

ORDINANCE NO. 11-2000

EMERGENCY MANAGEMENT ORDINANCE

THE CITY OF ISHPEMING ORDAINS:

This Ordinance is to provide the policy and organization for the mitigation, preparedness, response, and recovery from natural and human caused emergency and disaster situations within the City of Ishpeming, as a component jurisdiction of the Marquette County Emergency Management Program; to designate the position of City Emergency Management Coordinator who shall serve at the general direction of County Emergency Management officials in coordinating the emergency management activities of the City and providing liaison between the City and County officials on all matters pertaining to emergency management; to provide a means of coordinating resources and support of the City with those of the County in the event of an emergency or disaster situation; and to provide a means through which the Ishpeming City Council, the Chief Executive Official, and Emergency Management officials may exercise the authority and discharge the responsibilities vested in them by their resolution and Act 390 of Public Acts of 1976 as amended.

Article 1 - Short Title

Section 101. This Ordinance shall be known as the "City of Ishpeming Emergency Management Ordinance".

Article 2 - Definitions

Section 201. For the purpose of this Ordinance, certain words used herein are defined as follows:

- a. "Act" means the Michigan Emergency Management Act No. 390 of the Public Acts of 1976, as amended.
- b. "Chief Executive Official" shall mean:
  - i. in the case of the City of Ishpeming, the Mayor.
  - ii. in the case of a township, the Township Supervisor.
  - iii. in the case of the County, the Chairperson of the County Board.
- c. "City Emergency Management Coordinator" means the person appointed pursuant to Section 9 of Public Act 390 of 1976, as amended, to coordinate emergency management activities within the City and serve as a liaison with the County.
- d. "Council" shall mean the Ishpeming City Council.
- e. "County Emergency Management Coordinator" shall mean the person appointed pursuant to Section 9 of Public Act 390 of 1976, as amended, to coordinate emergency management activities within the County.
- f. "Disaster" means an occurrence or threat of widespread or severe damage, injury, or loss of life or property, resulting from a natural or human-made cause including, but not limited to, fire, flood, snowstorm, ice storm, tornado, windstorm, wave action, oil spill, water contamination, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous materials incident, epidemic, air contamination, blight, drought, infestation, explosion, or hostile military action or paramilitary action, or similar occurrences resulting from terrorist activities, riots, or civil disorders as defined in the Act.

- g. "Disaster Relief Force" means all agencies of the State, County, and municipal government, private and volunteer personnel, public officers and employees, all persons or groups of persons identified in the Emergency Operations Plan, those called into duty or working at the direction of a party identified in the Plan, to perform specific disaster or emergency related tasks and those having duties or responsibilities under the Michigan Management Act or pursuant to a lawful order or directive authorized by the Act.
- h. "District Coordinator" means the Michigan Department of State Police, Emergency Management Division District Coordinator. The District Coordinator serves as liaison between local emergency management programs and the Michigan State Police, Emergency Management Division, in all matters pertaining to the mitigation, preparedness, response, and recovery of emergency and disaster situations.
- i. "Emergency" means any occasion or instance in which assistance is needed to save lives, protect property and the public health and safety, or to lessen or avert the threat of a disaster.
- j. "Emergency Management Program" means a program established to coordinate mitigation, preparedness, response, and recovery activities for all emergency or disaster situations within the County. The program shall be administered through the Emergency Services Division by a certified Emergency Manager and meet the program standards and requirements as established by the Department of State Police, Emergency Management Division. The Marquette County Emergency Management Program is comprised of County government and component cities and townships.
- k. "Emergency Program Manager" means the person appointed to administer the County Emergency Management Program. The County Emergency Program Manager shall head the Emergency Services Division and serve as the Deputy County Emergency Management Coordinator.
- l. "Emergency Operations Plan" means the plans and necessary support material developed and maintained by the County and political subdivisions included in the Emergency Management Program for the purpose of guiding local response to emergency and disaster situations, including provisions for the safe and efficient use of the Disaster Relief Force.
- m. "Emergency Services Division" means the division within the Marquette County Sheriff's Department established by the County Board of Commissioners to administer a comprehensive County Emergency Management Program and coordinate other emergency activities as required.
- n. "Governor's State of Disaster" means an executive order or proclamation by the Governor that implements the disaster response and recovery aspects of the Michigan Emergency Management Plan and applicable local plans of the County or municipal programs affected.
- o. "Governor's State of Emergency" means an executive order or proclamation by the Governor that implements the emergency response and recovery aspects of the Michigan Emergency Management Plan and applicable local plans of the County or municipal programs affected.
- p. "Local State of Emergency" means a declaration by a Chief Executive Official, pursuant to the Act and this Ordinance, which implements the appropriate response and recovery measures of the jurisdiction and authorizes certain actions as described in this Ordinance and applicable emergency operations plans.

