

ORDINANCE NUMBER 76 - 003

AN ORDINANCE CREATING A MUNICIPAL PREPAREDNESS COMMITTEE AND PROVIDING THE POWERS OF THAT COMMITTEE: CREATING THE OFFICE OF MUNICIPAL CIVIL PREPAREDNESS COORDINATOR AND PROVIDING THE DUTIES AND RESPONSIBILITIES OF THAT OFFICE: CREATING AND OPERATIONAL ORGANIZATION: GRANTING THE NECESSARY POWERS TO COPE WITH EMERGENCIES THREATING LIFE AND PROPERTY IN THE CITY OF NEW BERLIN: AUTHORIZING COOPERATIONAL AND MUTUAL AID AGREEMENTS FOR RELIEF WORK BETWEEN THIS AND OTHER CITIES OR COUNTIES AND RELATED PURPOSES: PROHIBITING UNAUTHORIZED WARNING AND ALL CLEAR SIGNAL AND MAKING VIOLATION A MISDEMEANOR PUNISHABLE BY FINE NOT TO EXCEED \$100.00.

Therefore, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERLIN:

Section 1. There is hereby created the Municipal Civil Preparedness committee of the City of New Berlin which shall consist of the following:

(a) The mayor of the City of New Berlin, who shall serve as chairman of the Committee, and who shall also be known as Municipal Civil Preparedness Coordinator of the City of New Berlin.

(b) The office of Assistant Municipal Civil Preparedness Coordinator of the City of New Berlin, who shall be charged with the preparation of a civil preparedness plan for the City of New Berlin, together with such duties as the director may prescribe. The Coordinator shall be appointed by and hold his position at the pleasure of the Municipal Civil Preparedness Coordinator. The Coordinator shall serve as Vice Chairman of the Municipal Civil Preparedness Committee of the City of New Berlin.

(c) The Directors of Division and Chiefs of Services of such Divisions as may be provided for by resolution by the City Board of Aldermen or by directive of the Municipal Civil Preparedness Coordinator.

(d) Representatives not to exceed seven (7) in number from civic, business, citizens of the community or other groups to be selected and appointed by the Mayor.

Section 2. The powers and duties of the Municipal Civil Preparedness Committee shall include the recommendation for adoption by the Board of Aldermen of a Civil Preparedness Plan for the City of New Berlin, and the recommendation for adoption by the Board of Aldermen of any and all mutual aid plans and agreements which are deemed essential for the implementation of such civil preparedness plan. The duties of such Civil Preparedness Committee shall also include the making of a survey of the availability of existing personnel, equipment, supplies and services which could be used during an emergency, as provided herein, as well as a continuing study of the need for amendments and improvements in the civil preparedness plan adopted by the Board of Aldermen. The Civil Preparedness Committee of the City of New Berlin, shall meet upon the call of either the Chairman or Vice Chairman.

Section 3. The Mayor of the City of New Berlin is hereby authorized to join with the County Judge of the County of Guadalupe, and the Mayors of the other cities in said County in the formation of a Civil Preparedness Council for the County of Guadalupe and shall have the authority to cooperate in the formation of a civil preparedness plan for the County of Guadalupe and in the appointment of a Civil Preparedness Coordinator for the County of Guadalupe, as well as all other powers necessary to participate in a countywide program of civil preparedness relief insofar as said program may affect the City of New Berlin.

Section 4. The office of Municipal Civil Preparedness Coordinator is hereby created. The Municipal Civil Preparedness Coordinator shall have the authority to request the declaration of the existence of any emergency by the Board of Aldermen or higher authority. In the event it is deemed necessary to declare existence of an emergency without delay, the Coordinator may, if the Board of Alderman is not in session, do so, but such action shall be subject to confirmation by the Board of Aldermen at its next meeting.

The duties and responsibilities of the Municipal Civil Preparedness Coordinator shall include the following:

(1) The control and direction of the actual operation or training efforts of the civil preparedness organization of the City of New Berlin;

(2) The determination of all questions of authority and responsibility that may arise within the civil preparedness organization of the City of New Berlin;

(3) The maintenance of necessary liason with other municipal, district, State, county, regional, Federal, or other civil preparedness organizations;

(4) The marshaling, after declaration of an emergency, as provide for above, of all necessary personnel, equipment or supplies from any department of the City of New Berlin to the aid in the carrying out of the civil preparedness plan;

(5) The issuance of all necessary proclamations as to the existance of the emergency and the immediate operational effectiveness of the civil preparedness plan;

(6) The issuance of reasonable rules, regulations or directives which are necessary for the protection of life and property in the City of New Berlin, such rules and regulations shall be filed in the office of the City Clerk, and shall receive widespead publicity unless publicity will be of aid and comfort to the enemy;

(7) The supervision and 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 city is located and with other municipalities within the County, for the County wide coordination of efforts in preparedness;

(8) The supervision of and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private donations and/or contributions;

(9) The authorizing of agreements, after approval by the City Attorney, for the use of private property for public shelter and other purposes.

