

ORDINANCE NO. {{ITEM.SEQUENTIAL_NUMBER}}

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 8, “CIVIL DEFENSE AND DISASTER RELIEF”, OF THE CITY OF TEMPLE, TEXAS CODE OF ORDINANCES TO INCLUDE A CHAPTER TITLE CHANGE AND THE ADDITION OF SECTIONS 8-10 AND 8-12; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Chapter 8 of the City’s Code of Ordinances, “Civil Defense and Disaster Relief”, currently has an outdated title and is missing vital information regarding the Mayor's authority to declare a disaster, as well as information about outdoor warning sirens;

Whereas, Staff recommends adopting the proposed amendments to Chapter 8 of the City Code of Ordinances to include changing the title of Chapter 8 to “Emergency Management and Disaster Relief” and adding Sections 8-10 and 8-12 relating to the Mayor’s disaster declaration authority and information regarding outdoor warning sirens; and

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council authorizes amendments to the Temple Code of Ordinances, Chapter 8, “Civil Defense and Disaster Relief”, to include a chapter title change and the addition of Sections 8-10 and 8-12, to read as follows:

Chapter 8

EMERGENCY MANAGEMENT AND DISASTER RELIEF

Sec. 8-1. Emergency management director.

(a) *Office created.* There exists the office of emergency management director of the City of Temple, Texas, which shall be held by the mayor in accordance with state law.

(b) *Appointment of emergency management coordinator.* An emergency management coordinator may be appointed by and serve at the pleasure of the director.

(c) *Responsibilities generally.* The director shall be responsible for conducting a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in section 8-2 of this chapter. He may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the director.

(d) *Powers and duties.* The powers and duties of the director shall include an on-going survey of actual or potential major hazards which threaten life and property within the city; and an ongoing program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur. As part of his responsibility in hazard mitigation, the director shall supervise the development of an emergency management plan for the City of Temple, and shall recommend that plan for adoption by the city council along with any and all mutual aid plans and agreements which are deemed essential for the implementation of such emergency management plan. The powers of the director shall include the authority to declare a state of disaster, but such action may be subject to confirmation by the city council at its next meeting. The duties of the director shall also include the causing of a survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for herein, as well as a continuing study of the need for amendments and improvements in the emergency management plan.

Sec. 8-2. Duties and responsibilities of the emergency management director.

The duties and responsibilities of the emergencies management director shall include the following:

- (1) The direction and control of the actual disaster operations of the Temple Emergency Management Organization as well as the training of emergency management personnel.
- (2) The determination of all questions of authority and responsibility that may arise within the emergency management organization of the city.
- (3) The maintenance of necessary liaison with other municipal, county, district, regional, state, federal, or other emergency management organizations.
- (4) The marshaling, after declaration of a disaster as provided for above, of all necessary personnel, equipment or supplies from any department of the city to aid in the carrying out of the provisions of the emergency management plan.
- (5) The issuance of all necessary proclamations as to the existence of a disaster and the immediate operational effectiveness of the city management plan.
- (6) The issuance of reasonable rules, regulations or directives which are necessary for the protection of life and property in the city. Such rules and regulations shall be filed in the office of the city secretary and shall receive widespread publicity unless publicity would be of aid and comfort to the enemy.

- (7) The supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which said city is located and with other municipalities within the county, for the countywide coordination of emergency management efforts.
- (8) The supervision of, and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the city.
- (9) The authorizing of agreements, after approval by the city attorney, for use of private property for public shelter and other purposes.

Sec. 8-3. Participation in county-wide program.

The mayor is hereby authorized to join with the county judge of the County of Bell and the mayors of the other cities in said county in the formation of an emergency management council for the County of Bell and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of a joint emergency management coordinator, as well as all powers necessary to participate in a county-wide program of emergency management insofar as said program may affect the City of Temple.

Sec. 8-4. Emergency management organization.

The operational emergency management organization of the city shall consist of the officers and employees of the city so designated by the director in the emergency management plan, as well as all organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan. Such plan shall set forth the form of the organization, establish and designate divisions and functions, assign tasks, duties and powers, and designate officers and employees to carry out the provisions of this chapter. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the state division of emergency management and of the federal government.

Sec. 8-5. Simulation of warning signal prohibited.

Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this chapter and shall be subject to the penalties imposed by this chapter.

Sec. 8-6. Emergency orders, rules and regulations to supersede existing ordinances; construction of chapter.

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

(b) This chapter shall not be construed so as to conflict with any state or federal statute or with any military or naval order, rule or regulation.

Sec. 8-7. Immunity from liability for activities under chapter.

(a) Agents or representatives of city government. This chapter is an exercise by the city of its governmental functions for the protection of the public peace, health, and safety and neither the City of Temple, the agents and 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 chapter shall be liable for any damage sustained to persons as the result of said activity.

(b) Property owners granting license of privilege. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the city a license of privilege, or otherwise permits the city to inspect, designate and 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 shall, together with his successors in interest, if any, not be civilly liable for the death of, or 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.

Sec. 8-8. Expenditure of public funds.

No person shall have the right to expend any public funds of the city in carrying out any emergency management activity authorized by this chapter without prior approval of the city council, nor shall any person have any right to bind the city by contract, agreement or otherwise without prior and specific approval of the city council.

Sec. 8-9. Interference with emergency management organization personnel; impersonation of personnel.

It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization 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, carry or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the City of Temple, unless authority to do so has been granted to such person by the proper officials.

Sec 8-10. Mayor's authority under proclamation declaring local state of disaster.

- (a) A proclamation of a local state of emergency issued by the mayor pursuant to Chapter 418, Texas Government Code, authorizes the mayor to issue such executive orders as the mayor reasonably deems necessary to protect public health and safety from conditions directly related to the circumstances that are the subject of the proclamation.
- (b) An executive order issued pursuant to this section shall remain in force and effect until:
 - a. The proclamation is rescinded, terminated, or expires by operation of law;

- b. The executive order is rescinded by the mayor; or
- c. The executive order is terminated by an ordinance passed and approved by the city council.
- (c) An executive order issued pursuant to this section may declare to be unlawful conduct reasonably deemed by the mayor to constitute a threat to public health and safety under the circumstances that are the subject of the proclamation.
- (d) Unless a different penalty is provided elsewhere in this Code, a person violating an executive order issued pursuant to this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$200.00 nor more than \$2,000.00. Each day a violation continues shall constitute a separate offense.
- (e) A person violating an executive order issued pursuant to this section may be issued a criminal citation enforceable in municipal court. The citation may be issued by any employee of the city so authorized in writing by the chief of police, the fire chief, the director of public health, the director of the parks and recreation department, or the director of public works.

Sec. 8-11. Oath.

Each employee or any individual that is assigned a function or responsibility shall solemnly swear or affirm to support and defend the Constitution of the United States, laws of the State of Texas and the ordinances of the City of Temple, Texas.

Sec. 8-12. Outdoor warning sirens.

The City of Temple maintains and operates outdoor warning sirens. Every Saturday at 11 a.m. (weather permitting), the Temple Fire Department and Emergency Management Office test these sirens.

An Outdoor Warning System is designed to alert and notify citizens of weather emergencies in “OUTDOOR AREAS”. Citizens that are indoors should not mistakenly wait to hear a siren as their only source of warning information; turn on a television, radio or NOAA Weather radio for more specific community-related information. A citizen can also sign up through AlertTemple for notifications directly to their cell phone.

Minimum Activation Guidelines:

1. The National Weather Service issues a Tornado Warning or Severe Thunderstorm Warning with the phrase “Destructive winds in excess of 70 mph (or higher) are likely with this storm” in your immediate area.
2. Trained storm spotters have reported a tornado within the city or in a neighboring city that has the potential to affect your community.
3. Hail has been reported in the size of 1.25-inches in diameter or greater (1-inch hail may be more appropriate for areas or events where large numbers of people are outdoors).

Part 3: All ordinances or resolutions, or portions thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any section, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such section, paragraph, sentence, clause, or phrase.

Part 5: Nothing in this Ordinance may be construed to affect any suit or proceeding pending any court, any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior resolution or ordinance; nor may any legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Part 6: This Ordinance will take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 7: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 6th day of **March, 2025**.

PASSED AND APPROVED on Second and Final Reading on the 20th day of **March, 2025**.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Jana Lewellen
City Secretary

Kathryn H. Davis
City Attorney