising emergency powers, a rule, or order, which proclamation, rule or order is issued pursuant to Section 11.008, or the violation of any order or directive given by a peace officer or designated emergency services personnel pursuant to authority resulting from Section 11.008 is a misdemeanor and punishable as provided in Chapter One of this Code.

Sec. 11-8. Reserved.

ARTICLE II. LOCAL ORGANIZATION FOR DISASTER PLANNING

Sec. 11-9. Created; coordinator.

There is hereby created within the executive branch of the city government a local organization for disaster planning defense agency, and a coordinator of such organization, hereinafter called the coordinator, who shall be the head thereof. The coordinator shall be appointed by the mayor, after receiving the recommendations of the city administrator, with the advice and consent of the city council. He shall devote such time to the duties of his office as may be prescribed by the mayor. He shall hold office at the pleasure of the mayor and shall receive such salary as may be prescribed by the mayor and approved by the city council. The coordinator, subject to the direction and control of the mayor, shall be the executive head of such organization and shall be responsible to the mayor for carrying out the program of emergency preparedness activities of the city. He shall coordinate the activities of all organizations for disaster planning within the city, and shall maintain liaison with and cooperate with disaster planning agencies and organizations of the state and of the federal government, and shall have such additional authority, duties and responsibilities authorized by this article as may be prescribed by the mayor.

In lieu of appointing a coordinator solely for the City, the council may by ordinance, enter into an written agreement with Cole County to share the services of a coordinator appointed by both bodies. In the event that such an agreement is entered into and provides for such, then such funds as the Council may have otherwise appropriated for a local coordinator may be transferred to the county for the purpose of funding such a position.

(Code 1977, § 12-2; Ord. No. 10260, §§ 1, 2, 8-20-84)

State law reference - Local disaster planning organization required, RSMo. § 44.080.

Sec. 11-10. General Duties of Emergency Services Coordinator.

- a. The Coordinator shall be responsible for the planning of the City's role in furnishing services in the event of major natural or manmade disasters or emergencies.
- b. The Coordinator shall assist the Mayor or the Mayor's designee in the exercise of emergency powers under Section 11.008.
- c. The Coordinator shall act in coordination with the State and other governmental agencies as may be necessary to plan and implement a joint jurisdiction emergency planning and disaster services plan and mutual aid arrangements.
- d. The Coordinator shall consult with the City Counselor in the planning and exercise of emergency powers.

Sec. 11-11. Emergency Operations Plan.

The Emergency Services Coordinator shall recommend for adoption by the City Council, upon approval by the State Office of Disaster Services, an emergency operations plan for the City and recommend for adoption by the City Council mutual aid plans and agreements which are deemed essential for the plan. The Emergency Services Coordinator shall make continuing studies of the need for amendments and improvements in such plans.

Sec. 11-12. Other Specific Powers and Duties of the Coordinator.

The Emergency Services Coordinator shall:

- a. Request the Mayor when appropriate to declare a state of emergency as provided in Section

11.008.

- b. Coordinate emergency training activities.
- c. Maintain a liaison with other municipal, state, regional and federal disaster services agencies.
- d. Marshal and coordinate, after the declaration of a state of emergency, the operational disaster services organization of the city, including providing operational support for the establishment and maintenance of an emergency operations center.
- e. Prepare under the direction of the Mayor and in consultation with the City Counselor, all necessary emergency proclamations, rules, and orders, pursuant to Section 11.008, and implementing the emergency operations plan.
- f. Coordinate the drafting of proposed mutual aid agreements.
- g. Serve as an operations officer for any joint or mutual emergency operation administration.
- h. Assume other emergency responsibilities as assigned by the Mayor or City Council.

Sec. 11-13. Oath of members.

Every person appointed to serve in any capacity in the city emergency preparedness agency shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the coordinator:

"I _____, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Missouri, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign or domestic; that I take this obligation freely, without any mental reservations or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been, a member of any political party or organization that advocates the overthrow of the government of the United States and of this state by force or violence, and that during such time as I am affiliated with the City of Jefferson disaster planning organization, I will not advocate, nor become a member of any political party or organization that does advocate the overthrow of the government of the United States or of this state by force or violence."

