

## Chapter 245

### EMERGENCY MANAGEMENT/CIVIL DEFENSE

#### ARTICLE I

##### In General

**Section 245.010. Definition(s).** [R.O. 2012 §250.010; Ord. No. 7997, 9-20-2010]

As used in this Chapter, the following term shall have the prescribed meaning:

**DISASTER** — An occurrence such as a tornado, storm, flood, high water, wind-driven water, earthquake, drought, blizzard, ice storm, pestilence, famine, explosion, building collapse, vehicle wreck, act of terrorism, enemy attack, sabotage or any other natural or manmade situation that causes human suffering or creates human needs that the victims cannot alleviate without assistance and that requires an extraordinary commitment of governmental resources. This definition should not be applied rigidly to exclude situations not enumerated.

**Section 245.020. Duties and Powers of The Mayor.** [R.O. 2012 §250.020; Ord. No. 7997, 9-20-2010]

A. Duties, powers and responsibilities of the Mayor.

1. The Mayor may declare an emergency whenever a disaster is imminent or actually occurs within the City and the safety and welfare of the inhabitants is jeopardized.
2. The Mayor shall as soon as possible report to the emergency operations center and assume control over the City's emergency response.
3. Upon declaration of an emergency, the Mayor shall have all powers granted to the executive officer of the City by Chapter 44, RSMo., and shall take steps necessary to ensure the health, safety and welfare of all persons within the City limits.

**Section 245.030. Line of Succession in Absence of The Mayor.** [R.O. 2012 §250.030; Ord. No. 7997, 9-20-2010]

If the Mayor is absent or disabled, the person designated to be the acting Mayor of the City shall assume the duties of the Mayor.

**Section 245.040. Emergency Regulations.** [R.O. 2012 §250.040; Ord. No. 7997, 9-20-2010]

- A. If an emergency or disaster occurs which requires the extraordinary management of City resources, the Mayor is authorized to declare an emergency and establish temporary emergency regulations to ensure the health, safety and welfare of the persons within the City.
1. Regulations established by the Mayor pursuant to this Section shall contain a statement of the facts constituting the emergency and shall be narrowly drawn to address the stated emergency.
  2. Immediately after establishing regulations pursuant to this Section, the Mayor shall cause a copy of the regulations to be posted at City Hall and shall cause copies of the regulations to be delivered to all City Council and the local news media.
  3. Regulations established by the Mayor pursuant to this Section shall remain in effect for twenty-one (21) days unless sooner revoked by the Mayor or by motion of the City Council. The Mayor shall not re-establish regulations pursuant to this Section after they have expired or been revoked unless a change in circumstances creates a new emergency or disaster.
  4. At the next regular City Council meeting after establishing emergency regulations or at a special Council meeting held before the next regular Council meeting, the Mayor shall give a complete report on the emergency to the City Council. If the Mayor determines that the emergency regulations should remain in effect, a bill shall be prepared and presented to the City Council which would establish the regulations by ordinance.
- B. Regulations established under this Section shall have the force of law. A person who violates the regulations established under this Section after receiving notice of the regulations shall be guilty of an offense punishable by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed three (3) months, or by both such fine and imprisonment. All other persons violating a regulation established under this Section shall be guilty of an infraction punishable by a fine not to exceed two hundred dollars (\$200.00).

**Section 245.050. Emergency Water Regulations.** [R.O. 2012 §250.050; Ord. No. 7997, 9-20-2010]

- A. The Mayor is authorized to declare a water use emergency under any of the following conditions:
1. An equipment failure, large fire or water main break has caused or, unless emergency water conservation measures are taken, will cause inadequate water pressures and flows for fire protection.
  2. Water system pumping is reasonably estimated to reach the six million (6,000,000) gallons per day level.

- B. After declaring a water use emergency, the Mayor shall establish temporary emergency regulations. The procedures and penalties of "Emergency Regulations" Section 245.040(B) shall apply to these regulations.

ARTICLE II  
**Emergency Management**

**Section 245.060. Established — Duties and Responsibilities.** [R.O. 2012 §250.060; Ord. No. 7997, 9-20-2010]

- A. In accordance with Chapter 44, RSMo., there is hereby created an administrative division of the City to be known as the office of emergency management. This office shall be responsible for the City's emergency management operations.
- B. The office of emergency management shall perform emergency management functions in cooperation with Barry County, Lawrence County and the State of Missouri in accordance with Chapter 44, RSMo.