- q. "Vital Records" means those records that contain information needed to continue the effective functioning of a governmental entity in the event of an emergency or disaster situation, including those records necessary to recreate the legal position of government and those necessary to preserve the rights of government, its employees, and the residents it serves.
- r. "Volunteer" shall mean any person duly appointed or assigned by the City to participate in emergency management related activities and registered with City and County Emergency Management officials as a member of the Disaster Relief Force. The individual will contribute services, equipment, or facilities for disaster purposes without enumeration or without a formal agreement or contract of hire.

#### Article 3 - Emergency Services Division; Officials and Employees

Section 301. In accordance with P. A. Act 390, as amended, and the County Emergency Management Resolution, Marquette County has established and maintains an Emergency Services Division within the Marquette County Sheriff's Department for the purpose of administering the County Emergency Management Program and coordinating all emergency mitigation, preparedness, response, and recovery activities within the County. General supervision of the Emergency Services Division shall be assigned to the Marquette County Sheriff. The County Board has established the position of Emergency Program Manager to staff the Emergency Services Division. He/she shall have the personal attributes, training, experience, and certification necessary to carry out the duties and responsibilities of this position. The Emergency Program Manager is designated as the Deputy County Emergency Management Coordinator and serves under the direct supervision of the Marquette County Sheriff.

Section 302. In addition, the Chairperson of the County Board of Commissioners, with approval of the Board, appoints a minimum of two qualified persons as successors to the Emergency Management Coordinator in the event he/she is not immediately available or unable to perform the duties or responsibilities of the position. The designated line of succession shall be listed in the County Emergency Operations Plan.

Section 303. Such assistants, professional, and support employees deemed necessary by the County Board of Commissioners for the proper functioning of the County Emergency Management Program are employed or assigned.

#### Article 4 - Emergency Services Division; Responsibilities

Section 401. The Emergency Services Division is responsible for the administration, planning, coordination, and operation of all emergency management activities in the County. County Emergency Management officials and staff shall maintain ongoing coordination and liaison with municipal, County, State, and Federal authorities, as well as the private and volunteer sector, to ensure safe, effective, and coordinated emergency operations. County Emergency Management officials and staff shall comply with the standards and requirements of the County and the Department of State Police, Emergency Management Division, under the authority of the Act in performing the following:

- a. Assure compliance with all applicable State and Federal emergency management laws and regulations. Maintain program eligibility requirements for State and Federal aid. Serve as the applicants' agent for disaster assistance funding.
- b. Direct and coordinate the development of the Marquette County Emergency Operations Plan and other appropriate emergency plans for protecting public health, safety, and property, including specifying agencies to cooperate in the preparation of emergency plans.
- c. Identify departments, agencies, and individuals to be included in the County

Emergency Operations Plan, Disaster Relief Force, and staffing for the County Emergency Incident Command System.

- d. Develop, collect, and maintain emergency resource information.
- e. Coordinate registration, planning, and utilization of volunteer personnel and organizations for emergency management purposes.
- f. Coordinate and/or conduct emergency training and exercise programs within the County.
- g. Coordinate a variety of population protection measures, hazard monitoring, and other community safety initiatives as required.
- h. Through information, training, and awareness programs, educate the general public on community hazards and actions necessary for protection of life and property in an emergency or disaster situation.
- i. Assist in the development and negotiation of mutual aid agreements and other emergency management related contracts.
- j. Coordinate the resources and activities of public, private, and volunteer organizations engaged in emergency and disaster relief operations. Oversee the timely implementation of all functions and activities necessary during an emergency or disaster in accordance with the appropriate emergency plan and accepted concepts of operation.
- k. Coordinate emergency management program activities of the County with those of the Federal and State government, adjacent jurisdictions, and private and volunteer sector organizations. Serve as Local Coordinating Officer (LCO) for emergency operations requiring Federal and State level response.
- l. Coordinate disaster management and incident command measures, including the operation of primary and alternate County Emergency Operating Centers, provisions for other incident command and coordination facilities, and mobilization of the County
- m. Encourage political subdivisions within the County to adopt uniform emergency management policy. Establish a system of emergency management coordination and liaison with component cities and townships for the purpose of facilitating intergovernmental planning and response to emergency and disaster situations.
- n. Maintain contact and coordination with all cities and townships included in the County Emergency Management Program on matters pertaining to emergency management and community safety.
- o. Serve as the principal emergency management contact for the County and political subdivisions, assist in the preparation of public policy for emergency management and community safety.
- p. Identify hazard mitigation opportunities within the County, review applicable plans, and facilitate implementation of appropriate mitigation, preparedness, and other protection measures.
- q. Assume such authority and conduct those activities as the County Board may authorize to promote emergency management, community safety, and to assure safe and efficient operations during an emergency or disaster situation.

