

# CHAPTER 8.1

## EMERGENCY MANAGEMENT\*

### Section 8.1-1. Short Title.

This Chapter shall be known and may be cited and referred to as the “Emergency Management (Civil Defense) Ordinance of Laurel, Mississippi.”

*Source: Ordinance No. 986-1983, § 1, 7-26-83; Interlocal Agreement, 12-15-86*

### Section 8.1-2. Interlocal Agreement.

The Board of Supervisors and the City of Laurel hereby jointly create and enter into an Emergency Management Council, consisting of five (5) Emergency Council Members. All rights, duties, obligations and property of the existing Emergency Management Council of the City of Laurel and the Board of Supervisors are transferred to this Emergency Management Council. The President of the Board of Supervisors and the President of the City Council shall be joint chairmen of this Council. The Emergency Management Council shall meet quarterly and keep minutes of its official business. Each Co-Chairman may call a special meeting at any time. A quorum shall consist of three (3) members of the Emergency Management Council.

*Source: Interlocal Agreement, 12-15-86*

### Section 8.1-3. Intent and Purpose.

- (a) It is the intent and purpose of this Agreement to establish an office that will insure the complete and efficient utilization of all of the County and City facilities to prepare for and combat disaster resulting from enemy actions and other disasters defined herein.
- (b) The Emergency Management Council (Civil Defense) will be the coordinating agency for all activity in connection with disaster planning and operations; it will be the instrument through which

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\***Editor’s Note** --- Ordinance No. 986-1983, §§ 1--12, adopted July 26, 1983, did not specifically amend the Code, but was included herein as Ch. 8.1, §§ 8.1-1--8.1-12, at the discretion of the editor.

**Cross Reference** --- Administration, Ch. 2.

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the County and City and other political subdivisions may exercise the authority and discharge the responsibilities vested in them by the Mississippi Emergency Management Act, Chapter 15 of Title 33, Mississippi Code of 1972, Annotated, and this Agreement.

- (c) This Chapter will not relieve any County or City Department of the moral responsibilities or authority given to it by the State Statutes, City Resolutions, local Ordinances, nor will it adversely affect the work by any Volunteer Agency organized for relief in disaster emergencies.

*Source: Ordinance No. 986-1983, § 2, 7-26-83; Interlocal Agreement, 12-15-86*

**Section 8.1-4. Definitions.**

The following definitions shall apply in the interpretation of this Agreement:

- A. ***Emergency Management ("Civil Defense")*** in its broad meaning is to carry out governmental functions of maintaining the public peace, health and safety during an emergency. This shall include plans and preparations for mitigation, preparedness, response, and recovery from, the effects of an attack on the County or City by the forces of any enemy nation or the agents thereof, and it shall also include such activity in connection with other disaster as defined herein. It shall not, however, include any activity that is the primary responsibility of the Military Forces of the United States.
- B. ***Attack*** shall mean a direct or indirect assault against the County or City, Mississippi, its government, its environs or the nation by the forces of a hostile nation or the agents thereof, including assault by bombing, radiological, chemical or biological warfare, or sabotage.
- C. ***Disaster*** includes, but is not limited to, actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, civil disorders, epidemic or other impending or actual calamity endangering health, life or property of constituted government.
- D. ***Emergency Forces*** shall mean the employees equipment and facilities of all City departments, boards, institutions and personnel, equipment and facilities distributed by, or obtained from, volunteer persons and agencies.
- E. ***Volunteer*** shall mean contributing a service, equipment or facilities to the

emergency preparedness organization without remuneration.

F. ***Disaster Volunteer*** shall mean any person duly registered, identified and appointed by the Director of the Civil Defense and assigned to participate in the disaster preparedness or operational activity.

G. ***Chief Administrative Officer*** shall mean the Sheriff of Jones County.

H. ***Director*** shall be the Head of the Civil Defense Office under the direction and control of the Emergency Management Council.

I. ***Regulations*** shall include plans, programs, and other emergency procedures deemed essential to disaster preparedness and operations.

J. ***City*** shall mean the incorporated areas of the City of Laurel that lie inside the City limits geographically located within Jones County. "*City*" may include other political jurisdiction where there exists an agreement that they be included under this Agreement.