Section 5. The operationl civil preparedness organization of the City of New Berlin, shall consist of the officers of said City, designated by the Municipal Civil Preparedness Coordinator as well as all volunteer municipal civil preparedness workers. The functions and duties of this organization shall be distributed among such divisions, special staff and services as the Board of Aldermen shall prescribe by resolution or the Municipal Civil Preparedness Coordinator shall provide by directive. Any such resolution or directive shall set forth the form or organization, establish and designate divisions and services, assign functions and duties, their powers, and designate of-ficers, staff and volunteer workers to carry out the provisions or this ordinance. In-sofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the State Preparedness Council of the State of Texas and the Federal Government.

Section 6. Each person serving as a member of the Municipal Civil Preparedness Com-mittee, or as an officer, employee or volunteer in any capacity in the Municipal Civil

Preparedness Organization created by resolution or directive pursuant to the authority herein conferred, shall prior to assuming their duty or duties, take an oath which shall be substably as follows:

"I _____, do solemnly swear (or affirm) that I believe in and approve of our present form of government, and during the time I am a member of the Municipal Civil Preparedness Committee and/or organization of the City of New Berlin, I will support and defend our present representative form of government and will resist any effort or movement from any source which seeks to subvert or destroy the same or any part thereof, and I will support and defend the Constitution and laws of the United States and the State of Texas.

Section 7. Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this ordinance and shall be subject to the penalties imposed by this ordinance.

Section 8. At all times when the orders, rules and regulations made and promulgated pursuant to this ordinance shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

Section 9. This ordinance shall not be construed so as to conflict with any State or Federal statute or with any Military or Naval order, rule or regulation.

Section 10. This ordinance is an exercise by the City of its governmental function for the protection of the public peace, health and safety and neither the City of New Berlin, the agents and representatives of said City, and 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 other, rule or regulation promulgated pursuant to the provisions of this ordinance shall be liable for any damage sustained to persons or property as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the City of New Berlin a license or privilege, or otherwise permits the City 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, 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.

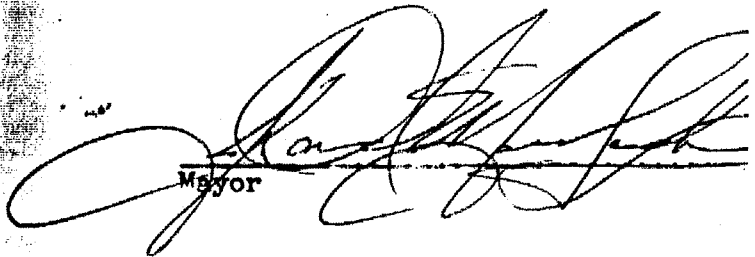
Section 11. No person shall have the right to expend any public funds of the City in carrying out any civil preparedness activity authorized by this ordinance without prior approval by the Board of Aldermen, nor shall any person have any right to bind the City by contract, agreement or otherwise without prior and specific approval by the Board of Aldermen.

Section 12. It shall be unlawful for any person wilfully to obstruct, hinder, or delay any member of the civil preparedness organization in the enforcement of any rule or regulation issued pursuant to the authority contained in this ordinance, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this ordinance. It shall be unlawful for any person to wear, carry or display any emblem, insignia or other means of identification as a member of the civil preparedness organization of the City of New Berlin, unless authority to do so has been granted to such person by the proper officials. Convictions for violations of the provisions of this ordinance shall be punishable by a fine not to exceed \$100.00.

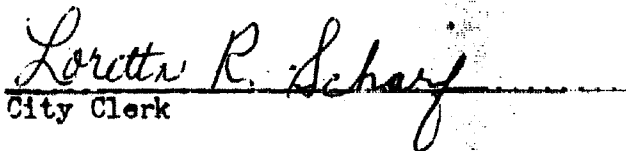
Section 13. If any portion of this ordinance shall, for any reason, be declared invalid, such invalidity shall not affect the remaining provisions hereof.

Section 14. The immediate passage of this ordinance is deemed essential to the public health, safety and welfare and it shall take immediate effect.

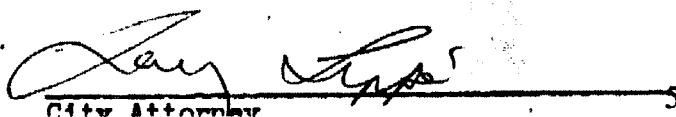
PASSED, APPROVED AND ADOPTED this 19TH day of APRIL


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM


City Attorney