Article 5 - City Emergency Management Coordinator; Appointment

Section 501. By the authority of this Ordinance, there is hereby established a City Emergency Management Coordinator within the City of Ishpeming for the purposes of coordinating emergency mitigation, preparedness, response, and recovery activities within the City. The City Manager is hereby appointed as the City Emergency Management Coordinator. The City Manager shall receive administrative supervision from the Chief Executive Official for the City and according to the Act, serve at the direction of the County Emergency Management Coordinator on matters pertaining to emergency management. The City Manager shall have the personal attributes and experience necessary to carry out the duties and responsibilities of this position.

The Chief Executive Official, with approval of the City Council, shall appoint a minimum of two persons as successors to the position of City Emergency Management Coordinator. The line of succession shall be provided to the Emergency Services Division. In the absence of an appointed Emergency Management Coordinator, the Chief Executive Official for the City shall serve in this capacity.

#### Article 6 - City Emergency Management Coordinator; Duties

Section 601. The City Emergency Management Coordinator is responsible for the following:

- a. Preparation and updating of the City Emergency Operations Plan and other contingency plans. City emergency planning shall supplement and be consistent with the County Emergency Operations Plans, provide for interagency coordination, and guide the emergency response activities for the jurisdiction. Develop Standard Operating Procedures (SOP's) or checklists to accomplish emergency notification, assign emergency tasks, and guide emergency operations. Emergency planning documents shall generally be in the form prescribed by the Emergency Services Division.
- b. Promptly notify County Emergency Management officials of any condition or situation that threatens or has reached the proportions of a community emergency or disaster.
- c. Coordinate the City emergency management efforts and response measures with those of the County and adjacent jurisdictions. Serve as the City contact for damage assessment information.
- d. Participate in recommended emergency management training programs and ensure that City personnel are adequately trained for assigned emergency functions. Coordinate with the Emergency Services Division to obtain or enroll in emergency management training programs.
- e. Assist in providing information and education to the City residents as to actions necessary for the protection of life and property in an emergency or disaster situation.
- f. Participate in periodic exercises to enhance the City emergency response capability.
- g. Provide the Emergency Services Division with a roster of personnel and resources available within the jurisdiction and a list of those services that may be needed during times of emergency.
- h. Assist in identification and protection of Vital Records of the City.
- i. Cooperate with County Emergency Management officials in developing the County Emergency Management Program and in implementing the directives of the City and County Chief Executive Officials under a local "State of Emergency".

#### Article 7 - Chief Executive Official of the City; Powers; Duties

Section 701. The Chief Executive Official of the City shall monitor the activities of the City Emergency Management Coordinator and County Emergency Management Program, working through the Emergency Services Division and County emergency management officials. With the advice of County Emergency Management officials and the consent of the City Council, the Chief Executive Official may formulate, review, and approve policy and operational guidelines for the City Emergency Management Coordinator as needed.

Section 702. On an annual basis, the Chief Executive Official shall review the status of the County Emergency Management Program and associated work activities with City and County emergency management officials.

Section 703. The Chief Executive Official shall review for adequacy and authenticate the City Emergency Operations Plan at least every two years.

Section 704. When circumstances within the City indicate that the occurrence or threat of occurrence of widespread or severe damage, injury, or loss of life or property from a natural or human cause exists, the Chief Executive Official may declare a Local State of Emergency in accordance with provisions contained in the Act. Such a declaration shall be promptly filed with the Emergency Services Division. This declaration shall not be continued or renewed for a period in excess of seven days, except with the consent of the City Council.

Section 705. If the Chief Executive Official invokes such power and authority, he/she shall, as soon as is reasonably expedient, convene the City Council for one or more emergency meetings in accordance with the Open Meetings Act to perform its normal legislative and administrative duties as the situation demands, and will report to that body relative to emergency activities. Nothing in this Ordinance shall be construed as abridging or curtailing the powers of the City Council unless specifically provided herein.

