

## Chapter 18 - EMERGENCY PREPAREDNESS<sup>11</sup>

Footnotes:

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**State Law reference—** Governor's emergency powers, MCL 10.31 et seq.; emergency preparedness act, MCL 30.401 et seq.

### Sec. 18-1. - Definitions.

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

*Disaster* means an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause, including but not limited to fire, flood, snow, ice or windstorm, wave action, oil spills, water contamination requiring emergency action to avert danger or damage, utility failure, hazardous peacetime radiological incident, major transportation accident, epidemic, air contamination, blight, drought, infestation, explosion, riot, or hostile military or paramilitary action. Riots and other civil disorders are not within the meaning of this term unless they directly result from and are an aggravating element of the disaster.

*District coordinator* means the state police district emergency services coordinator or his authorized representative.

*Emergency operations plan* means the county emergency operations plan, which shall be prepared under the Emergency Management Act No. 390 of the Public Acts of Michigan, as amended, to coordinate disaster response and recovery within the city.

*Emergency preparedness* means generally planning, training, and exercise in preparation for states of emergency and/or states of disaster.

*Emergency response* means generally assessment, response, mitigation, and recovery pertaining to states of emergency and/or states of disaster.

*Emergency services* or *emergency management* means and includes preparations for, response to, and relief from the effects of natural and manmade disasters, including civil defense. The term "emergency services or emergency management" includes both "emergency preparedness" and "emergency response."

*Emergency services forces* means all disaster relief forces; all agencies of the municipal government, private and volunteer personnel, public officers and employees; and all other persons or groups having duties or responsibilities under this chapter or pursuant to a lawful order or directive authorized by this chapter or under state law.

*Emergency situation* means any situation confronting a community requiring emergency actions of a lesser nature than a disaster, to include but not be limited to civil disturbances, labor strikes, visits by national or international dignitaries, and build-up activities prior to an actual disaster.

*State of disaster* means a declaration by executive order or proclamation by the governor under the provisions of Public Act No. 390 of 1976 (MCL 30.401 et seq.) which activates the disaster response and recovery aspects of state, local, and inter-jurisdictional disaster emergency plans and authorizes the deployment and use of any forces to which the plan or plans apply.

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

*Wayne County Coordinator* means the Wayne County Emergency Management Coordinator, who is hereby appointed to coordinate emergency planning and services within the city as prescribed in this chapter.

(Ord. of 2-6-2012, § 10-1)

Sec. 18-2. - Intent and purpose.

- (a) The intent and purpose of this chapter is as follows:
  - (1) To set forth the relative duties and responsibilities of the city and county as they relate to emergency management;
  - (2) To designate the county as the organization that will ensure the complete and efficient utilization of all municipal and county resources during periods of emergency and disaster in the event that the mayor deems that any condition in the city is beyond the control or capabilities of the city's emergency services forces.
- (b) The county, via its department of homeland security and emergency management, or otherwise, is the coordinating agency responsible for countywide and citywide emergency services vested in them by this chapter and Public Act No. 390 of 1976 (MCL 30.401 et seq.) ("the Act").
- (c) This chapter will not relieve any elected officials or municipal departments of the normal responsibilities or authority given by general law or local ordinance, nor will it deprive them of any authority otherwise reserved or provided for them in this chapter or otherwise, nor will it affect the work of the American Red Cross or other volunteer agencies organized for relief in a natural disaster.

(Ord. of 2-6-2012, § 10-2)

Sec. 18-3. - Organization for emergency services.

