

Chapter 8 - Disaster Control

1. It is the intent and purpose of this ordinance to ensure complete and efficient utilization of all municipal resources during periods of disaster in order to protect the public peace, health, safety and welfare of persons and property within the city limits, in accordance with the Home Rule Act, being 1909 P.A. 279 as amended, and, for those disasters which are beyond the control of the City's disaster relief services, to provide liaison between the City, the County Coordinator and other municipalities within Oakland County, in accordance with the Emergency Preparedness Act, being 1976 P.A. 390.
2. This ordinance will not relieve any elected official or municipal department of the normal responsibilities or authority given by general law or ordinance, nor will it affect the work of the American Red Cross or other volunteer agencies organized for relief of disasters.
3. Definitions. In the interpretation of this Chapter the following definitions shall apply:
 - 1) "Disaster" means an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or man-made cause, including but not limited to fire, flood, snow, ice, windstorm, wave action, oil spill, 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, hostile military or paramilitary action, riots or other civil disorders. "Disaster" includes aggravating elements of and conditions resulting directly from the causes above listed.
 - 2) "Disaster Relief Services" shall be broadly construed to mean all efforts committed to the prevention of, preparation for, and relief from the effects of disasters.
 - 3) "Disaster Relief Forces" shall mean all persons deemed necessary to provide disaster relief services, including auxiliary fire and police personnel, rescue teams, volunteers, volunteer organizations, and employees of every municipal department or agency.
 - 4) "County Coordinator" shall mean the person appointed in accordance with Section 9 of 1976 P.A. 390 to coordinate the utilization of emergency preparedness resources within Oakland County.
 - 5) "Curfew" as used in this ordinance means a prohibition against any person walking, running, loitering, standing or motoring upon an alley, street, highway, public property or vacant premises within this City excepting persons officially designated as not subject to such curfew.
4. Disaster Relief Plan.
 - 1) As soon as practicable a comprehensive disaster relief plan shall be adopted by Resolution of the City Council upon the recommendations of the City Manager, who is hereby authorized and directed to prepare a disaster relief plan which utilizes to the fullest extent the employees, equipment and facilities of all municipal

Chapter 8 - Disaster Control

departments, boards, agencies and commissions suitable for or adaptable to disaster relief activities. When a disaster relief plan has been 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.

- 2) The City Manager, with the approval of the Mayor and City Council, shall appoint a Municipal Coordinator who shall have the power and duty to coordinate the disaster relief activities of the municipal departments, boards, agencies, and commissions in order to protect the public peace, health, safety, and welfare during states of disaster and, for those disasters which are beyond the control of the City's disaster relief services, to provide liaison between the City, the County Coordinator and other municipalities in Oakland County.

5. State of Disaster.

- 1) In the event of actual or threatened disaster, a majority of the City Council members shall declare a state of disaster by Resolution in accordance with the provisions of the City Charter.
- 2) In the event of actual or threatened disaster where a majority of the members of the City Council are absent or unable to convene in order to declare a state of disaster, the Mayor, or in his absence or inability to serve, the Mayor Pro Tem, as conservator of the peace, shall declare in writing the existence of a state of disaster.
- 3) The existence of a state of disaster shall not be declared under this ordinance on the basis of concerted activities by persons using lawful means to resolve a bona fide labor dispute.

6. Powers and Duties of the Mayor.

- 1) When a state of disaster is declared under this ordinance, the Mayor, or in his absence or inability to serve, the Mayor Pro-Tem, as conservator of the peace, shall:
 - a) Immediately proclaim in writing the existence of a state of disaster and notify the office of the governor and each member of the City Council.
 - b) As soon as may be practicable, convene the City Council to perform its legislative functions as the situation may demand. The Council shall have the power to terminate the state of disaster.
 - c) If the disaster is beyond the control of municipal resources, request the governor to declare a state of disaster in accordance with Section 12 of 1976 P.A. 390, and request the County Coordinator to seek state assistance in accordance with Section 14 of 1976 P.A. 390.