Section 706. The Chief Executive Official may do one or more of the following under a local "State of Emergency":

- a. Establish an Incident Command System, activate the City Emergency Operations Plan and/or other applicable emergency procedures for the City. Consistent with the emergency plans and this Ordinance, initiate measures deemed immediately necessary for the protection of the health and safety of persons and property in the City.
- b. Request County emergency management officials to implement the County Emergency Operations Plan or other appropriate contingency plans and directives to the extent needed.
- c. Issue directives for travel restrictions on City streets within the jurisdiction.
- d. Relieve City employees of normal duties and work schedules and temporarily reassign them to other duties.
- e. Authorize and activate mutual aid agreements.
- f. Oversee disaster relief efforts within the City in accordance with the Emergency Operations Plan.
- g. Advise the public of emergency or disaster situations and any recommended public protection measures.
- h. Request a local "State of Emergency" declaration and any required County assistance from the Chief Executive Official of the County.

- i. Assign available City personnel and resources to the County Disaster Relief Force in the event a Local State of Emergency is declared in Marquette County by the Chief Executive Official for the County.
- j. Request a State of Disaster or Emergency declaration from the Governor.
- k. When obtaining normal approvals would result in undue injury or damage, the Chief Executive Official may, until the City Council convenes, waive procedures and formalities otherwise required pertaining to the following:
  - i. For a period of up to seven days, appropriate and expend funds from the City Disaster Contingency Fund created in Article 10 up to \$5,000, and thereafter with the consent of the City Council, provided all expenditures shall be consistent with Section 10.6 of the City Charter.
  - ii. For a period of up to seven days, make contracts, obtain and distribute equipment, materials, and supplies for disaster purposes, and thereafter with the consent of the City Council.
  - iii. Employ temporary emergency workers and services.
- iv. Make, amend, or rescind ordinances or rules necessary for emergency management purposes which supplement a rule, order, or directive issued by the Governor or a State agency. Such an ordinance or rule shall be temporary and, upon the Governor's declaration that a State of Disaster or State of Emergency is terminated, shall no longer be in effect.
- v. For a period of up to seven days, send the City employees and resources to the temporary aid of other communities within Marquette County upon an official request from the affected jurisdiction(s).
  - vi. Authorize other emergency activities as provided for in the Act.

Section 707. If a State of Disaster or Emergency is declared by the Governor, the Chief Executive Official may assign and make available for duty the employees, property, or equipment of the City within or without the physical limits of the City, as ordered by the Governor or the Director of the Michigan Department of State Police, in accordance with the Act.

Section 708. In the event the Chief Executive Official is not immediately available or is unable to exercise the powers and duties of the position, the following line of succession shall be established until the Chief Executive Official is able to discharge the duties of said office:

- a. Chief of Police;
- b. Public Works Superintendent;
- c. Fire Marshall;

#### Article 8 - Governor Declaration Request

Section 801. If a disaster or emergency occurs that has not yet been declared to be a State of Disaster or a State of Emergency by the Governor, the City Council hereby delegates to the Chief Executive Official the authority to determine if the situation is beyond the control of the City. If the disaster or emergency is considered to be beyond the City's control, the Chief Executive Official may request State assistance. The City Emergency Management Coordinator shall immediately contact the Emergency Services Division. The District Coordinator shall then be notified by County emergency management officials. Once notified, the District Coordinator, in conjunction with City and County emergency

management officials, shall assess the nature and scope of the disaster or emergency. They shall recommend the personnel, services, and equipment that will be required for its prevention, mitigation, or relief.

Section 802. The Chief Executive Official for the County shall not request State assistance or a declaration of a State of Disaster or a State of Emergency for an emergency which has occurred or is occurring solely within the confines of the City unless requested to do so by the Chief Executive Official for the City.

Article 9 - City Departments, Commissions, Boards or Other Services; Liaison; Duties

Section 901. Each department head, commission chair, board chair, or other agency chair of City government shall function as an emergency management liaison who shall coordinate the emergency management and emergency planning activities of the department, commission, board, agency, or service, and act as a liaison between his/her staff or organization, the City Emergency Management Coordinator, and the Emergency Services Division, on all matters pertaining to emergency management.

Section 902. The organization's emergency management liaison should have a minimum of two people designated to serve as successors in the event the emergency management liaison is not immediately available or requires supplemental assistance. Successors shall be listed in the City Emergency Operations Plan or the organization's Standard Operating Procedures (SOP's) and will be on file with the City Emergency Management Coordinator and Emergency Services Division. In the absence of an appointed emergency management liaison, the service chief or agency head will serve in this capacity.

