



City of Annapolis

160 Duke Of Gloucester
Street
Annapolis, MD 21401

Signature Copy

Ordinance: O-33-14

File Number: O-33-14

Revisions to the City Code Designating the Risk Management Responsibility to the City of Annapolis Finance Department- For the purpose of amending the provisions of the City Code to reflect that Risk Management responsibility is designated to the City of Annapolis Finance Department.

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 33-14

Sponsor: Mayor Pantelides

**Referred to:
Rules and City Government Committee
Public Safety Committee
Environmental Matters Committee**

AN ORDINANCE concerning

Revisions to the City Code Designating the Risk Management Responsibility to the City of Annapolis Finance Department

FOR the purpose of amending the provisions of the City Code to reflect that Risk Management responsibility is designated to the City of Annapolis Finance Department.

BY amending the following portions of the Code of the City of Annapolis, 2012 Edition:

Section 2.48.210
Section 11.48.010
Section 11.48.020
Section 11.48.040
Section 11.48.060
Section 15.04.040

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:

Chapter 2.48 - BOARDS, COMMISSIONS AND COMMITTEES

Article VII - Risk Management Committee

Section 2.48.210 - Composition.

The Risk Management Committee shall consist of both an operations group and a policy group that work in tandem to create a culture of transparency by making information available to all employees and accountability by reporting completely and accurately. The Director of the Office of Emergency Preparedness and Risk Management FINANCE DEPARTMENT shall lead the operations group and policy group.

Chapter 11.48 - EMERGENCY PREPAREDNESS AND RISK MANAGEMENT

Section 11.48.010 - Definitions.

- A. "Continuity of government" or "COG" is the preservation, maintenance, or reconstitution of the government's ability to carry out its constitutional and statutory responsibilities under all circumstances that may disrupt normal operations.
- B. "Continuity of operations" or "coop" planning is an effort to assure that the capability exists to continue essential agency functions across a wide range of potential emergencies.
- C. "Director of the Office of Emergency Preparedness and Risk Management" means the City of Annapolis Director of the Office of Emergency Preparedness and Risk Management. ~~The Director of the Office of Emergency and Risk Management shall have responsibility for the duties in Section 2.48.290 of the City Code Risk Management Responsibilities.~~
- D. "Emergency" means the threat or occurrence of:
 - 1. A drought fire, earthquake, explosion, flood, high water, hurricane, landslide, mudslide, snowstorm, storm, tidal wave, tornado, wind-driven water, or any other disaster in any part of the City that requires public services in order to save lives or protect public health, safety or welfare; or
 - 2. An enemy attack, act of terrorism, or public health catastrophe.
- E. "Emergency preparedness" means the preparation for and carrying out of public services in order to save lives and to minimize and repair injury and damage that result or may result from emergencies.
- F. "Local state of emergency" means a declaration by the mayor made pursuant to Section 11.48.030 of this Code.
- G. "MEMA Act" means the Maryland Emergency Management Agency Act, Section 14-101 et seq. of the public safety article of the Maryland Annotated Code.
- H. "Public emergency" is (1) a situation in which three or more individuals are at the same time and in the same place engaged in tumultuous conduct that leads to the Commission of unlawful acts that disturb the public peace or cause the unlawful destruction or damage of private or public property; (2) a fire, crisis, disaster, riot, or catastrophe; (3) a catastrophic health emergency; or, (3) an energy emergency.
- I. "Catastrophic health emergency" means a situation in which extensive loss of life or serious disability is threatened imminently because of exposure to a deadly agent as defined by Section 14-3A-01 et seq. of the public safety article of the Maryland Annotated Code.
- J. "Energy emergency" is a situation in which the health, safety, or welfare of the public is threatened by an actual or impending acute shortage in energy resources.

Section 11.48.020 - Emergency preparedness powers - Mayor and City Council.

- A. In the area of emergency preparedness, the Mayor, or one acting as Mayor, has the power to:
 - 1. Appoint a Director of the Office of Emergency Preparedness and Risk Management for the City;
 - 2. Adopt and revise an emergency operations plan and related programs and plans to respond to emergencies affecting the City;
 - 3. Declare a local state of emergency pursuant to Section 11.48.030 of this Code;
 - 4. Authorize City departments to render mutual aid to and request mutual aid from other jurisdictions; and
 - 5. Exercise other powers not precluded by law.
- B. The City Council shall have the power to renew a local state of emergency, pursuant to Section 11.48.030 of this Code, and, in addition, shall have those emergency management powers delegated to the City Council by the Governor and Legislature of the State of Maryland.
- C. The Mayor, one acting as Mayor, or the City Council may request the Governor to provide the militia to help bring under control conditions existing within the City that, in the judgment of the Mayor, one acting as Mayor or the City Council respectively, the City's law enforcement agencies cannot control without additional personnel as pursuant to Section 14-306 of the public safety article of the Maryland annotated Code.
- D. The Mayor, or one acting as Mayor, and the City Council, after seeking advice from the Anne Arundel County Health Officer, may establish quarantine regulations, authorize the removal or confinement of persons having infectious or contagious diseases; and prevent the introduction of contagious diseases into the City as pursuant to Article 23A, subtitle 2(b)(15) of the Maryland Annotated Code.

Section 11.48.040 - Declaration of a state of emergency - effect.

