

**VILLAGE OF POINT VENTURE, TEXAS
ORDINANCE NO. 2001-07-02**

ORDINANCE ESTABLISHING A PROGRAM INCLUDING MITIGATION, PREPAREDNESS, RESPONSE AND RECOVERY PHASES OF COMPREHENSIVE EMERGENCY MANAGEMENT; ACKNOWLEDGING THE OFFICE OF EMERGENCY MANAGEMENT DIRECTOR; AUTHORIZING THE APPOINTMENT OF AN EMERGENCY MANAGEMENT COORDINATOR; AND PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THOSE OFFICES; IDENTIFYING AN OPERATIONAL ORGANIZATION; GRANTING NECESSARY POWERS TO COPE WITH ALL PHASES OF EMERGENCY MANAGEMENT WHICH THREATEN LIFE AND PROPERTY IN THE VILLAGE OF POINT VENTURE, TEXAS; AUTHORIZING COOPERATIVE AND MUTUAL AID AGREEMENTS FOR RELIEF WORK BETWEEN THIS AND OTHER VILLAGES, CITIES OR COUNTIES AND FOR RELATED PRUPOSES; PROHIBITING CERTAIN ACTIONS AND MAKING VIOLATIONS A MISDEMEANOR.

WHEREAS, the Village Council of the Village of Point Venture, Texas finds that the identification of potential hazards and the prevention or mitigation of their effects must be an ongoing concern of the Village of the lives and property of the populace are to be protected; and

WHEREAS, the Village Council hereby declares that the preparation of a Comprehensive Emergency Management Plan, and the means for its implementation, for the protection of lives and property in the Village of Point Venture from natural or man-caused disasters or threat therefore is immediately essential; and

WHEREAS, the Village Council further finds that in times of disasters which may imperial the safety of the inhabitants of the Village, or their property, it becomes necessary to effectuate and place into operation the preconceived plans and preparations with a minimum of delay; and

WHEREAS, the Village Council finds therefore, that the preparation, and the implementation of such plans are now imperative;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF POINT VENTURE, TEXAS:

SECTION 1. ORGANIZATION

The office of Emergency Management Director of the Village of Point Venture, Texas is hereby created and that office shall be held by the Mayor in accordance with State Law.

A) An Emergency Management Coordinator may be appointed by and serve at the pleasure of the Director;

B) The Coordinator shall be responsible for a program of comprehensive emergency management with the Village and for carrying out the duties and responsibilities set forth in this ordinance. He/she may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the Director.

C) The operational Emergency Management organization of the Village of Point Venture shall consist of the officers and employees of the Village so designated by the Director in the Emergency Management Plan, as well as organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the Emergency Management Plan.

SECTION 2 EMERGENCY MANAGEMENT DIRECTOR – POWERS AND DUTIES

The powers and duties of the Emergency management Director are:

a) to conduct an on-going survey of actual or potential hazards which threaten life and property within the Village and an on-going program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.

b) To supervise the development and approval of an emergency management plan for adoption by the Village of Point Venture, and shall recommend for adoption by the Village Council all mutual aid arrangements deemed necessary for the implementation of such plan.

c) to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of seven (7) days except by or with the consent of the Village Council. Any order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the Village Secretary.

d) To issue necessary proclamations, regulations or directives which are necessary for carrying out the purpose of this ordinance. Such proclamations, regulations or directives shall be disseminated promptly by means calculated to bring its contents to the attention of the general public, and unless circumstances attendant on the disaster prevent or impede, promptly filed with the Village Secretary.

e) to direct and control the operations of the Point Venture Emergency Management organizations as well as the training of Emergency Management personnel.

f) to determine all questions of authority and responsibility that may arise within the Emergency Management organization of the Village.

g) to maintain a liaison with other municipal, County, District, State and Regional or Federal Emergency Management organizations.

h) To marshal all necessary personnel, equipment or supplies from any department of the Village to aid in the carrying out of the provisions of the emergency management plan.