Section 903. Each department, commission, board, or other agency of City government is responsible for the following, subject to the overall supervision and direction of the City Manager:

- a. Assist in preparing and maintaining the City Emergency Operations Plan, applicable portions of the Marquette County Emergency Operations Plan, and other emergency plans deemed necessary to guide emergency management activities of that department, commission, board, agency, or service, including Standard Operating Procedures (SOP's) or checklists necessary to accomplish emergency notification, assigned emergency tasks, and define concepts of operation. Emergency planning documents shall generally be in the form prescribed by the Emergency Services Division.
- b. Promptly notify City and County emergency management officials of any condition or situation that threatens, or has reached the proportions of, a community emergency or disaster.
- c. As a component of the Disaster Relief Force and the County Emergency Management Program, perform specific duties as assigned in the City and County Emergency Operations Plan and other such relevant contingency plans.
- d. Coordinate the organization's emergency management efforts with those of other services, as well as City and County emergency management officials. Provide necessary information for damage assessment activities.
- e. Participate in such emergency management training as recommended by the City Emergency Management Coordinator and the Emergency Services Division. Arrange for training relevant to the emergency responsibilities and functions of the organization to ensure that personnel are trained to be able to implement assigned emergency activities.
- f. Participate in periodic emergency exercises to enhance the adequacy of the organization's response capability.



- g. Provide the City Emergency Management Coordinator and Emergency Services Division with a list of personnel and resources available within the agency, department, or service, as well as a list of those resources which may be needed during times of emer
- h. Identify and provide for the protection of the organization's Vital Records.
- i. Cooperate with City and County emergency management officials in implementing the directives of the Chief Executive Official for the City and County under a local State of Emergency.

#### Article 10 - Disaster Contingency Fund

Section 1001. A Disaster Contingency Fund is hereby created in the City budget of not less than \$5,000, provided all expenditures shall be consistent with Section 10.6 of the City Charter. Money may be expended from the fund when a local "State of Emergency" has been declared by the Chief Executive Official of the City for the purpose of paying the Disaster Relief Force, purchase of equipment, supplies and services, repair costs, or other needs required specifically for the mitigation of the effects of, or in response to, an emergency or disaster situation.

#### Article 11 - Volunteers; Appointment; Reimbursement

Section 1101. Each department, commission, board, or other agency of City government is authorized to appoint volunteers to augment its personnel in time of emergency to implement emergency functions assigned in the City and County Emergency Operations Plan. Such individuals are part of the Disaster Relief Force and shall be subject to the rules and operational control set forth by the respective department, commission, board, or agency through which the appointment was made, and shall be reimbursed for all actual and necessary travel and subsistence expenses. All volunteers shall be registered with the City Emergency Management Coordinator, the City Clerk or Personnel Officer, and the Emergency Services Division.

#### Article 12 - Rights of Disaster Relief Force

Section 1201. In accordance with the Act, personnel of the Disaster Relief Force, while on duty, shall have the following rights:

- a. If they are employees of a county, municipality, or other governmental agency, regardless of where serving, have the powers, duties, rights, privileges, and immunities, and receive the compensation incidental to their employment.
- b. If they are not employees of the County, municipality, or other governmental agency, be entitled to the same rights and immunities as are provided for by law.

#### Article 13 - Temporary Seat of Government

Section 1301. The City Council shall provide for the temporary movement and reestablishment of essential government offices in the event that existing facilities cannot be used.

#### Article 14 - Liability

Section 1401. As provided for in the Act and this Ordinance, the County or any political subdivision, or the agents or representatives of any political subdivision, shall not be liable for personal injury or property damage sustained by volunteer disaster relief workers. In addition, any member of the Disaster Relief Force engaged in disaster relief activity shall not be liable in a civil action for damages resulting from an act or omission

arising out of, and in the course of, the person's good faith rendering of that activity, unless the person's act or omission was the result of that person's gross negligence or willful misconduct. The right of a person to receive benefits or compensation to which he or she may otherwise be entitled to under the worker's compensation law, any pension law, or act of Congress, will not be affected as a result of said activity.

Section 1402. As provided for in the Act, any person owning or controlling real estate or other premises, who voluntarily and without compensation grants the City and County the right to inspect, designate, and use the whole or any part of such real estate or premises for the purpose of sheltering persons or for any other disaster related function during a declared local "State of Emergency", or during an authorized practice disaster exercise, shall 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.

#### Article 15 -Sovereignty

Section 1501. Should any section, clause, or provision of this Ordinance be declared by the courts invalid for any reason, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof, other than the section, clause, or provision so declared to be invalid.

#### Article 16 - Repeals

Section 1601. All ordinances or parts of an ordinance inconsistent herewith are hereby repealed.

#### Article 17 - Bi-Annual Review

Section 1701. This Ordinance shall be reviewed as required by the City Council, and changes shall be made if necessary.

#### Article 18 - Effective Date

Section 1801. This Ordinance shall have immediate effect.

Adopted: February 23, 1994

Amended: May 5, 1999