

1 **..Title**

2 **The Office of Emergency Management** – For the purpose of making technical and other
3 corrections to the Office of Emergency Management section of the City Code; clarifying the role
4 of the Harbormaster during a public emergency, making certain stylistic changes; and generally
5 related to emergency management.

6 **..Body**

7 **CITY COUNCIL OF THE**
8 **City of Annapolis**

9
10 **Ordinance 15-19**

11
12 **Introduced by: Mayor Buckley, Alderwoman Finlayson, and Alderwoman Tierney**

13
14 **Referred to**

15 Environmental Matters Committee
16 Public Safety Committee

17
18
19 **AN ORDINANCE** concerning

20
21 **The Office of Emergency Management**

22
23 **FOR** the purpose of making technical and other corrections to the Office of Emergency
24 Management section of the City Code; clarifying the role of the Harbormaster during a
25 public emergency, making certain stylistic changes; and generally related to emergency
26 management.

27
28 **BY** repealing and re-enacting with amendments the following portions of the Code of the City
29 of Annapolis, 2019 Edition

30 11.48.010

31 11.48.020

32 11.48.030

33 11.48.040

34 11.48.050

35 11.48.060

36 11.48.070

37 15.04.040

38
39 **BY** adding the following portion to the Code of the City of Annapolis, 2019 Edition

40 11.48.080

41
42
43 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
44 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

45
46

1 **TITLE 11 – PUBLIC PEACE, MORALS, AND WELFARE**

2 **Chapter 11.48 - EMERGENCY MANAGEMENT**

3
4 **Section 11.48.010 - Definitions.**

5
6 A. "Continuity of ~~g~~Government" or "COG" is the preservation, maintenance, or reconstitution of
7 the government's ability to carry out its constitutional and statutory responsibilities under all
8 circumstances that may disrupt normal operations.

9
10 B. "Continuity of ~~o~~Operations" or "~~e~~~~o~~~~e~~~~p~~COOP" planning is an effort to assure that the capability
11 exists to continue essential agency functions across a wide range of potential emergencies.

12
13 C. "CATASTROPHIC HEALTH EMERGENCY" MEANS A SITUATION IN WHICH
14 EXTENSIVE LOSS OF LIFE OR SERIOUS DISABILITY IS THREATENED
15 IMMEDIATELY BECAUSE OF EXPOSURE TO A DEADLY AGENT AS DEFINED BY
16 SECTION 14-3A-01, *ET SEQ.* OF THE PUBLIC SAFETY ARTICLE OF THE
17 MARYLAND ANNOTATED CODE.

18
19 ~~CD.~~ "Director of the Office of Emergency Management" means the City of Annapolis Director
20 of the Office of Emergency Management.

21
22 ~~DE.~~ "Emergency" means the threat or occurrence of:

- 23
24 1. A drought fire, earthquake, explosion, flood, high water, hurricane, landslide, mudslide,
25 snowstorm, storm, tidal wave, tornado, wind-driven water, or any other disaster in any
26 part of the City that requires public services in order to save lives or protect public health,
27 safety, or welfare; or
28 2. An enemy attack, act of terrorism, or public health catastrophe.

29
30 ~~EF.~~ "Emergency preparedness" means the preparation for and carrying out of public services in
31 order to save lives and to minimize and repair injury and damage that result or may result from
32 emergencies.

33
34 G. "ENERGY EMERGENCY" IS A SITUATION IN WHICH THE HEALTH, SAFETY, OR
35 WELFARE OF THE PUBLIC IS THREATENED BY AN ACTUAL OR IMPENDING
36 ACUTE SHORTAGE IN ENERGY RESOURCES.

37
38 ~~FH.~~ "Local state of emergency" means a declaration by the Mayor made pursuant to Section
39 11.48.030 of this Code.

40
41 GI. "MEMA Act" means the Maryland Emergency Management Agency Act, Section 14-101, *et*
42 *seq.* of the Public Safety Article of the Maryland Annotated Code.

43
44 HJ. "Public emergency" ~~is~~MEANS (1) a situation in which three or more individuals are, at the
45 same time, and in the same place, engaged in tumultuous conduct that leads to the
46 Commission of unlawful acts that disturb the public peace or cause ~~the~~unlawful destruction

1 or damage of TO private or public property; (2) a fire, crisis, disaster, riot, or catastrophe; (3)
 2 a catastrophic health emergency; or, (34) an energy emergency.

3
 4 **K.** "PUBLIC SAFETY OFFICIAL" MEANS THE MAYOR, THE FIRE CHIEF, THE POLICE
 5 CHIEF, AND THE DIRECTOR OF THE OFFICE OF EMERGENCY MANAGEMENT,
 6 ALL OF WHOM HAVE THE AUTHORITY TO DECLARE A PUBLIC EMERGENCY.

7
 8 ~~I. "Catastrophic health emergency" means a situation in which extensive loss of life or serious~~
 9 ~~disability is threatened imminently because of exposure to a deadly agent as defined by~~
 10 ~~Section 14-3A-01, et seq. of the Public Safety Article of the Maryland Annotated Code.~~

11
 12 ~~J. "Energy emergency" is a situation in which the health, safety, or welfare of the public is~~
 13 ~~threatened by an actual or impending acute shortage in energy resources.~~

14
 15 **Section 11.48.020 - Emergency preparedness powers—Mayor and City Council.**

16
 17 ~~A. In the area of emergency preparedness, the~~IN PREPARATION for an emergency, the Mayor;
 18 ~~or one acting as Mayor,~~ has the power to:

- 19
 20 1. Appoint a Director of the Office of Emergency Management for the City;
 21 2. Adopt and revise an emergency operations plan₁ and related programs and plans₁ to
 22 respond to emergencies THAT MAY affecting the City;
 23 3. Declare a local state of emergency pursuant to Section 11.48.030 of this Code;
 24 4. Authorize City departments to render mutual aid to₂ and request mutual aid from₂ other
 25 jurisdictions; and
 26 5. Exercise other powers not precluded by law.