- A. The declaration of a local state of emergency activates all applicable provisions of the City's emergency operations plan and authorizes the provision of aid and assistance under the emergency operations plan.
- B. During a declared local state of emergency, the Mayor, or one acting as Mayor, if he or she finds it necessary to protect the public health, welfare, or safety, may:
 - 1. Appoint an incident commander.
 - 2. Implement all or part of the City's continuity of government plan, continuity of operations plan, or other related programs and plans;
 - 3. Declare a curfew in all or any part of the City pursuant to Section 11.40.010 of this Code;
 - 4. Authorize the use of City-owned property by any other governmental agency or person during the state of emergency;
 - 5. Direct the harbormaster to limit access to City waters or any other action provided in Section 15.04.040 of this Code; and
 - 6. Take such other and further actions needed to protect the public health, safety and welfare.

- C. During a declared local state of emergency, the Director of the Office of Emergency Preparedness and Risk Management shall:
1. Coordinate the activities of City departments in all actions that serve to prevent or alleviate the ill effects of the imminent or actual emergency; and
 2. Coordinate receipt of aid, such as response personnel, equipment, or facilities provided by neighboring jurisdictions to City departments, as needed.

Section 11.48.060 - Emergency preparedness duties - local government.

- A. The Mayor, or one acting as Mayor, is responsible for providing strategic guidance and resources during preparedness, response, and recovery efforts. Specifically, the Mayor, or one acting as Mayor, is responsible for:
1. Establishing strong working relationships with neighboring jurisdictions' leaders, regional emergency management groups, core private-sector organizations, voluntary agencies, and community partners in order to coordinate with and train with local partners in advance of an incident and to develop mutual aid or assistance agreements for support in response to an incident;
 2. Leading and encouraging local leaders to focus on preparedness by participating in planning, training, and exercises;
 3. Supporting participation of the Office of Emergency Preparedness and Risk Management, other City departments, and the private-sector in local mitigation efforts within the jurisdiction;
 4. Understanding and implementing laws and regulations that support emergency preparedness and response;
 5. Ensuring that local emergency plans take into account the needs of the jurisdiction, including persons, those persons with special needs, property, economic activities;
 6. Encouraging residents to participate in volunteer organizations and training courses; and
 7. Working closely with other levels of government in Maryland and the United States during local states of emergency and on an ongoing basis regarding local preparedness capabilities and needs.
- B. The Mayor, or one acting as Mayor, and City Council are responsible for ensuring that emergency preparedness programs are appropriately resourced and that responsible and effective leaders and managers are appointed or hired to direct those programs.
- C. The Director of the Office of Emergency Preparedness and Risk Management is directly responsible for the organization, administration, and operation of the Office of Emergency Preparedness and Risk Management. The Director shall also have those emergency preparedness powers delegated to the Director by the Mayor of the City of Annapolis and/or by the Governor of the State of Maryland. The Director's duties include guiding the Office of Emergency Preparedness and Risk Management in:
1. Coordinating all components of the local emergency management program, to include assessing the availability and readiness of local resources most likely required during an incident and identifying and correcting any shortfalls;
 2. Coordinating the emergency planning process and working cooperatively with other local agencies and private-sector organizations;
 3. Coordinating damage assessments during an incident;
 4. Coordinate the provision of aid, such as response personnel, equipment, or facilities

- to neighboring jurisdictions, as needed;
 - 5. Advising and informing local officials about emergency management activities during an incident;
 - 6. Developing and executing public awareness and education programs;
 - 7. Conducting exercises to test plans and systems and obtain lessons learned;
 - 8. Developing mutual aid and assistance agreements; and
 - 9. ~~Involving the private sector and nongovernmental organizations~~ in planning, training, and exercises.
- D. City Department Directors shall collaborate with the Director of the Office of Emergency Preparedness and Risk Management in the development and implementation of local emergency plans and the provision of key response resources.
- 1. City department directors and their staff are responsible for developing plans and training their staff about internal emergency policies and procedures to meet their Department's response, continuity and recovery needs safely.
 - 2. During a local state of emergency, City department directors shall provide key response and continuity resources to the City as required by the Mayor and the Office of Emergency Preparedness and Risk Management.
 - 3. City department directors shall participate in interagency training and exercises to develop and maintain the necessary emergency response and preparedness capabilities.

Chapter 15.04 - MANAGEMENT OF CITY WATERS

Section 15.04.040 - Compliance with Harbormaster during a declared public emergency.

- A. During any public emergency declared by a City Public Safety Official, including, but not limited to ~~Homeland Security Advisory~~, weather emergencies, fire emergencies, pollution incidents or threat conditions connected with the safety of any person, the Harbormaster may refuse any and all vessels entry into City waters, refuse or revoke docking, anchoring or mooring privileges, order the relocation of vessels, and carry out any instructions issued by the Director of the Office of Emergency Preparedness and Risk Management. As used herein, "public safety official" includes the Mayor, Fire Chief, Police Chief and Director of the Office of Emergency Preparedness and Risk Management.
- B. It is unlawful for a person to fail to comply with an order of the Harbormaster made pursuant to this section. A violation of this section is a misdemeanor punishable by a fine or by imprisonment, or by both as established by resolution of the City Council.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this Ordinance shall take effect from the date of its passage.

EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.


Underlining indicates amendments.

ADOPTED this 22nd Day of December, 2014.

Aye: 8 Mayor Pantelides, Alderman Budge, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Littmann, Alderman Pfeiffer and Alderman Arnett

Absent: 1 Alderman Kirby

THE ANNAPOLIS CITY
COUNCIL



Michael J. Pantelides

Date

1/5/15

ATTEST



Regina C. Watkins-Eldridge, MMC

Date

1/5/15