

ORDINANCE NO. 836 (16)

REPEALING PART 13, CHAPTER 4 ARTICLES A AND B OF THE MOORE MUNICIPAL CODE, AND ADOPTING NEW SECTIONS 13-401 THROUGH 13-414 ESTABLISHING INTENT, PURPOSE AND AUTHORITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR ORGANIZATION AND APPOINTMENTS; PROVIDING FOR EMERGENCY POWERS AND DUTIES OF CITY MANAGER; ESTABLISHING DUTIES AND EMERGENCY POWERS AND DUTIES OF THE EMERGENCY MANAGEMENT DIRECTOR; PROVIDING FOR AN EMERGENCY OPERATIONS PLAN; PROVIDING FOR ASSISTANCE OF PERSONS OUTSIDE CITY GOVERNMENT; EXCEPTING LIABILITY; ESTABLISHING A PENALTY FOR VIOLATION; ESTABLISHING A PENALTY FOR VIOLATIONS OF THE EMERGENCY PRICE STABILIZATION ACT (15 O.S. 771.7 ET. SEQ.); PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

CHAPTER 4 - EMERGENCY MANAGEMENT

Sec. 13-401. - Intent, purpose and authority.

- (a) Intent and purpose. The purpose of this chapter is to create an emergency management organization for the City of Moore to:
- (1) aid in mitigation and preparedness before a disaster and to alleviate injury or damage through a coordinated response and recovery from damages resulting from disaster, nuclear or conventional weapons attack, sabotage or other hostile action, or by other disaster or major emergency as defined herein; and,
 - (2) protect the lives and health of the citizens of Moore, their property and property rights, whether public or private, in any emergency or disaster event endangering the lives and property of the people of the City of Moore.
- (b) Authority. Nothing in this chapter shall be construed as power or authority to abridge or lessen the legislative and administrative powers of the mayor and city council, unless such is specifically granted herein.

Sec. 13-402 - 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:

Authorized persons means all state, county and municipal police and fire personnel; hospital and ambulance crews; National Guard, and emergency management personnel ordered into a disaster area by proper authority; federal civil and military personnel on official business; persons who enter a disaster area to maintain or restore facilities for the provision of water, electricity, communications or transportation to the public; and such other officials as have valid reason to enter a disaster area.

Civil emergency shall mean a riot or unlawful assembly characterized by the use of actual force or violence of any threat to use force if accompanied by immediate power to execute by three or more persons acting together. All powers, duties and regulations relating to a disaster shall also apply to a civil emergency.

Curfew means a prohibition against any person or persons walking, running, loitering, standing, or motoring upon any alley, street, highway, public property, or vacant premises within the corporate limits of the City of Moore, except persons officially designated to duty with reference to the civil emergency.

Disaster shall mean any event within the city limits threatening or resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

Disaster area shall mean the scene or location of any disaster or civil emergency.

Emergency management shall mean the functions charged to the emergency management department and other city departments to create a framework to provide coordinated community actions to reduce the City of Moore's vulnerability to hazards, and increase the City's resiliency and ability to respond to and recover from disasters.

This includes functions and actions to mitigate, prepare for, respond to and otherwise aid the citizens of the City of Moore in the recovery from injury and damages caused by the effects of disasters. These might include, without limitation,

- (a) fire, flood, tornado, drought, earthquake, and other natural events;
- (b) transportation accidents, chemical releases, industrial accidents, and other technological events;
- (c) infectious disease outbreaks and other public health events;
- (d) civil disorder, domestic and international terrorism, acts of war, and other manmade events; and
- (e) any other event which develops to such an extent as to cause an extreme emergency situation which jeopardizes the health, safety or welfare of the citizens of the City of Moore.

Emergency Management Director ("Director") shall mean the individual appointed by the City Manager to carry out the functions set out in this chapter.

Emergency management forces shall mean the employees, equipment and facilities of all city institutions and commissions; and in addition, it shall include all volunteer personnel, equipment and facilities contributed by or obtained from volunteer persons or agencies.

