

Chapter 22 CIVIL EMERGENCIES*

***Cross reference(s)**--Administration, ch. 2; fire prevention and protection, ch. 38; law enforcement, ch. 46.

State law reference(s)--Continuity of government during an emergency, Mich. Const. 1963, art. 4, ' 39; emergency interim local succession act, MCL 31.101 et seq., MSA 5.5000(1) et seq.; emergency management act, MCL 30.401 et seq., MSA 4.824(11) et seq.; governor's emergency powers, MCL 10.31 et seq., MSA 3.4(1) et seq.

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ARTICLE I. IN GENERAL

Secs. 22-1--22-30. Reserved.

ARTICLE II. EMERGENCY MANAGEMENT

DIVISION 1. GENERALLY

Sec. 22-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Disaster means an occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or human-made cause, including but not limited to fire, flood, snowstorm, ice storm, tornado, windstorm, wave action, oil spill, water contamination, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous materials incident, epidemic, air contamination, blight, drought, infestation, explosion, or hostile military action or paramilitary action, or similar occurrences resulting from terrorist activities, riots or civil disorders.

Emergency means any occasion or instance in which the governor determines state assistance is needed to supplement local efforts and capabilities to save lives, protect property and the public health and safety, or to lessen or avert the threat of a catastrophe in any part of the state.

Emergency management means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, for protection against and to minimize and repair injury and damage resulting from enemy attack, sabotage or other hostile action, or by natural disaster.

Emergency management coordinator means a person appointed to coordinate emergency management within the city.

Emergency management volunteer means any person who serves without compensation in the emergency management organization.

Local state of emergency means a proclamation or declaration that activates the response and recovery aspects of any and all applicable local or interjurisdictional emergency operations plans and authorizes the furnishing of aid, assistance and directives under those plans.

State of disaster means an executive order or proclamation that activates the disaster response and recovery aspects of the state, local and interjurisdictional emergency operations plans applicable to the counties or municipalities affected.

State of emergency means an executive order or proclamation that activates the emergency response and recovery aspects of the state, local and interjurisdictional emergency operations plans applicable to the counties or municipalities affected. (Code 1971, ' 1.93)

Cross reference(s)--Definitions generally, ' 1-2.

Sec. 22-32. Violation of regulations.

It shall be unlawful and a violation of this Code for any person to willfully obstruct, hinder or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to the authority contained in this chapter, or to do any act forbidden by this chapter or any act forbidden by any rule or regulation issued pursuant to the authority contained in this chapter. 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 emergency management organization of the city unless authority to do so has been granted to such person by the proper official. No person shall, during an emergency or a duly authorized emergency management test or drill, willfully violate or disobey any official order by a duly authorized person concerning the conduct of civilians, the movement and cessation of pedestrian and vehicular traffic, or the taking of shelter in designated shelter areas. All such violations shall subject the offender to punishment in accordance with section 1-7. (Code 1971, ' 1.100)

Sec. 22-33. Office of emergency management.

The council is authorized to create an office of emergency management utilizing to the fullest extent personnel and facilities of existing city departments and agencies. When so created, the organization, administration and operation of the office of civil defense, as provided for in the following sections of this article, shall be the responsibility of the city manager.

- (1) A department of emergency management within the executive department of the city government. There shall be an executive head of the department of emergency management, appointed in the manner provided in the Charter for the appointment of the majority of administrative officials specifically enumerated in the Charter, who shall be known as the emergency management coordinator, and such assistants, clerical help, other employees and emergency management volunteers as are deemed necessary to the proper functioning of the organization.
- (2) Five deputy coordinators with responsibility for financial services, law enforcement, fire control, engineering services, and health and medical services, appointed by the city manager as the need for these functions may arise. These shall, so far as possible, be additional duty assignments to existing personnel; and it is the intent of this article that civil defense

and disaster assignments shall be as nearly consistent with normal duty assignment as possible.

- (3) The employees, equipment and facilities of all city departments, and agencies suitable for or adaptable to emergency management and designated by the city manager to participate in the civil defense activity.
- (4) Emergency management volunteers, including persons and private agencies or governmental units offering services to the organization.