(Code 1977, § 12-3; Ord. No. 10260, §§ 1, 2, 8-20-84)

State law reference - Similar provisions, RSMo. § 44.115.

Sec. 11-14. Office space.

The mayor is authorized to designate space in any municipally owned or leased building for the office of the local organization for disaster planning.

(Code 1977, § 12-4; Ord. No. 10260, §§ 1, 2, 8-20-84)

Sec. 11-15. Advisory committees.

The mayor may create, establish and appoint such voluntary disaster planning advisory committee as may be responsible or advantageous in the evaluation of technical professional or other information which may affect the work of the local organization for disaster planning and which may provide advisory assistance on any matters of civil defense.

(Code 1977, § 12-5; Ord. No. 10260, §§ 1, 2, 8-20-84)

Sec. 11-16. Assistance from city employees.

All agencies, departments, officials and employees of the city shall give the coordinator such assistance, aid and help in the preparation and carrying out of an emergency preparedness plan as may be required by the coordinator. If called upon to do so, they shall prepare written plans, as prescribed by the coordinator, and thereafter train and equip themselves and their departments or agencies to carry out all missions or functions assigned to them by the coordinator. In performing their duties under any plan of emergency preparedness, all agencies, departments, officials and employees of the city are hereby directed to use all services, equipment, supplies and facilities of their departments in any practical manner to make the plan of emergency preparedness most functional.

(Code 1977, § 12-6; Ord. No. 10260, §§ 1, 2, 8-20-84)

Sec. 11-17. Mutual aid agreements.

The mayor may enter into any mutual aid agreements with other public or private agencies for the exchange of reciprocal emergency aid. Such mutual aid agreements shall be consistent with the state disaster plan and program. In time of emergency, the emergency preparedness agency of the city shall abide by such agreements and render such assistance or aid as may be provided therein to any other public or private agency. The coordinator may assist in the negotiation of mutual aid agreements with other public and private agencies.

(Code 1977, § 12-8; Ord. No. 10260, §§ 1, 2, 8-20-84)

State law reference - Mutual aid agreements, RSMo. § 44.090.

Sec. 11-18. Cooperation with state government.

The local disaster planning organization of this city is directed to cooperate with and extend such aid and services to the state emergency management agency of the state or the governor of the state as it may be requested to provide.

(Code 1977, § 12-9; Ord. No. 10260, §§ 1, 2, 8-20-84)

State law reference - Similar provisions, RSMo. § 44.110.

Sec. 11-19. Acceptance of federal or state assistance.

Whenever the federal government or the state, or any officers or agencies thereof, offer to the city any services, equipment, supplies, materials or funds by way of gift, grant or loan for the purpose of emergency preparedness, the mayor may accept such offer and authorize the Mayor to receive them on behalf of the city subject to the terms of the offer.

(Code 1977, § 12-10; Ord. No. 10260, §§ 1, 2, 8-20-84)

Sec. 11-20. Statutory procedures suspended in event of emergency.

In the event of an emergency, the coordinator is authorized to procure all services, supplies, equipment or materials necessary to continue the effective operation of the emergency preparedness plan without regard to normal statutory procedures or formalities normally prescribed by law pertaining to municipal contracts or obligations; provided, that if the city council is meeting at the time, the coordinator shall act pursuant to the orders and directions imposed on that body. In the event of an emergency, the mayor, by proclamation, may waive any time consuming formalities or procedures required by statute or by the provisions of this Code or other ordinances pertaining to the advertisement of bids for the execution of contracts and for the performance of public work contracts.

(Code 1977, § 12-11; Ord. No. 10260, §§ 1, 2, 8-20-84)

ARTICLE III. WATER EMERGENCIES

Sec. 11-21. Mayor authorized to declare a water use emergency.