- (a) Prior to a declaration of a state of emergency and/or state of disaster, the county coordinator shall be responsible for the following:
  - (1) Creating and updating an emergency operations plan which would include and provide for planning and emergency services for the city;
  - (2) Submitting the emergency operations plan to the mayor's office and police and fire chiefs for review and input on a yearly basis;
  - (3) Making available all county departments and assets (including, but not limited to, mobile command posts, radios, roads crews, barricading, equipment, etc.) upon request by the mayor's office, police chief, and fire chief;
  - (4) Making available mutual aid assets from the county's six-county mutual aid agreement and other mutual aid agreements to which the county is a party;
  - (5) Performing any other duties set forth under the Act, as amended.
- (b) Subsequent to a declaration of a state of emergency and/or state of disaster, the county coordinator shall be responsible for the following:
  - (1) Utilization of all available departments and assets set forth in subsection (a) of this section;
  - (2) Conducting a damage/event assessment;
  - (3) Working with the local incident commander to provide support;

- (4) Working with the applicable county and city representatives to implement the incident action plan/emergency action plan;
  - (5) Communication with the applicable state representatives regarding the potential for declaration of a state of disaster and/or requesting of state and/or federal assets;
  - (6) Performing any other duties set forth under the Act, as amended.
- (c) Pursuant to this chapter, the county coordinator shall create an organization for emergency management, utilizing to the fullest extent existing agencies within the county and city.
  - (d) Subject to the provisions of this chapter, the mayor, as executive head of the city government, shall be the director of the city's emergency services forces, working, to the extent applicable under this chapter, through the county coordinator.
    - (1) The employees, equipment and facilities of all municipal departments, boards, institutions and commissions suitable for or adaptable to emergency services activities may be designated as part of the total emergency services forces. Such designations shall be by the mayor with the approval of the city council.
    - (2) All officers and employees of departments, commissions, boards, institutions and other agencies of the city government designated as city's emergency services forces by the mayor with the approval of the city council shall cooperate with the county coordinator. They shall assist the county coordinator in all matters pursuant to the provisions of this chapter.

(Ord. of 2-6-2012, § 10-3)

Sec. 18-4. - Wayne County Emergency Services Coordinator.

- (a) The county coordinator shall meet any and all requirements of state and federal law pertaining to such position.
- (b) The county coordinator shall be responsible for the administration, planning, coordination, and operation of all emergency services activities in the city, except those which are expressly reserved for the city. He shall maintain liaison with city, state, and federal authorities, and the authorities of adjacent and nearby political subdivisions so as to ensure the most effective emergency operations.
- (c) His duties shall further include, but not be limited to, the following:
  - (1) Development and implementation of the county's emergency operations plan, and any other appropriate disaster plans, for the immediate use of all of the facilities, equipment, manpower, and other resources of the county for the purpose of minimizing or preventing damage to persons or property, and for protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety, and general welfare;
  - (2) Coordinating the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the county for emergency purposes;
  - (3) Through public information programs, educating the population as to actions necessary and required for the protection of persons and property in case of a disaster;
  - (4) Conducting practice alerts and/or exercises;
  - (5) Coordinating the activity of all public and private agencies engaged in any emergency or disaster relief programs;
  - (6) Negotiating with owners or persons in control of buildings or other property for the use of such buildings or property for emergency or disaster relief purposes, and designating suitable buildings as public shelters;
  - (7) Coordinating municipal emergency preparedness and response activities with those at the county level and adjacent municipalities and counties, including those party to mutual aid agreements;

- (8) Working with the city's local incident commander and the mayor to ensure the proper implementation of the emergency operations plan and the fullest extent of county, state, and federal support, as applicable;
- (9) Whenever the county coordinator deems that any condition in the city is beyond the scope of his control or capabilities, he may request the governor to declare that a state of disaster exists therein by contacting the district coordinator in accordance with the Act, as amended.

(Ord. of 2-6-2012, § 10-4)

Sec. 18-5. - Powers and duties of mayor.