Emergency management volunteer shall mean any person duly registered, trained, identified and appointed by the Director and assigned to participate in an emergency management and/or disaster activity.

Enemy attack shall mean a direct or indirect assault against the City of Moore, its government, its environs, or of the nation, by the forces of a hostile nation, the agents thereof, and/or non-state sponsored militant or extremist groups, including assault by bombing, radiological, chemical or biological warfare, sabotage or terrorism.

Federal Emergency Management Agency ("FEMA") shall mean the Federal Emergency Management Agency, as created by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 100-707.

Oklahoma Department of Emergency Management ("OEM") shall mean the State of Oklahoma's Department of Emergency Management, as created in 63 O.S. § 683.4.

Regulations shall include plans, programs, and other emergency procedures deemed essential to emergency management.

Resilience shall mean the ability to prepare and plan for, absorb, recover from, and more successfully adapt to adverse events.

Volunteer shall mean the contribution of a service, equipment or facilities to the emergency management system and assigned for use in a disaster/exercise activity, given without expectation of compensation.

Sec. 13-403 - Organization and appointments.

- (a) The City Manager is authorized and directed to create an organization for emergency management utilizing to the fullest extent the existing agencies within the City of Moore. The City Manager, as executive head of the municipal government, shall be the supervisor of the emergency management forces of this city and shall be responsible for their organization, administration and operations. The organization shall consist of the following:

- (1) The City Manager shall create and maintain a Department of Emergency Management to aid in mitigation and preparedness before a disaster and to alleviate injury or damage through a coordinated response and recovery from damages resulting from disaster, nuclear or conventional weapons attack, sabotage or other hostile action, or by other disaster or major or civil emergency as defined herein, and to protect the lives and health of the citizens of Moore, their property and property rights, whether public or private, in any emergency or disaster event endangering the lives and property of the people of the City of Moore.
- (2) The City Manager shall appoint a Director to be head of the Emergency Management Department, and such assistants and other employees as are deemed necessary for the proper functioning of the organization. The Director shall be a person trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of danger from enemy action or disaster as defined in this chapter. The director shall meet the qualifications promulgated by the Oklahoma Department of Emergency Management ("OEM").¹
- (3) The employees, equipment and facilities of all city departments, boards, institutions and commissions will participate in emergency management activity as needed. Duties assigned to a city department shall be the same or similar to the normal duties of the department.
- (4) Volunteer persons and agencies offering services to and accepted by the City.

Sec. 13-404 - Emergency powers and duties of City Manager.

- (a) Emergency Authority of City Manager. The City Manager may exercise the emergency power and authority necessary to fulfill the general powers and duties of the position as defined in Article III of the City Charter.
- (b) Emergency Declaration. When in the judgment of the City Manager it is necessary to invoke the emergency powers provided herein, concurrence of the mayor should be immediately sought, who shall make the decision whether or not to declare an emergency.
 - (1) If the mayor is not available, the decision shall be made by the vice mayor; if that individual is not available, the decision shall be made by the senior councilperson available.
 - (2) In the event the mayor and city council are not available to act, then the City Manager shall be the sole authority necessary to invoke the powers provided herein.
 - (3) In the absence of the City Manager as the final judge of an emergency declaration, the Emergency Management Director shall make the determination.
 - (4) Whether the mayor, the vice mayor, a councilperson, the City Manager or the director declares an emergency, such action shall not 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 Moore. Thereafter the mayor and city council may convene to perform their legislative and administrative powers, and shall receive reports relative to emergency management activities.
- (c) Emergency Regulations. During any period when disaster threatens or when the City of Moore has been affected by disaster or major emergency, within the definition of this chapter, the City Manager may promulgate such regulations as deemed necessary to protect life and property and preserve critical resources. Such regulations may include, but shall not be limited to the following:

¹ State Law reference— Appointment of director, 63 O.S. § 683.11(B).