i) to supervise the drafting and execution of mutual aid agreements, in cooperation with the representatives of the State and of other local political subdivisions of the State, and the drafting and execution, if deemed desirable, of an agreement with the county in which said Village is located and with other municipalities within the County, for the County-Wide coordination of Emergency Management efforts.

j) To supervise and provide the final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving Emergency Management within the Village.

k) to authorize the agreements after approval by the Village Attorney, for use of private property for public shelter and other purposes.

l) To survey the availability of existing personnel, equipment, supplies and services which could be used during a disaster as provided for herein.

m) to comply with and carry out all of the requirements as specified in the Texas Disaster Act of 1975, Vernon's Codes Annotated, Government Code Chapter 418.

SECTION 3 EMERGENCY MANAGEMENT PLAN

A comprehensive Emergency Management Plan shall be developed and maintained in a current state. The plan shall set forth the form of the organization; establish and designate divisions and function; assign responsibilities, tasks, duties, powers; and designate officers and employees to carry out the provisions of this ordinance. As provided by State law, the plan shall follow the standards and criteria established by the State Division of Emergency Management of the State of Texas. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the State Division of Emergency Management. When approved, it shall be the duty of all 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 Management Plan shall be considered supplementary to the ordinance and have the effect of law during the time of a disaster.

SECTION 4. INTERJURISDICTIONAL PROGRAM

The Mayor is hereby authorized to join with the County Judge of the County of Travis and the mayors of the other cities in said county in the formation of an interjurisdictional Emergency Management program for the County of TRAVIS, and shall have the authority to cooperate in the preparation of an interjurisdictional Emergency Management Plan and in the appointment of a joint Emergency management Coordinator, as well as all powers necessary to participate in a County-Wide program of Emergency Management insofar as said program may affect the Village of Point Venture.

SECTION 5. OVERRIDE

At all times when the orders, rules, and regulations made and promulgated pursuant to this ordinance shall be in effect, they shall supersede and override all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.

SECTION 6. LIABILITY

This ordinance is an exercise by the Village of its governmental functions for the protection of the public peace, health, and safety and neither the Village of Point Venture, the agents and representatives of said Village, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with, any order, rule, or regulation promulgated pursuant to the provisions of this ordinance shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises for the purpose of sheltering a person or persons during an actual, impending, or practice enemy attack or natural man-made disaster shall, together with his successors in interest, if any, 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.

SECTION 7 COMMITMENT OF FUNDS

No person shall have the right to expend any public funds of the Village in carrying out any emergency Management activity authorized by this ordinance without prior approval of the Village Council, nor shall any person have any right to bind the Village by contract, agreement, or otherwise without prior and specific approval of the Village Council unless during a declared disaster. During a declared disaster, the Mayor may expend and/or commit public funds of the Village when deemed prudent and necessary for the protection of health, life, or property.

SECTION 8. OFFENSE: PENALTIES

A) No person may:

- a) willfully obstruct, hinder, or delay any member of the Emergency Management organization in the enforcement of any rule or regulation issued pursuant to this ordinance.
- b) wear, carry, or display any emblem, insignia, or any other means of identification as a member of the Emergency Management organization of the Village of Point Venture, unless the Emergency Management Director or Coordinator has granted the person authority to do so.
- c) Operate
 - 1) a siren or,
 - 2) other devices that simulates a warning, or
 - 3) a device that simulates the termination of an authorized warning signalwithout the expressed authorization of the Village of Point Venture Emergency Management Director or Coordinator.

B) Any person who violates any provision of this ordinance shall be guilty of a misdemeanor. A person convicted of a misdemeanor under this ordinance shall be subject to a fine or penalty not to exceed \$500.00.

SECTION 9. SEVERABILITY

If any portion of this ordinance shall, for any reason, be declared invalid, such invalidity shall not affect the remaining provisions thereof.

SECTION 10. LIMITATIONS

This ordinance shall not be construed as to conflict with any State or Federal Statute or with any military or naval order, rule, or regulation.

SECTION 11. REPEALER

All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

ADOPTED ON THE 2ND DAY OF JULY 2001.