- (a) Subject to the provisions of this chapter and the authority of the county coordinator, as and when provided in this chapter, the mayor, as executive head of the city government, shall be the director of the city's emergency services forces and shall have power and authority over their organization, administration and operation. Whenever a situation requires or is likely to require that the mayor invoke such power and authority, he shall, as soon as reasonably expedient, convene the city council to perform its legislative duties as the situation demands, and shall report to that body relative to emergency activities. Nothing in this chapter shall be construed as abridging or curtailing the powers of the city council unless specifically provided in this chapter.
- (b) Subject to the provisions of this chapter and the authority of the county coordinator, as and when provided in this chapter, the mayor, with the approval of the city council, is hereby empowered and has the authority to:
  - (1) Appropriate and expend funds, make contracts, and obtain and distribute equipment, materials, and supplies for disaster purposes.
  - (2) Provide for the health and safety of persons and property, including emergency assistance to the victims of a disaster.
  - (3) Assign and make equipment available for duty, including the employees, property, or equipment of the city related to firefighting, engineering, rescue, health, medical, and related services, police, transportation, construction, and similar items or services for disaster relief purposes within or without the physical limits of the city.
  - (4) In the event of a foreign attack upon this state, waive procedures and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of permanent and temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution with or without compensation of supplies, materials, and facilities, and the appropriation and expenditure of public funds.
- (c) The mayor, with the approval of the city council, shall establish procedures for the succession of government during emergencies where officials are unavailable for exercising the powers and discharging the duties of their respective offices.
- (d) The mayor, with the approval of the city council, may make regulations permitting the county coordinator to assemble and utilize the emergency services forces and to provide disaster relief aid as prescribed in this chapter.
- (e) When obtaining formal approvals would result in delay of relief activity, the mayor may, until the city council convenes, waive procedures and formalities otherwise required pertaining to the performance of public works, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase and distribution of supplies, materials and facilities and the expenditure of existing funds. The city council is also empowered to waive any such procedures and formalities.
- (f) If the mayor deems that any condition in the city is beyond the control or capabilities of the city's emergency services forces, he shall call upon the county coordinator who shall at such time assume

responsibility for emergency services, in accordance with this chapter and the county emergency operations plan.

(Ord. of 2-6-2012, § 10-5)

Sec. 18-6. - Rights of city employees.

City employees assigned to duty as a part of the emergency services forces or otherwise pursuant to the provisions of this chapter shall retain all of the rights, privileges and immunities of city employees, and shall receive the compensation incident to their employment.

(Ord. of 2-6-2012, § 10-6)

Sec. 18-7. - No governmental or private liability.

- (a) Any actions taken by the city pursuant to this chapter shall constitute governmental functions for the protection of the public health, safety, and general welfare. As such, neither the city nor agents and representatives of the city, nor any individual, receiver, firm, partnership, corporation, association, nor trustee, nor any of the agents thereof acting in good faith carrying out, complying with, or attempting to comply with this chapter shall be liable for any damage sustained to persons or property as a result of such activity.
- (b) Any person owning or controlling real estate or other premises, who voluntarily and without compensation grants the city or the county coordinator the right to inspect, designate and use the whole or any part of such real estate or premises for the purpose of sheltering persons during a disaster or during an authorized practice disaster exercise, shall not be civilly liable for the death of or any 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.
- (c) Nothing in this section or otherwise in this chapter shall be construed as an assumption of any liability or any waiver by the city of any governmental immunity to which it is entitled.

(Ord. of 2-6-2012, § 10-7)

Sec. 18-8. - Conflicting ordinances; orders; rules and regulations suspended.

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

(Ord. of 2-6-2012, § 10-8)

Sec. 18-9. - Violations.

It shall be unlawful for any person willfully to obstruct, hinder or delay any emergency services forces in the enforcement or accomplishment of any rule or regulation issued pursuant to this chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this chapter. It shall likewise be unlawful for any person to wear, carry, or display any emblem, insignia, or other means of identification as a member of the emergency services forces of the city unless authority to do so has been granted to such person by proper officials. Violations of the above shall constitute a misdemeanor, punishable pursuant to the provisions of section 1-15.

(Ord. of 2-6-2012, § 10-9)