- (1) Regulations prohibiting or restricting the movement of vehicles to facilitate the work of emergency management forces or the mass movement of persons from critical areas within or without the City of Moore.
 - (2) Regulations pertaining to the movement of persons to and/or from areas deemed to be hazardous or vulnerable to disaster.
 - (3) Regulations restricting the movement of persons upon the streets at particular times of days and in particular areas.
 - (4) Such other regulations necessary to preserve public peace, health and safety.
 - (5) Regulations promulgated in accordance with the authority above will be given widespread circulation by proclamations published and disseminated by newspaper, television, radio and other available means of communications with the public. These regulations will have the force of ordinance when duly filed with the city clerk and violations will be subject to the penalties provided in this chapter.
- (d) Emergency Management Forces. Whenever the City Manager finds that any condition in the City of Moore has attained, or threatens to attain, the proportions of a disaster or emergency, he may assemble and utilize emergency management forces and may prescribe the manner and conditions of their use.
 - (e) Mutual Aid – Requesting. When disaster or emergencies affect the City of Moore to the extent that conditions are beyond the control of local emergency management forces, the City Manager may request aid from other communities and the State.
 - (f) Mutual Aid - Rendering. When requested, the City Manager may send emergency management forces to the aid of other communities affected by disaster or emergency.
 - (g) Emergency Procurement. The City Manager may make emergency procurements in accordance with the purchasing policies when an emergency condition arises and the need cannot be met through normal procurement methods, as referenced in Moore Municipal Code, Part 7, Chapter 2, Section 7-206.²
 - (h) Curfew. After proclamation of an emergency, the City Manager may order a general curfew applicable to such geographical areas of the City of Moore or to the city as a whole, as he deems advisable, and the curfew shall be applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare. After the mayor and city council convene, such order is subject to their approval.
 - (i) Emergency Prohibitions. After the proclamation of an emergency and in the interest of public safety and welfare, the City Manager may also make any or all emergency orders deemed necessary. These may include, without limitation, orders prohibiting the following:
 - (1) Any person being on the public streets, or in the public parks or at any other public place during the hours declared by the City Manager to be a period of curfew;
 - (2) The manufacture, transfer, use, possession or transportation of a molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;
 - (3) The transporting, possessing or using of gasoline, kerosene or combustible, flammable or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;
 - (4) The sale, purchase or dispensing of alcoholic beverages;

² State Law Reference: 63 O.S. § 683.11(F)

- (5) The sale, purchase or dispensing of other commodities or goods, as the City Manager reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;
- (6) The use of certain streets, highways or public ways by the public;
- (7) The sale, ownership, possession, transportation, carrying, transfer and storage of firearms, ammunition and ammunition accessories during a declared state of emergency unless such is otherwise legal under state law;
- (8) Impersonation of a city official or emergency management volunteer;
- (9) Unauthorized use of any insignia of the City of Moore;
- (10) Unauthorized entry into any disaster area;
- (11) Following an emergency or disaster vehicle, or purposely driving to any location on or near a roadway where a disaster or emergency area exists;
- (12) Proceeding to or remaining at a disaster area for the purpose of being a bystander, spectator, sightseer, or souvenir hunter, or disturbing any material objects, equipment, or thing directly or indirectly relating to or pertaining to the disaster;
- (13) Obstructing, hindering, or delaying any public official, shelter manager, or other authorized individual in the enforcement of any rules, regulations or executive orders issued pursuant to the authority contained in this chapter;
- (14) Failing to obey rules, regulations or official orders within a shelter;
- (15) Failing to obey any executive order issued under this chapter;
- (16) Unauthorized use of, or tampering with, a siren or other device so as to simulate any alert or take-cover signal or the termination of an alert or take-cover signal; and
- (17) Such other activities as the City Manager reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

After the mayor and city council convene, all orders are subject to their approval.

