CHAPTER 33 – EMERGENCY MANAGEMENT

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§ 33.01 Policy and Purpose.

Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, winds or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps of catastrophic measure or other major incidents, and in order to insure that preparations of the City will be adequate to deal with such disasters and generally, to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of Greenfield, it is hereby found and declared that the adoption of this ordinance is necessary to accomplish the following purposes:

(A) To establish a City emergency management organization responsible for City planning and preparation for emergency government operations in time of disasters;

(B) To provide for the exercise of necessary powers during emergencies and disasters;

(C) To provide for the rendering of mutual aid between the City and other political subdivisions with respect to the carrying out of emergency preparedness functions;

(D) To comply with the provisions of Minnesota Statutes, Chapter 12, known as the Minnesota Emergency Management Act of 1996; and

(E) To participate as a member of the Lake Minnetonka Regional Emergency Management Group, and accept its emergency plan as the City's basic plan for responses to emergencies, disasters, major incidents, mutual aid and other projects consistent with this ordinance and Minnesota Statutes, Chapter 12.

§ 33.02 Definitions.

For the purposes of this ordinance, the following terms shall have the meanings given below unless another meaning is clear from the context:

EMERGENCY MANAGEMENT means the preparation for and the carrying out of all emergency functions to prevent, minimize and repair injury and damage caused by fire, flood, tornado and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps or other major incidents. These functions include, without limitation, fire-fighters services, police services, emergency medical services, engineering, warning services, communications, radiological, and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection together with all other activities necessary or incidental for carrying out of the foregoing functions. Emergency Management includes those activities sometimes referred to as “civil defense” or “emergency preparedness” functions.

DISASTER means a situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in major loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

EMERGENCY means an unforeseen combination of circumstances which calls for immediate action to respond, or prevent from developing or occurring.

EMERGENCY MANAGEMENT FORCES means the total personnel resources engaged in City-level emergency management functions in accordance with the provisions of this ordinance or any rule or order thereunder. This includes personnel from City departments, authorized volunteers, and private organizations and agencies.

EMERGENCY MANAGEMENT ORGANIZATION means the staff element responsible for coordinating City-level planning and preparation for disaster response. This organization provides City liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities, major incidents, mutual aid, and other projects consistent with this ordinance and assures implementation of federal, state, county and other program requirements.

MAJOR INCIDENT means any incident which exhausts local resources

EMERGENCY MANAGEMENT MUTUAL AID means any disaster or major incident which requires the dispatching of City personnel, equipment or other necessary resources within or without the City limits.

LAKE MINNETONKA REGIONAL EMERGENCY MANAGEMENT GROUP means a group made up of the Lake Minnetonka area emergency management directors which develops, renews and establishes a basic emergency plan and identifies and coordinates training for member communities and reviews local plans, exercises, major incidents and disaster responses which are consistent with this ordinance.

§ 33.03 Establishment of an Emergency Management Organization.

There is hereby created within the City government an emergency management organization which shall be under the supervision and control of the Emergency Management Director, hereinafter called the "Director". The Director shall be appointed by the Major. The Director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization.

§ 33.04 Powers and Duties of the Director.

(A) The Director shall represent the City at any regional or state conference for emergency management. The Director may develop additional mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present such agreements to the City Council for its consideration. Such arrangements shall be consistent with the Emergency Plan. The Director shall also be the City's representative on the Lake Minnetonka Regional Emergency Management Group.

(B) The Director shall make assessments of personnel, businesses and industries, resources and facilities of the City as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency, major incident or disaster.

(C) The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the City and shall present such plan to the City Council for its approval. When the City Council has approved the plan by resolution, it shall be the duty of all City agencies and all emergency preparedness forces of the City to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The Director shall coordinate the basic emergency management activities of the City to the end that they shall be consistent and fully integrated with the basic emergency plan of the Lake Minnetonka Regional Emergency Management Group, and federal and state governments.

(D) In accordance with the emergency plan, the Director shall institute such training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the emergency plan when a disaster, major incident or mutual aid occurs.

