

EXHIBIT A

ARTICLE IX. - EMERGENCY MANAGEMENT⁴¹

Footnotes:

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Editor's note— Ord. No. 40, 1990, adopted July 3, 1990, added Ch. 1, Art. II, §§ 1-30-1-39. For purposes of classification, under authority of § 1-10 of this Code, and in agreement with the City, the provisions have been redesignated as Ch. 2, Art. VII, §§ 2-666-2-675.

Sec. 2-666. - Definition.

As used in this Article, local emergency shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City, including, but not limited to: fire, flood, storm, earthquake, epidemic, infestation, explosion, aircraft crash, hazardous substance incident, oil spill or other contamination of air or water requiring immediate action to avert danger or damage; water or power shortage, civil disturbance, hostile military or paramilitary action; or any other declared disaster that requires the aid and assistance of outside, local, state or federal agencies.

(Ord. No. 40, 1990, 7-3-90)

Sec. 2-667. - Legislative intent.

The declared purposes of this Article are to provide for the preparation and carrying out of plans for the protection of persons and property within the City in the event of a local emergency; the direction of the emergency organization; and the coordination of the emergency functions of the City with all other public agencies, organizations and affected private persons.

(Ord. No. 40, 1990, 7-3-90)

Sec. 2-668. - Disaster Council membership.

The Disaster Council is hereby created and shall consist of the following:

- (1) The City Manager, who shall be chairperson;
- (2) The Deputy City Manager, who shall be vice-chairperson;
- (3) The Mayor;
- (4) The Emergency Management Coordinator; and
- (5) Other City staff members as are designated in the emergency operations plan of the City, adopted pursuant to this Article.

(Ord. No. 40, 1990, 7-3-90)

Sec. 2-669. - Disaster Council powers and duties.

The Disaster Council shall have the duty and power to develop and recommend for adoption by the City Council emergency and mutual aid plans and agreements and such ordinances, resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall

meet upon call of the chairperson or, in his or her absence from the City or inability to call such meeting, upon call of the vice-chairperson.

(Ord. No. 40, 1990, 7-3-90)

Sec. 2-670. - Office of Emergency Management.

There is hereby created the Office of Emergency Management. The City Manager shall be the Director of the Office of Emergency Management. The Emergency Management Coordinator shall be the Assistant Director. The Office of Emergency Management shall be located within the Poudre Fire Authority, and the Poudre Fire Authority shall provide the administrative support necessary for the office to carry out its duties.

(Ord. No. 40, 1990, 7-3-90; Ord. No. 26, 1996, 3-5-96)

Sec. 2-671. - Powers and duties of the Director and Assistant Director of the Office of Emergency Management.

(a) The Director is hereby empowered:

- (1) To proclaim the existence or threatened existence of a local emergency. Whenever a local emergency is proclaimed by the Director, it shall not be continued or renewed for a period in excess of seven (7) days, except by or with the consent of the City Council. Any such proclamation shall be given prompt and general publicity and shall be filed promptly with the City Clerk or the Larimer County Clerk and Recorder and with the state agency responsible for emergency management.
- (2) To request the Governor of the State to proclaim a "state of disaster emergency" when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency.
- (3) To control and direct the effort of the emergency organization of the City for the accomplishment of the purposes of this Article.
- (4) To coordinate the services and staff of the emergency organization of the City and resolve questions of authority and responsibility that may arise.
- (5) To represent the City in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.
- (6) In the event of the proclamation of a local emergency as herein provided or the proclamation of a "state of disaster emergency" by the Governor or other lawfully empowered official of the State:
 - a. To make and issue rules and regulations on matters reasonably related to the protection of life, health, safety and property as affected by such emergency; provided, however, that such rules and regulations must be confirmed at the earliest practical time by the City Council;
 - b. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life, health, safety and property and to bind the City for the fair value thereof in accordance with Chapter 8 and, if required immediately, to commandeer the same for public use;
 - c. To require emergency services of any City officer or employee and, in the event of the proclamation by the Governor or other lawfully empowered official of the State of a "state of disaster emergency" in the County, to command the aid of as many citizens of the City as he or she deems necessary in the execution of his or her duties; such persons shall be

entitled to all privileges, benefits and immunities as are provided by state law for civil defense workers;

- d. To requisition necessary personnel or material of the Poudre Fire Authority and/or the City; and
 - e. To execute all of the ordinary powers as City Manager, all of the special powers conferred by this Article or by the Emergency Operations Plan adopted by the City Council pursuant hereto, and all powers conferred by any statute, by agreement approved by the City Council and by any other lawful authority.
- (b) The Director of the Office of Emergency Management shall designate the order of succession to that office, to take effect in the event the Director is unavailable to attend meetings and otherwise perform his or her duties during an emergency. Such order of succession shall be as set forth in the Direction and Control Annex to the Emergency Operations Plan adopted pursuant to this Article.
- (c) The Assistant Director shall, under the supervision of the Director and with the assistance of the members of the Disaster Council, develop emergency operations plans and manage the emergency programs of the City; and shall have such other powers and duties as may be assigned by the Director.
- (d) In the event of a declaration of military law, the efforts of the emergency organization of the City shall be subject to the direction and approval of the Office of the Mayor as head of City government in accordance with Article II, Section 4 of the Charter.
- (e) Any rules and regulations made and issued by the Director pursuant to the authorization set forth in Paragraph (a)(6) of this Section shall be disseminated to local radio and television stations and to a newspaper having a general circulation within the City. A knowing violation of such rules and regulations shall be a misdemeanor punishable under § 1-15 of this Code.

(Ord. No. 40, 1990, 7-3-90; Ord. No. 130, 2002, § 10, 9-17-02; Ord. No. 146, 2003, 11-18-03; Ord. No. 080, 2007, 7-17-07)

Sec. 2-672. - Emergency organization.

All officers and employees of the City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may, by agreement or operation of law, including persons impressed into service under the provisions of § 2-671(a)(6)c of this Article, be charged with duties incident to the protection of life, health, safety and property in the City during such emergency, shall constitute the emergency organization of the City.

(Ord. No. 40, 1990, 7-3-90)

Sec. 2-673. - Emergency Operations Plan.

The Disaster Council shall be responsible for the development and adoption of the Emergency Operations Plan (and any subsequent revisions), which Plan shall provide for the effective mobilization of all of the resources of the City to meet any condition constituting a local emergency or state of disaster emergency pursuant to state law; and shall provide for the organization, powers and duties, services and staff of the emergency organization of the City.

(Ord. No. 40, 1990, 7-3-90)

Sec. 2-674. - No obstruction.

It shall be unlawful for any person to willfully obstruct, hinder or delay any person in the exercise of any duty or authority pursuant to the provisions of this Article.

(Ord. No. 40, 1990, 7-3-90)

Sec. 2-675. - Conflicting ordinances, orders, rules and regulations suspended.

Any orders, rules and regulations promulgated during a proclaimed state of disaster emergency shall take precedence over existing ordinances, rules and regulations if a conflict arises.

(Ord. No. 40, 1990, 7-3-90)