*Source: Ordinance No. 986-1983, § 3, 7-26-83; Interlocal Agreement, 12-15-86*

### **Section 8.1-5. Organization and Appointment.**

- A. The Emergency Management Council (Civil Defense) shall utilize, to the fullest extent, the existing agencies within the County and City. The Emergency Management Council shall be responsible for the organization, administration, and operations of the Emergency Preparedness and Operational Forces of the County and City. The Emergency Management Council will designate a line of succession for those bodies to insure that the necessary responsibility for direction and control can be exercised in the event of absence or inability of a quorum to act.
- B. The Organization shall consist of the following:
  - 1. An Office of Emergency Management (Civil Defense) under the direction of the Emergency Management Council. There shall be a Chief Administrative Officer and Director, and such assistants and other employees as are deemed necessary for the proper functioning of the organization.
  - 2. The employees, equipment and facilities of the County and

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City Departments, Boards and Commissions, who will participate in the emergency preparedness activities. Duties assigned to a department shall be the same or similar to the normal duties of the department.

3. Volunteer persons and agencies offering service to, and accepted by the County and City.
- C. The City Council, in accordance with agreements with participating political subdivisions, will appoint two (2) members of Emergency Management Council, consisting of the Mayor and President of the City Council. Two members of the Emergency Management Council will be from the Board of Supervisors, who shall be the President and Vice-President of the Board.
- D. The Fifth (5th) member of the Emergency Management Council will be the Sheriff of Jones County.

*Source: Ordinance No. 986-1983, § 4, 7-26-83; Interlocal Agreement, 12-15-86*

**Section 8.1-6. Emergency Powers and Duties.**

- A. The Emergency Management Council shall have the following powers and duties:
  - (1) exercise the emergency power and authority necessary to fulfill its general powers and duties under this Agreement and its judgment shall be the sole criteria necessary to invoke emergency powers provided in this Agreement and those invested by State Statutes listed in §33-15-17, Mississippi Code 1972, as amended. The Emergency Management Council may convene to perform its powers as the situation demands, and receive reports relative to disaster preparedness activities.
  - (2) to promulgate such regulations, during any period when disaster threatens or when a disaster has struck, as is deemed necessary to protect life and property and preserve critical resources. Examples of those regulations, but they need not be limited to those that follow, are:
    - a. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of disaster forces, or

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to facilitate the mass movement of persons from critical areas within the political subdivision's jurisdiction.

- b. Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.
  - c. Such other regulations necessary to preserve public peace, health and safety. Regulations promulgated in accordance with law will be given widespread circulation by proclamation published and uttered by newspaper and radio. Any person violating the provisions Orders issued by the Emergency Management Council pursuant to law during a proclaimed civil emergency shall be guilty of a misdemeanor and punished by fine not exceeding Three Hundred Dollars (\$300.00) or six (6) months imprisonment, or both such fine and imprisonment.
- (3) The Emergency Management Council shall order disaster forces to the aid of other communities when required in accordance with the Statutes of the State of Mississippi, and it may request the State, or a political subdivision of the State, to send aid to the County and City in case of disaster where conditions in the County and City are beyond the control of the local disaster forces.
- (4) The Emergency Management Council may obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people, and bind the County and City for the fair value thereof.
- (5) The Emergency Management Council may require emergency services of any County or City officer or employee. If regular forces are determined to be inadequate, the Emergency Management Council may require the services of such other personnel as can be obtained that are available, including volunteer citizens. All duly authorized persons rendering disaster emergency services shall be entitled to the privileges and immunities as are provided by the State of Mississippi Law, Local Regulations and Agreements for regular County and City employees and other registered and identified disaster workers. Claims for appropriate compensation for this assistance will be processed when conditions so warrant consideration.

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- (6) Some of the duties ascribed to the Emergency Management Council may, at its discretion, be handled by the Chief Administrative Officer, but the responsibility and authority stems from and remains with the Emergency Management Council.
- (7) Emergency Management Council will appoint a Director of Emergency Management Council (Civil Defense) who shall be a person well versed and trained in planning and operations involving the many different agencies which will operate to protect the public health, safety and welfare in the event of danger from enemy attack or disaster as defined in this Agreement.