(E) The Director, during an emergency, major incident or mutual aid, shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the City to maximum extent practicable. The officers and personnel of all such departments and agencies shall be, to the maximum extent practicable, cooperative with and extend such services and facilities to the emergency management organization. The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of such emergency activities as will involve the utilization of the facilities of the department or agency.

(F) The Director shall, in cooperation with the existing departments and agencies affected, assist in the organizing, recruiting and training of such emergency management personnel, as may be required on a volunteer basis to carry out the emergency plans. To the extent that such emergency personnel are recruited to augment a regular department or agency for emergency, they shall be assigned to such departments or agencies and shall be under the administration and control of such department of agency.

(G) The Director shall carry out all orders, rules and regulations issued by the City Council with reference to emergency management.

(H) The Director shall prepare and submit such reports on emergency preparedness activities as may be required by the City Council.

§ 33.05 Local Emergencies.

(A) A local emergency, including a disaster, major incident or mutual aid response, may be declared by the Mayor. It shall not be continued for a period in excess of three days except by or with the consent of the City Council. Any order or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed promptly with the City Clerk.

(B) A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable plans, including fiscal expenditures, which are consistent with this ordinance.

(C) No other City agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions.

§ 33.06 Emergency Regulations.

(A) Whenever necessary to meet a declared emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the Governor of the State of Minnesota or the City, the City Council may by resolution promulgate regulations, consistent with the applicable federal or state law or regulation, respecting the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services; emergency health, fire, and safety regulation; drills or practice periods required for preliminary training; and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

(B) Every resolution of emergency regulations shall be in writing, dated, refer to the particular emergency to which it pertains, if so limited, and be filed with the City Clerk. A copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the office of the City Clerk shall be conspicuously posted at the front of the City Hall or at such other places in the affected areas as the City Council shall designate in the resolution. By like resolution, the City Council may modify or rescind any such regulation.

(C) The City Council may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule or regulation inconsistent with an emergency regulation promulgated by the City Council shall be suspended during the period of time and to the extent such conflict exists.

(D) During a declared emergency, the Director is, notwithstanding any statutory provision on the contrary, empowered through the City Council acting within or without the corporate limits of the City, to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. The Director may exercise such powers in the light of exigencies of the disaster without compliance with the time-consuming procedure and formalities prescribed by law pertaining to the performance of public work, entering renal equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds including, but not limited to, publication of resolution, publication of call for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirements for budgets.

§ 33.07 Emergency Management A Governmental Function.

All functions thereunder and all other activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under this ordinance or under the workers' compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

§ 33.08 Participation in Labor Dispute or Politics.

The emergency management organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute. The Director may express professional opinions on legislative or other legal regulations consistent with the areas found in Minnesota Statutes, Chapter 12.

§ 33.09 Authorizing Dispatch and Use of City Equipment and Services by the Director in Emergency Situations.

(A) The City finds it desirable and necessary to authorize the Director to dispatch City equipment and personnel to local communities who request aid to combat their emergency, disaster, or major incident consistent with this ordinance and Sections 33.04 and 33.05.

(B) The Director shall evaluate the internal needs of the City, and dispatch appropriate available aid. The Director shall immediately recall, order and terminate the use of any dispatched equipment and personnel when the need for their use no longer exists, or earlier when it appears in the best interest of the City. Aid requests from outside the Lake Minnetonka Regional area, or extended local aid, shall require mutual agreement between the Director and the Mayor.

(C) The Director's acts shall be fully authorized as acts of the City, and all provisions for compensation of personnel, rental of equipment, liability insurance coverage, workers' compensation insurance and all other safeguards and matters pertaining to the City, its equipment and personnel, shall apply in each case as it specifically authorized and directed at such time, whether or not the City Council has previously requested and provided for assistance and the use of equipment and personnel under a mutual protection agreement or other type protection agreement within the City.
(Ord. 2016-02, 5/3/16)

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