- (j) Emergency Services and Volunteers. The City Manager may require emergency services of any city officer or employees. If regular city forces are determined inadequate, the City Manager may request the services of such other available personnel as can be obtained, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as are provided by State law³, the City Charter and ordinances for regular city employees and other registered and identified emergency management and disaster workers and, upon demand, may receive appropriate compensation for their emergency employment.
- (k) Acceptance of Emergency Management Funds. The City Manager shall be empowered to accept any gifts, grants and loans from the federal government, from the State of Oklahoma, or from any person, entity, organization, firm or corporation, as set out in various Federal and State emergency management and disaster relief laws.
- (l) Succession. In the event the City Manager is unable to assume emergency duties for any reason, the normal succession as designated in the Emergency Operations Plan by the City Manager shall take effect. In the event those individuals are unable to assume the City Manager duties, the mayor and city council shall designate an acting City Manager.

Sec. 13-405 - Duties and emergency powers of the Emergency Management Director.

³ State Law Reference: 63 O.S. § 683.13 – Emergency management activities declared as governmental functions – Workers' benefit rights preserved.

The Emergency Management Director shall be responsible to the City Manager in regard to all phases of emergency management or disaster activity. Under the supervision of the City Manager, he/she shall be responsible for the planning, coordination and operation of emergency management/civil defense activity (disaster services) in the City of Moore. Under the supervision of the City Manager, he/she shall maintain liaison with the state and federal authorities and the authorities of other nearby political subdivisions as to ensure the most effective operations of the emergency management program. His/her duties shall include, but not be limited to the following:⁴

- (1) Monitoring and maintaining an awareness of all threats to and vulnerabilities of the City, including those that are natural, man-made, or technological in nature; promoting actions to mitigate where possible the threats and vulnerabilities identified; coordinating and disseminating information concerning those threats and vulnerabilities to the emergency management forces of the City, the civilian population, and other interested parties; and providing alerting and/or warning concerning impending threats to the population of the City of Moore;
- (2) Developing and coordinating plans for the immediate use of all of the facilities, equipment, manpower and other resources of the City of Moore for the purpose of minimizing or preventing damage to persons and property; protecting and restoring to usefulness governmental services and public utilities necessary for public health, safety and welfare;
- (3) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the City of Moore for disaster purposes;
- (4) Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for emergency purposes and designating suitable buildings as public shelters;
- (5) Providing and promoting informational, educational, outreach, and training programs to emergency management forces of the City, the civilian population, and other interested parties as to the mitigation of, preparation for, response to, and recovery from disasters, civil emergencies and enemy attack, as defined herein;
- (6) Conducting practice exercises to insure the efficient operation of emergency and disaster forces and to familiarize disaster workers and residents with disaster regulations, procedures and operations;
- (7) Maintaining and managing an Emergency Operations Center and other support facilities and locations during disaster operations, so as to facilitate coordination of emergency management forces during disasters, civil emergencies and enemy attack;
- (8) Coordinating the activity of all other public and private agencies engaged in any disaster activity, real or implied;
- (9) Assuming such authority and conducting such activity as the City Manager may direct to promote and execute the Emergency Operations Plan;
- (10) Supporting long-term recovery efforts within the City of Moore after disasters, civil emergencies and enemy attack; promoting efforts to increase the City's resiliency prior to, during, and after emergency events; and
- (11) Documenting all activities conducted in support of emergency management program objectives; providing required information and reports to the City Manager, the Oklahoma Department of Emergency Management ("OEM"), the Federal Emergency Management Agency ("FEMA"), and other governmental agencies and organizations as required and appropriate.

⁴ State Law reference— Responsibility of director, 63 O.S. § 683.11(D).

Sec. 13-406 - Emergency Operations Plan.

