

ORDINANCE NO. 2261

AN ORDINANCE to amend The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new chapter numbered 10B, entitled EMERGENCY SERVICES; which new Chapter numbered 10B adopts an EMERGENCY SERVICES CODE PROVIDING FOR AN EMERGENCY SERVICES ORGANIZATION; DESIGNATING A DIRECTOR AND A COORDINATOR OF EMERGENCY SERVICES AND THEIR RESPONSIBILITIES; PROVIDING FOR THE DECLARATION OF A LOCAL EMERGENCY AND THE DEVELOPMENT OF AN EMERGENCY OPERATIONS PLAN; PROVIDING FOR LIMITATION OF LIABILITY AND PRESCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, the General Assembly repealed Chapter 3 of Title 44 of the Code of Virginia, pertaining to "Civil Defense," the provisions of that chapter having been superseded and broadened by the Emergency Services and Disaster Law of 1973; and

WHEREAS, the General Assembly has enacted the "Commonwealth of Virginia Emergency Services and Disaster Law of 1973," which act is intended to ensure that the state and its political subdivisions will be adequately prepared to deal with emergencies resulting from attack, sabotage or other hostile action, resource shortage, fire, flood, earthquake or other natural causes; and

WHEREAS, the aforesaid act establishes a state office of emergency services, and requires that each political subdivision be responsible for local disaster preparedness and coordination of response, under the jurisdiction of the state office of emergency services; and

WHEREAS, the aforesaid act requires each political subdivision within the state to have a director of emergency services, who shall be the mayor or city manager and who shall have the authority to appoint a coordinator of emergency services activities with the consent of council; and

WHEREAS, the aforesaid act permits each political subdivision to maintain in accordance with state emergency services plans and programs an office of emergency services; therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new chapter numbered 10B to read as follows:

CHAPTER 10B

EMERGENCY SERVICES

Sec. 10B-1. Short title.

This chapter shall be known and may be cited as the "Emergency Services Code" of the City of Alexandria, Virginia.

Sec. 10B-2. Definitions.

Emergency services. The preparation for and the carrying out of functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from natural or man-made disasters; together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions. These functions include, without limitation, fire fighting services, police services, medical and health services, rescue engineering, air raid warning services, communications,

radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection.

Natural disaster. Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, fire or other catastrophe resulting in damage, hardship, suffering or possible loss of life.

Man-made disaster. Any condition following an attack by any enemy or foreign nation upon the United States resulting in substantial damage to property or injury to persons in the United States and may be by use of bombs, missiles, shellfire, atomic, radiological, chemical or biological means or other weapons or processes; also the condition resulting from causes such as oil spills, other injurious environmental contamination, conflagrations, explosions, sabotage, covert and overt paramilitary actions, or other similar acts.

Local emergency. The condition declared by city council when in their judgment the threat or actual occurrence of a disaster is or threatens to be of sufficient severity and magnitude to warrant coordinated action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby; provided, however, that a local emergency arising wholly or substantially out of a resource shortage may be declared only by the Governor, upon petition of the city council, when he deems the threat or actual occurrence of a disaster to be of sufficient severity and magnitude to warrant coordinated city council action to prevent or alleviate the damage, loss, hardship, or suffering threatened or caused thereby.

Resource shortage. The absence, unavailability or reduced supply of any raw or processed natural resource, or any commodities, goods or services of any kind which bear a substantial relationship to the health, safety, welfare and economic well-being of the citizens of the Commonwealth.

Interjurisdictional agency for emergency services. Any organization established between contiguous political subdivisions to facilitate the cooperation and protection of the subdivisions in work of disaster prevention, preparedness, response and recovery.

Sec. 10B-3. Establishment of office.

There is hereby established the office of emergency services of the City of Alexandria, Virginia.

Sec. 10B-4. Director of office.

(a) The city manager shall be the director of the office of emergency services.

(b) The director shall be responsible for:

(1) Organizing emergency service and directing emergency operations through the regularly constituted government structure, and shall use equipment, supplies and facilities of existing departments, offices and agencies of the city to the maximum extent practical. The officers and personnel of all such departments, offices and agencies are directed to cooperate with and extend such services and facilities to the director upon request.

(2) The director shall prepare or cause to be prepared and kept current a city emergency operations plan.

(3) The director may in collaboration with other public and private agencies within the state, develop or cause to be developed mutual aid agreements or reciprocal assistance in the case of an emergency or disaster too great to be dealt with unassisted.

(4) The director shall have authority to appoint a coordinator of emergency services with the consent of the city council. The coordinator shall be responsible to the director and shall carry out such tasks as designated by the director.

Sec. 10B-5. Declaration of local emergency.

(a) A local emergency may be declared by the director of emergency services with the consent of council. In the event that council cannot convene due to the emergency, the director or any member of council in the absence of the director may declare the existence of a local emergency, subject to confirmation by the entire council at a special meeting within five days of the declaration. When in its judgment all emergency actions have been taken, council shall take appropriate action to end the declared emergency.

(b) A declaration of a local emergency shall activate the response and recovery programs of all applicable local and interjurisdictional emergency operations plans and authorize the furnishing of aid and assistance thereunder.

(c) Whenever a local emergency has been declared, the director of emergency services may be authorized by the council to enter into contracts and incur obligations on behalf of the city necessary to combat such threatened or actual disaster, protect the health and safety of persons and property and provide emergency assistance to the victims of such disaster. In exercising the powers vested under this section, under the supervision and control of council, such director may proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and other expenditures of public funds, providing such funds in excess of allocations authorized by city council are available.

(d) Whenever a local emergency has been declared, the director, or member of the council acting in the absence of the director, shall notify the state office of emergency services when all local resources have been committed and assistance is needed from the state.

Sec. 10B-6. State of emergency.

Whenever the governor has declared a state of emergency, the city council may, under the supervision and control of the governor or his designated representative, enter into contracts and incur obligations necessary to combat such threatened or actual disaster beyond the capabilities of local government, protect the health and safety of persons and property and provide emergency assistance to the victims of such disaster. In exercising the powers vested under this section, under the supervision and control of the Governor, the city council may proceed without regard to time-consuming procedures and formalities prescribed by law pertaining to public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, levying of taxes, and appropriation and expenditure of public funds.

Sec. 10B-7. Emergency operations plan.

(a) The director shall prepare or cause to be prepared and shall keep current a comprehensive emergency operations plan.

(b) The plan shall include, but not be limited to the responsibilities of all local departments, agencies, commissions, etc.

(c) The director shall in the plan establish a chain of command within the emergency organization. The responsible person for each agency shall designate and keep on file with the director a current list of three persons as successors to his position. The list shall be in order of succession.

Sec. 10B-8. City liability.

(a) Neither the city or agents or representatives of said city, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor 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 or property as a result of said activity.

(b) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the city the right to inspect, designate and use the whole or any parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster shall not be civilly liable for the death of, or injury to, any persons 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) If any person holds a license, certificate or other permit issued by any state or political subdivision thereof, evidencing the meeting of qualifications for professional, mechanical or other skills, the person may gratuitously render aid involving that skill in the city during a disaster, and such person shall not be liable for negligently causing the death of, or injury to, any person or for the loss of or damage to the property of any person resulting from such gratuitous service.

Section 2. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

FRANK E. MANN
Mayor

FINAL PASSAGE: May 23, 1978