(Code 1971, ' 1.94)

State law reference(s)--Municipal emergency management coordinator, MCL 30.409, MSA 4.824(19).

Sec. 22-34. Emergency management plan.

A comprehensive emergency management plan may be adopted by resolution of the council upon the recommendations of the city manager. In the preparation of this plan as it pertains to city organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent possible. When approved it shall be the duty of all municipal departments and agencies to perform the functions and duties assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times.

(Code 1971, ' 1.98)

Sec. 22-35. Conflicting regulations suspended.

At all times when the orders, rules and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede all provisions of this Code, other ordinances, orders, rules and regulations insofar as the latter may be inconsistent with this article.

(Code 1971, ' 1.99)

Secs. 22-36--22-55. Reserved.

DIVISION 2. EMERGENCY POWERS AND DUTIES OF OFFICERS*

***State law reference(s)**--Powers and authority of municipalities which have appointed emergency coordinators, MCL 30.410, MSA 4.824(20).

Sec. 22-56. Powers and duties of the mayor.

- (a) In the event of disaster, the mayor, or in his absence or inability to serve, the mayor pro tem, as conservator of the peace, shall:

- (1) Declare a local state of emergency, thereby placing in effect the emergency management control plan outlined by this article.
 - (2) As soon as may be thereafter, convene the council to perform its legislative and administrative functions as the situation may demand. The council shall have the power to terminate the state of emergency.
 - (3) Request the state, its agencies or political subdivisions, to send aid if the situation is beyond the control of the regular and emergency city forces.
 - (4) Have the power to command services and the use of equipment and facilities for such work and duties as the city may require to aid the regular and volunteer city forces in time of emergency.
 - (5) Promulgate such emergency regulations as may be deemed necessary to protect life and property and conserve critical resources, and such regulations may be invoked when necessary for tests of the emergency management plan. All such regulations shall be subject to approval of the council as soon as practicable subsequent to promulgation.
- (b) The mayor, or in his absence or inability to serve, the mayor pro tem, shall have power to order civil defense forces to the aid of the state or its political subdivisions subject to council review as soon as practicable.
- (Code 1971, ' 1.95)

Sec. 22-57. Powers and duties of the city manager.

The powers and duties of the city manager relating to this article shall consist of the following:

- (1) The city manager, through the emergency management coordinator, shall maintain general supervision over the planning and administration for the emergency management organization and the execution of the emergency management plans. He shall coordinate the emergency management activities and make emergency assignments of emergency management duties and emergency management forces in order to meet situations not covered in the normal duties of such forces.
- (2) The city manager may take all necessary action to conduct tests of emergency management plans.
- (3) When a state of emergency has been declared, the city manager shall assemble and utilize emergency management forces and prescribe the manner and conditions of their use.
- (4) The city manager shall designate a line of succession among his department heads to carry out the powers and duties of this section in the

event of his absence or inability to serve.

- (5) The city manager is authorized to exercise the powers granted to the mayor in section 22-56, either in the absence or inability to serve of the mayor and mayor pro tem or where delay in the exercise of such powers would be contrary to the public interest.

(Code 1971, ' 1.96)

Sec. 22-58. Powers and duties of the emergency management coordinator.

- (a) The emergency management coordinator shall be executive head of the office of emergency management and shall have responsibility for the organization, administration and operation of the emergency management control organization subject to the direction and control of the city manager.
- (b) The emergency management coordinator shall be responsible for public relations, information and education regarding all phases of emergency management.
- (c) The coordinator shall be responsible for the development of an emergency management control plan, and upon its adoption shall be responsible for such implementation and revision of the plan as to maintain it in a current state of readiness at all times.
- (d) The coordinator shall direct all activities for emergency management and shall maintain liaison and cooperate with all other interested and affected agencies, public and private.
- (e) The coordinator shall direct the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the city for civil defense purposes.
- (f) The coordinator may issue proper insignia and papers to emergency management workers and other people directly concerned with emergency management.

(Code 1971, ' 1.97)