- (a) A comprehensive Emergency Operations Plan shall be adopted and maintained of the city council upon the recommendations of the City Manager and Emergency Management Director. 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 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 plan and to maintain their portion of the plan in a current state of readiness at all times. The Emergency Operations Plan shall be considered supplementary as to this chapter and have the effect of law whenever a disaster, as defined in this chapter, has been proclaimed.
- (b) The Emergency Management Director shall prescribe in the plan those positions within the disaster organization, in addition to his own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the emergency manager a current list of three persons as successors to their position. The list will be in order of succession and will as nearly as possible designate persons capable of carrying out all assigned duties and functions.
- (c) Each service chief and department head assigned responsibility in the 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 chief or department head shall formulate the standard operating procedures and guidelines necessary to carry out the assigned duties and functions.
- (d) Amendments to the Emergency Operations Plan shall be submitted to the City Manager. If approved, the City Manager will submit the amendments to the city council with his recommendation for their approval. Following city council approval, such amendments shall take effect 30 days from the date of approval unless an emergency exists and declared at which time the approved amendments shall become effective immediately.
- (e) Other plans relating to emergency and disaster mitigation, preparedness, response and recovery may also be adopted and maintained as deemed necessary.

Sec. 13-407 - Assistance of persons outside city government.

When a required competency or skill for a disaster function is not available within the city government, the appropriate department head in consultation with the City Manager 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 until revoked by the City Manager. Such services from persons outside of government may be accepted by the City of Moore on a volunteer basis or through charges agreeable to the City of Moore and contractor. Volunteers obtained to fill said needs shall be enrolled as emergency management volunteers in cooperation with the heads of city departments affected.

Sec. 13-408 - No municipal or private liability.

- (a) This chapter is an exercise by the City of Moore through its governmental functions for the protection of the public peace, health and safety. Neither the City of Moore, nor its agents and representatives 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 chapter, shall be liable for any damage sustained to persons or property as the result of said activity.
- (b) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the City of Moore 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 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.

Sec. 13-409 - Violation of regulations.

It shall be unlawful for any person to violate any of the provisions of this chapter or of the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency management organization as herein defined, in the enforcement of the provisions of this chapter or any regulation or plan issued thereunder.

Sec. 13-410 - Penalty.

Any person, firm or corporation violating any provisions of this chapter or any rule or regulation promulgated thereunder, upon conviction thereof, will be assessed a fine as established by Part 1, Chapter 1, Section 1-108 of the Moore Municipal Code.

Sec. 13-411 - Violation of Emergency Price Stabilization Act.

The City Manager, upon the concurrence of a majority of the city council, shall bring an action against any person, firm or individual that violates the Emergency Price Stabilization Act, as outlined in 15 O.S. § 777.1 et seq.

Sec. 13-412 - Repealer.

All sections, subsections, clauses and sentences of existing law in conflict with this chapter are repealed.

Sec. 13-413 - Codification.

This chapter shall be codified in the Moore Municipal Code, and the codifier is authorized to set out the ordinance as appropriate.

Sec. 13-414 - Severability.

The provisions of this chapter are severable and, if any sentence, provision, or other part of this chapter shall be held invalid, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this chapter.

Severability

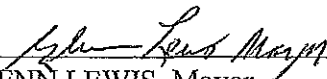
If any of the provisions of this ordinance are determined to be unconstitutional or unlawful by any court of competent jurisdiction, the remainder shall be severable and unaffected.

Repealer

Any ordinance or parts thereof in conflict with this section are hereby repealed.

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety and public good of the City of Moore and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, and emergency is hereby declared to exists by reason whereof this ordinance shall take effect and be in full force and effect from and after the date provided herein as provided by law.

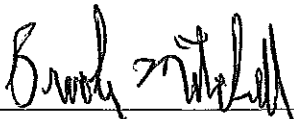
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MOORE THIS
17th DAY OF OCTOBER, 2016.



GLENN LEWIS, Mayor



ATTEST: (Seal)



Brooks Mitchell, City Clerk

APPROVED AS TO FORM AND LEGALITY:



RANDY C. BRINK, City Attorney