B. The Director shall be responsible for, but not necessarily limited to, the following duties:

- a. The Director shall be responsible for the planning, coordination and operation of the emergency preparedness and operations activity of the political subdivision. Under the direction of the Emergency Management Council, he shall maintain liaison with the State and Federal authorities and the authorities of other nearby political subdivisions to insure the most effective implementation of the local disaster plan.
- b. The recruitment of volunteer personnel and agencies to augment those of the political subdivision.
- c. Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such buildings for sheltering the public during disaster conditions and to designate these buildings as public shelters.
- d. Establish a public information program which will inform the people of the actions required for the protection of their persons and property in case of disaster.
- e. Conducting public practice alerts and tests to insure the efficient operations of the disaster forces and to familiarize residents with disaster regulations, procedures and operations.

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- f. Coordinating the activity of all other public and private agencies engaged in any disaster preparedness or operation activity.
- g. Assuming such authority and conducting such activity as the Emergency Management Council may direct to promote and execute the local disaster plan.
- h. Establish a reporting system to keep the Emergency Management Council informed on the emergency preparedness level in the political subdivision at all times.

*Source: Ordinance No. 986-1983, § 5, 7-26-83; Interlocal Agreement, 12-15-86*

**Section 8.1-7. Emergency Operations Plan.**

Management Council shall maintain:

- (a) A Comprehensive Emergency Management Plan shall be adopted and maintained by the Emergency Management Council. In the preparation of this Plan as it pertains to the Emergency Management Council (Civil Defense) Organization, it is the intent that the services, equipment, facilities and personnel of all existing departments, agencies, Councils or Commissions shall be used to the fullest extent possible. When approved, it shall be the duty of all concerned departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The basic plan shall be considered supplementary to this Agreement, and have the effect of law whenever a disaster, as defined by this Agreement, has been proclaimed. All plans developed must be in accord with existing Federal, State and local Statutes and understandings of the various departments, involved.
- (b) There shall be prescribed in the Local Disaster Plan those positions for which lines of succession are necessary. In each department and agency, the responsible person will designate and keep on file with the Director a current list of three (3) persons as successors to this position. The list will be in order of succession and will, as nearly as possible, designate persons best capable of carrying out all assigned duties and functions.

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- (c) Each department and any agency head assigned responsibility in the basic plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned employees and volunteers. Each department and agency head shall formulate the operational plan for his service which, when approved, shall be an annex to and part of the basic plan.
- (d) Amendments to the basic Local Disaster Plan will be submitted to the Emergency Management Council for its approval. The Chief Administrative Officer will make recommendations to the Emergency Management Council relative to proposed amendments. Such amendments shall take effect on the date of approval unless action is taken by the Emergency Management Council to invoke prior approval. In the event an amendment is pending at the time that a disaster is proclaimed under provisions of this Agreement, the amendment will be considered approved and will remain effective unless specifically revoked by the Emergency Management Council.
- (e) When a required competency or skill for a disaster function is not available, the Emergency Management Council is authorized to direct the Chief Administrative Officer to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons so assigned to carry out such duties prior to, during and after the occurrence of a disaster. Such services from persons outside the government may be accepted by the Council on a volunteer basis. Such citizens shall be enrolled as disaster assistance volunteers in cooperation with the heads of the department affected.

*Source: Ordinance No. 986-1983, § 6, 7-26-83; Interlocal Agreement, 12-15-86*

**Section 8.1-8. The Organization and Private Liability.**

- (a) Neither the Emergency Management Council, nor its agents and representatives, while acting in good faith and without willful misconduct, complying with or attempting to comply with any order, rule or regulation, shall be liable for any damage sustained to persons or property as a result of said activity.

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- (b) Neither any person owning or controlling real estate or other premises who voluntarily and without compensation grant the Emergency Management Council the right to license, inspect, designate or use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack or during an actual, impending or practice occurrence, of natural or man made disasters, shall be civilly liable for the death or injury to any person on or about such real estate or premises by virtue of its use for civil defense purposes, or loss of, or damage to, the property of such person, except in the case of willful misconduct.

*Source: Ordinance No. 986-1983, § 7, 7-26-83; Interlocal Agreement, 12-15-86*

**Section 8.1-9. Violation of Regulations.**

It shall be unlawful for any person to violate any of the provisions of this Agreement or of the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the disaster forces as herein defined in the enforcement of the provisions of this Agreement or any regulation or plan issued thereunder.