**Section 245.070. Office and Headquarters.** [R.O. 2012 §250.070; Ord. No. 7997, 9-20-2010]

The Mayor shall designate space for emergency operations in any building owned or leased by the City.

**Section 245.080. Coordinator — Designation and Duties.** [R.O. 2012 §250.080; Ord. No. 7997, 9-20-2010]

- A. The Office of Emergency Management shall be headed by the Emergency Management Coordinator.
  - 1. The Coordinator shall be appointed and subject to the removal by the Mayor with the approval of the City Council.
  - 2. The Coordinator shall have direct responsibility for the organization, administration and operations of local emergency operations planning subject to the direction and control of the City Council.
  - 3. The Coordinator shall be responsible for maintaining records on use and disposal of all items placed under the jurisdiction of the office of emergency management.
  - 4. The Coordinator is authorized to submit all materials and sign all documents requested by the State Emergency Management Agency to qualify the City for participation in Federal contributions.
  - 5. The Coordinator shall be responsible for all training required by Chapter 44, RSMo.
  - 6. The Coordinator shall coordinate all emergency management activities.
  - 7. Participate in the Local Emergency Preparedness Committee (LEPC).

8. Ensure proper functioning of the emergency operations center during emergency operations.
9. Act as a liaison with other local, State and Federal agencies.

**Section 245.090. Powers of The Mayor and Emergency Management Coordinator.** [R.O. 2012 §250.090; Ord. No. 7997, 9-20-2010]

A. The Mayor and the Emergency Management Coordinator, in accordance with Chapter 44, RSMo., may:

1. Approve expenditures up to a maximum of twenty-five thousand dollars (\$25,000.00) to: authorize contracts; obtain and distribute equipment, materials and supplies for civil defense purposes; provide for the health and safety of persons, including emergency assistance to victims of an enemy attack; provide for the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State disaster and emergency planning.
2. Appoint and remove rescue teams and other emergency operations teams, units or personnel.
3. Assign emergency missions to non-governmental groups such as physicians and news media as necessary to develop a capability to augment government disaster response.
4. In the event of declared national or local emergency, waive the provisions of law requiring advertisements for bids for the performance of public works or entering into contracts.
5. With the approval of the City Council and consistent with the Missouri Emergency Operations Plan, enter into mutual-aid agreements with other public and private agencies within and without the State for reciprocal emergency aid.
6. Accept services, materials, equipment, supplies or funds granted or loaned by the Federal Government for disaster planning and operations purposes.

**Section 245.100. Oath of Personnel.** [R.O. 2012 §250.100; Ord. No. 7997, 9-20-2010]

No person shall be employed or associated in any capacity with the office of emergency management who advocates or has advocated a change by force or violence in constitutional form of the government of the United States or of the State of Missouri or the overthrow of any government in the United States by force or violence or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in this office shall, before entering upon the duties of the position, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri against

all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am a member of the City of Monett office of emergency management, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.

**Section 245.101. Testing and Training.** [R.O. 2012 §250.101; Ord. No. 7997, 9-20-2010]

The office of emergency management shall conduct exercises, testing and training in accordance with the annual statement of work approved by the State of Missouri Emergency Management Agency.

ARTICLE III

**Emergency Assistance To Other Governmental Agencies**

**Section 245.102. Emergency Assistance To Other Governmental Agencies.** [R.O. 2012 §250.102; Ord. No. 7997, 9-20-2010]

- A. The Mayor or the Mayor's designee may authorize the Police Department, Fire Department, Public Works Department, Water and Electric Department, 911 communications and the office of emergency management to provide assistance to any governmental agency in Missouri or in a bordering State at the time of a significant emergency such as a fire, earthquake, flood, tornado, storm, hazardous material incident or civil disturbance.
- B. Requests for emergency assistance shall be promptly communicated to the Mayor.
- C. Emergency assistance shall not be authorized, if in the opinion of the Mayor, the safety of the inhabitants of the City of Monett would be jeopardized if such assistance were provided.
- D. This Section does not supersede any existing mutual-aid agreement ordinance or resolution.