Chapter 8 - Disaster Control

- d) 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 disaster relief plan. All such regulations shall be subject to approval of the Council as soon as practicable subsequent to promulgation.

(Rev 4-17-1989)

- 2) The Mayor, or in his absence or inability to serve, the Mayor Pro Tem, shall have power to order disaster relief forces to the aid of the State or political subdivisions thereof subject to City Council review as soon as practicable.

7. Powers and Duties of the City Manager.

- 1) The City Manager, as the Chief Administrative Officer of the City, shall be responsible for the organization, administration and operation of the City's disaster relief services, disaster relief forces, and the disaster relief plan. The powers and duties of the City Manager shall include the following:
 - a) The City Manager may take all action necessary to conduct tests of the disaster relief plan.
 - b) The City Manager is hereby authorized to appoint, employ, remove, train, equip and provide, with or without compensation, disaster relief forces, including rescue teams, auxiliary fire and police personnel, and other disaster workers which he deems necessary to the implementation of the disaster relief plan.
 - c) When a state of disaster has been declared, the City Manager shall assemble and utilize disaster relief forces and prescribe the manner and conditions of their use.
 - d) The City Manager shall designate a line of succession among his department heads to carry out the powers and duties of this sub-section in the event of his absence or inability to serve.
- 2) The City Manager is hereby authorized to exercise the powers granted to the Mayor in Section 8.6 either in the absence or inability of the Mayor and Mayor Pro Tem to service or where delay in the exercise of such powers would be contrary to the public interest, provided only that a majority of the members of the City Council are absent or unable to convene in order to declare a state of disaster in accordance with the provisions of the City Charter.
- 3) The Assistant City Manager shall carry out the powers and duties of the City Manager in the absence of the City Manager.

Chapter 8 - Disaster Control

8. When a state of disaster has been declared under this ordinance, the Mayor or his lawful designee may then order a general curfew applicable to such geographical areas of the City or to the City as a whole, as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare. No person who is not a resident of the City, as evidenced by a current address on his driver license or other valid identification, shall be arrested or prosecuted for violation of a curfew without first being given a reasonable opportunity to continue through or otherwise leave the area which is under curfew. Any person who is given a reasonable opportunity to leave such area and does not do so is subject to arrest and prosecution.
9. When a state of disaster has been declared by resolution of the City Council, the Mayor or his lawful designee may make any of the following orders in the interest of public safety and welfare:
 - 1) The discontinuance of the sale of beer and other alcoholic beverages.
 - 2) The discontinuance of selling, distributing or giving away gasoline or other liquid flammable or other combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
 - 3) The discontinuance of selling, distributing, dispensing or giving away of any firearms, ammunition, explosives, or other dangerous weapons of any character whatsoever.
 - 4) The closing of the following public establishments:
 - a) All public places or portions thereof wherein the consumption of intoxicating liquor or beer is permitted.
 - b) Retail and wholesale liquor establishments.
 - c) Gasoline service stations.
 - d) Any establishment selling firearms, ammunition, explosives or other dangerous weapons of any character whatsoever.
 - e) Theaters and other places of public assembly.
10. A curfew or order authorized by Sections 8.8 or 8.9 of this ordinance shall become effective upon being posted in three (3) public places in the City or affected area thereof and transmitted to newspapers of general circulation in the area. The curfew and orders may be amended or rescinded in like manner by the Mayor or his lawful designee during the pendency of the state of disaster, but shall cease to be in effect upon the resolution by the City Council that the state of disaster no longer exists, or when superseded by action of the Governor of the State of Michigan.
11. It shall be unlawful for any person willfully to obstruct, hinder or delay the disaster relief services or forces in the enforcement 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,

Chapter 8 - Disaster Control

carry or display any emblem, insignia or any other means of identification as a member of the disaster relief forces of the City of Troy unless authority so to do has been granted to such person by the proper officials.

12. A violation of this ordinance or any order issued thereunder is a misdemeanor punishable by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment, in the discretion of the court.