

ORDINANCE NO. 79-1

AN ORDINANCE CREATING THE OFFICES OF DISASTER DIRECTOR, ASSISTANT DISASTER DIRECTOR, AND DISASTER COORDINATOR, AND PROVIDING THE DUTIES AND RESPONSIBILITIES OF THOSE OFFICES: CREATING AN OPERATIONAL ORGANIZATION: GRANTING NECESSARY POWERS TO COPE WITH EMERGENCIES THREATENING LIFE AND PROPERTY IN THE CITY OF JAMAICA BEACH: AUTHORIZING COOPERATIVE AND MUTUAL AID AGREEMENTS FOR RELIEF WORK BETWEEN THIS AND OTHER CITIES OR COUNTIES AND FOR RELATED PURPOSES: PROHIBITING UNAUTHORIZED WARNING AND ALL-CLEAR SIGNALS AND MAKING VIOLATIONS A MISDEMEANOR PUNISHABLE BY FINE NOT EXCEEDING \$200.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JAMAICA BEACH:

Section 1. There is hereby created the office (function) of Disaster Director of the City of Jamaica Beach, which shall be held by the Mayor of Jamaica Beach in accordance with State law.

- (a) An Assistant Disaster Director may be appointed by and serve at the pleasure of the Director;
- (b) A Disaster Coordinator may be appointed by and serve at the pleasure of the Director;
- (c) The Director shall be responsible for carrying out the duties and responsibilities set forth in Section 4 of this ordinance. He may delegate authority for execution of these duties to the Assistant Director and/or the Coordinator, but ultimate responsibility for such execution shall remain with the Director.

Section 2. The powers and duties of the director shall include supervision of the development of a disaster services plan for the City of Jamaica Beach, and the recommendation for adoption by the City Council of any and all mutual aid plans and agreements which are deemed essential for the implementation of such disaster services plan. The powers of the Director shall include the authority to declare a state of emergency, but such action may be subject to confirmation by the City Council at its next meeting. The duties of the Director shall also include the causing of a survey of the availability of existing personnel, equipment, supplies and services which could be used during an emergency, as provided for herein, as well as a continuing study of the need for amendments and improvements in the disaster services plan.

Section 3. The Mayor of the City of Jamaica Beach is hereby authorized to join with the County Judge of the County of Galveston and the mayors of the other cities in said county in the formation of a Disaster Services Council for the County of Galveston and shall have the authority to cooperate in the formation of a disaster services plan for the County of Galveston and in the appointment of a Disaster Coordinator for the County of Galveston, as well as all other powers necessary to participate in a county-wide program of disaster services insofar as said program may affect the City of Jamaica Beach.

Section 4. The duties and responsibilities of the Disaster Director shall include the following:

- (a) The control and direction of the actual operation or training of the disaster services organization of the City of Jamaica Beach.

- (b) The determination of all questions of authority and responsibility that may arise within the disaster services organization of the City of Jamaica Beach.
- (c) The maintenance of necessary liaison with other municipal, district, State, county, regional, Federal, or other disaster services organizations.
- (d) The marshaling, after declaration of an emergency as provided for above, of all necessary personnel, equipment or supplies from any department of the City of Jamaica Beach to aid in the carrying out of the disaster services plan.
- (e) The issuance of all necessary proclamations as to the existence of an emergency and the immediate operational effectiveness of the disaster services plan.
- (f) The issuance of reasonable rules, regulations or directives which are necessary for the protection of life and property in the City of Jamaica Beach, such rules and regulations shall be filed in the office of the City Clerk and shall receive widespread publicity unless publicity will be of aid and comfort to the enemy.
- (g) The supervision of 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 City is located and with other municipalities within the county, for the county-wide coordination of disaster services efforts.
- (h) The supervision of and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions.
- (i) The authorizing of agreements, after approval of the City Attorney, for the use of private property for public shelter and other purposes.

Section 5. The operational disaster services organization of the City of Jamaica Beach shall consist of the officers and employees of the City of Jamaica Beach so designated by the Director in the disaster services plan, as well as all organized volunteer disaster relief associations or groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the disaster services plan. Such plan shall set forth the form of the organization, establish and designate divisions and functions, assign tasks, duties, and powers, and designate officers and employees to carry out the provisions of this ordinance. Insofar as possible, the form of organization, titles, and terminology shall conform to the recommendations of the State Disaster Emergency Services Council of the State of Texas and of the Federal government.

Section 6. 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 7. In times of Civil Disaster 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 8. 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 9. This ordinance is an exercise by the City of its governmental functions for the protection of the public peace, health, and safety and neither the City of Jamaica Beach, the agents, partnership, corporation, association, or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply 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 who voluntarily and without compensation grants to the City of Jamaica Beach 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 the actual, impending or practice enemy attack 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.

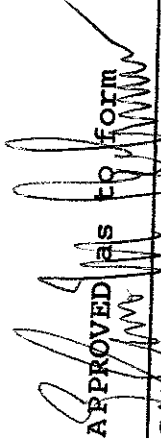
Section 10. No person shall have the right to expend any public funds of the City in carrying out any disaster services activity authorized by this ordinance without prior approval by the City Council, nor shall any person have any right to bind the City by contract, agreement or otherwise without prior and specific approval of the City Council.

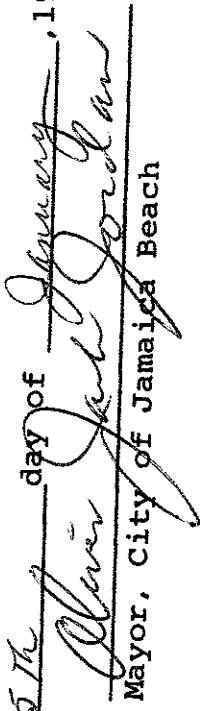
Section 11. It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the disaster services organization in the enforcement of any rule or regulation issued pursuant to this ordinance, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this ordinance. It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the disaster services organization granted to such person by the proper officials. Convictions for violations of the provisions of this ordinance shall be punishable by fine not to exceed \$200.00.

Section 12. If any portion of this ordinance shall, for any reason, be declared invalid, such invalidity shall not affect the remaining provisions hereof.

Section 13. The immediate passage of this ordinance is deemed essential to the public health, safety and welfare and it shall take immediate effect.

PASSED AND APPROVED this 15th day of January, 1979

APPROVED as to form

City Attorney


Mayor, City of Jamaica Beach

CERTIFICATION

I, BARBARA RYDER, Secretary of the Village Council of the Village of Jamaica Beach, Texas, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Village Council of the Village of Jamaica Beach, Texas at it's regular meeting held on the 15th day of January, 1979 as the same appears in the records of this officer.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the Village of Jamaica Beach, Texas, this 15th day of January, 1979.



BARBARA RYDER, SECRETARY OF THE VILLAGE
COUNCIL OF THE VILLAGE OF JAMAICA BEACH, TEXAS