The Mayor is authorized to declare a water use emergency under any of the following conditions:

- A. An equipment failure, large fire, or water main break has caused, or unless water conservation measures are taken, will cause inadequate water pressures and flows for fire protection and public health, or
- B. Water system pumping compared to demand is inadequate to maintain sufficient water reserves to meet expected demands for fire protection and public health.

The mayor's declaration may include all, or any portion of the City.

Sec. 11-22. Persons affected by declaration.

When the Mayor has declared a water emergency, the provisions of this section shall apply to all persons using water, regardless of whether such person shall have a contract for water service with any water company or private well. Person shall be defined as set out in Section 1-2 of the Code of the City of Jefferson, Missouri.

Sec. 11-23. Uses and withdrawal of water prohibited.

When the Mayor has declared a water emergency, the use and withdrawal of water by any person for the following purposes is hereby prohibited:

- A. Watering yards. The sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation.
- B. Washing mobile equipment. The washing of automobiles, trucks, trailers, trailer houses, railroad cars, or any other types of mobile equipment.
- C. Clean outdoor surfaces. The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces.
- D. Cleaning buildings. The washing of the outside of dwellings and the washing of the inside and outside of office buildings.
- E. Cleaning equipment and machinery. The washing and cleaning of any business or industrial equipment and machinery.
- F. Ornamental fountains. The operation of any ornamental fountain or other structure making a similar use of water.
- G. Swimming Pools. Swimming and wading pools not employing a filter and recirculating system.
- H. Watering of golf course greens except to the extent that non-fresh water sources of water (such as grey water) are available for this purpose.

Sec. 11-24. Exception for business and industrial uses.

All businesses and industries utilizing water shall be permitted to utilize the normal amount of water necessary for the maintenance of their business or industry. This exception shall not permit the watering of yards as defined above at any business location except those involved in the raising of vegetation for commercial uses. Should water supplies reach or approach critical levels, the Mayor may, by separate proclamation, suspend this exception for a designated period of time.

Sec. 11-25. Enforcement.

- A. Police officers enforce.
 - 1. Every police officer of the City shall in connection with his duties imposed by law diligently enforce the provisions of this ordinance.
- B. Discontinuance of service.
 - 1. The manager of each water company or district doing business within the City shall have the authority to enforce the provisions of this ordinance by the discontinuance of water service in the event of violation hereof or shall, upon the request of the mayor, city administrator, fire chief or any police officer, discontinue water service to any building whose occupants are violating the provisions of this ordinance.
- C. Penalties.
 - 1. Any person violating the provisions of this ordinance shall be subject to a fine not to exceed \$500 per occurrence, or imprisonment for not more than ninety days, or any combination thereof.

Sec. 11-26. Effective period.

The water emergency, and the regulations in effect thereby, shall be in full force and effect from the issuance of the proclamation until

- A. the date it is designated to expire in the proclamation, or
- B. until such times as the emergency ends as indicated in writing by the manager of the water company and/or districts, or
- C. until otherwise repealed or modified totally, or in part, by the mayor or city council.

Sec. 11-27. Separability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court, of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not effect the validity of the remaining of the portions thereof.

Sec. 11-28 Emergency Operations Center.

The City Administrator is authorized to designate and establish an Emergency Operations Center as well as contingent Operations Centers which may be located within or without the City. The maintenance of the E.O.C shall be the responsibility of the Chief of the Police, with the assistance of the Information Technology Department and any other City department he may deem appropriate. When activated, the operation of the E.O.C. shall be the responsibility of the Coordinator. The E.O.C. may be activated by the Mayor on the recommendation of the two of

the following individuals, or the highest ranking subordinate of each which may be available at the time; the Chief of Police, the Fire Chief, the Emergency Services Coordinator, and the City Administrator. The Coordinator shall, as soon as possible after the Mayor has activated the E.O.C., notify each of the City Council members.

(Ord. No. 13905, §1, 7-22-2005; Code 1977, § 12-1; Ord. No. 10260, §§ 1, 2, 8-20-84; Ord. 14319, §1, 1-22-2008)

NOTES

¹. **Cross references** - Definitions and rules of construction generally, § 1-2; snow emergencies, § 22-148.