*Source: Ordinance No. 986-1983, § 8, 7-26-83; Interlocal Agreement, 12-15-86*

**Section 8.1-10. Penalty.**

Any persons, firm or corporation violating any provision of this Agreement or any rule or regulation promulgated hereunder, upon conviction thereof, shall be guilty of a misdemeanor and be punished by a fine as provided by Section 8.1-6 of this Agreement.

*Source: Ordinance No. 986-1983, § 9, 7-26-83; Interlocal Agreement, 12-15-86*

**Section 8.1-11. Severability.**

Should any provision of this Agreement be declared invalid for any reason, such declaration shall not affect the validity of other provisions, or of this Agreement as a whole, it being the legislative intent that the provisions of this Agreement shall be severable and remain valid notwithstanding such declaration.

*Source: Ordinance No. 986-1983, § 10, 7-26-83; Interlocal Agreement, 12-15-86*

**Section 8.1-12. Funding.**

For the purpose of funding the Emergency Management (Civil Defense) Council's functions, funds will be provided as authorized under the Mississippi Emergency Management Act in §§ 33-15-23, 33-15-25(b) and 33-15-27. The County Board of Supervisors and the City of Laurel agree to fund the Emergency Management Council (Civil Defense) on the basis of two-thirds (2/3rds) by the County and one-third (1/3rd) by the City, with prior agreement as to the total funding.

*Source: Ordinance No. 986-1983, § 11, 7-26-83; Interlocal Agreement, 12-15-86*

**Section 8.1-13. Conflicting Ordinances, Rules and Regulations Suspended.**

At all times when the orders, rules and regulations made and promulgated pursuant to this Agreement shall be in effect, they shall supersede all existing Ordinances, Resolutions, Orders, rules and regulations insofar as the latter may be inconsistent herewith.

*Source: Ordinance No. 986-1983, § 12, 7-26-83; Interlocal Agreement, 12-15-86*

**Section 8.1-14. Personnel Provisions.**

All personnel of the Office of Emergency Management (Civil Defense) including the Director shall be subject to the Emergency Management (Civil Defense) Council. The power to make personnel decisions is vested in the Emergency Management (Civil Defense) Council. The Chief Administrative Officer shall have the power and the responsibility of monitoring compliance with personnel rules and regulations, adopted by the Emergency Management Council, and reporting to the Emergency Management (Civil Defense) Council any violation.

*Source: Interlocal Agreement, 12-15-86*

**Section 8.1-15. Termination.**

Either party may terminate this Agreement by Order adopted and giving the Emergency Management Council and the other party thirty (30) days' notice of such termination. Upon termination, any monies contributed by either the City of Laurel or Board of Supervisors of Jones County will be rebated if not previously expended or committed. All property of the Emergency Management (Civil Defense) Council, on termination by either party, will be divided between the City of Laurel and the Board of Supervisors of Jones County as the Emergency

Management (Civil Defense) Council may direct.

*Source: Interlocal Agreement, 12-15-86*

**Section 8.1-16. Approval.**

This Agreement is subject to the express prior approval of the Board of Supervisors, the Council of the City of Laurel, the Sheriff of Jones County.

*Source: Interlocal Agreement, 12-15-86*

**Section 8.1-17. Records and Accounting.**

All monies and funds shall be deposited in a Jones County depository and claims shall be approved and paid in accordance with policies adopted by the Emergency Management (Civil Defense) Council. All expenditures of monies and funds shall be subject to regular audit by the Department of Audit of the State of Mississippi and such other audit or audits as the Emergency Management (Civil Defense) Council may deem necessary or convenient.

*Source: Interlocal Agreement, 12-15-86*

**Section 8.1-18. Prior Agreements.**

All prior ordinances, and/or agreements pertaining to Civil Defense between the City of Laurel and Jones County are hereby terminated.

*Source: Interlocal Agreement, 12-15-86*

**Section 8.1-19. Effective Date.**

This Agreement to become effective on the first of the month after the adoption of this Agreement by all parties.

*Source: Interlocal Agreement, 12-15-86*

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