27
 28 B. The City Council shall have the power to renew a local state of emergency, pursuant to Section
 29 11.48.030 of this Code, and, in addition, shall have those emergency management powers
 30 delegated to the City Council by the Governor and Legislature of the State of Maryland.

31
 32 C. ~~The Mayor, one acting as Mayor, or the City Council~~ may request the Governor to provide
 33 the militia to help bring under control conditions existing within the City that, in the judgment
 34 of the Mayor, ~~one acting as Mayor or the City Council respectively,~~ the City's law enforcement
 35 agencies cannot control without additional personnel₁ as pursuant to Section 14-306 of the
 36 Public Safety Article of the Maryland Annotated Code.

37 D. ~~The Mayor, or one acting as Mayor, and OR the City Council,~~ after seeking advice from the
 38 Anne Arundel County Health Officer, may establish quarantine regulations, authorize the
 39 removal or confinement of persons having infectious or contagious diseases₂; and prevent the
 40 introduction of contagious diseases into the City, a pursuant to ~~Article 23A, Subtitle 2(b)(15)~~
 41 SECTION 5-209 of the Public Safety Article of the Maryland Annotated Code.

42
 43 **Section 11.48.030 - State of emergency—declaration by THE Mayor.**

44

- 1 A. When the Mayor, ~~or one acting as Mayor,~~ determines that an emergency has developed or is
 2 impending due to any cause, the Mayor, ~~or one acting as Mayor,~~ may declare by written order
 3 that a local state of emergency exists in the City of Annapolis.
 4
- 5 B. The local state of emergency shall continue until the Mayor, ~~or one acting as Mayor,~~ declares
 6 by written order that the emergency no longer exists, provided, however, that the local state
 7 of emergency shall not continue or be renewed for longer than ~~seven~~30 days without the
 8 consent of the City Council.
 9
- 10 C. Orders declaring, extending, and terminating, a local state of emergency shall be given prompt
 11 and general publicity and BE filed with the City Clerk.
 12

13 **Section 11.48.040 - Declaration of a state of emergency—effect.**
 14

- 15 A. The declaration of a local state of emergency activates all applicable provisions of the City's
 16 eEmergency eOperations pPlan and authorizes the provision of aid and assistance under the
 17 ~~emergency operations pPlan.~~
- 18 B. During a declared local state of emergency, the Mayor, ~~or one acting as Mayor,~~ if he or she
 19 finds it necessary to protect the public health, welfare, or safety, may:
 20 1. Appoint an incident commander.
 21 2. Implement all or part of the City's eContinuity of gGovernment pPlan, eContinuity of
 22 eOperations pPlan, or other related programs and plans;
 23 3. Declare a curfew in all or any part of the City pursuant to Section 11.40.010 of this Code;
 24 4. DECLARE AN EVACUATION TO STRONGLY ADVISE CITIZENS TO
 25 EVACUATE ALL OR PART OF THE CITY DUE TO AN IMMINENT THREAT TO
 26 LIFE OR PROPERTY;
 27 45. Authorize the use of City-owned property by any other governmental agency or person
 28 during the state of emergency;
 29 56. Direct the hHarbormaster to limit access to City waters or any other action provided in
 30 Section 15.04.040 of this Code; and
 31 67. Take such other and further actions needed to protect the public health, safety, ~~and~~
 32 welfare, AND SECURITY.
 33
- 34 C. During a declared local state of emergency OR PUBLIC EMERGENCY, the Director of the
 35 Office of Emergency Management shall:
 36
- 37 1. Coordinate the activities of City departments in all actions that serve to prevent or
 38 alleviate the ill effects of the imminent or actual emergency; and
 39 2. Coordinate THE receipt of aid, such as response personnel, equipment, or facilities,
 40 ~~provided by neighboring jurisdictions~~ to City departments FROM LOCAL, STATE, OR
 41 FEDERAL JURISDICTIONS OR FROM OTHER SOURCES, as needed.
 42

43 **Section 11.48.050 - Penalties.**
 44

- 1 A. It is unlawful to violate any order, rule, or regulation issued by the City or by any City officer
 2 or employee pursuant to the authority of the MEMA Act. A violation is subject to the penalties
 3 set forth in the MEMA Act.
 4
- 5 B. It is unlawful to violate any order, rule, or regulation by the City or by any City officer or
 6 employee issued pursuant to the authority of this chapter. A violation is a misdemeanor
 7 punishable by a fine, or by imprisonment, or by both, as established by resolution of the City
 8 Council.
 9

10 **Section 11.48.060 - Emergency preparedness duties—local government.**
 11

- 12 A. The Mayor, ~~or one acting as Mayor,~~ UNDER GUIDANCE FROM THE DIRECTOR OF THE
 13 OFFICE OF EMERGENCY MANAGEMENT, is responsible for providing strategic
 14 guidance and resources during preparedness, response, and recovery efforts. Specifically, the
 15 Mayor, ~~or one acting as Mayor,~~ is responsible for:
 16
- 17 1. Establishing strong working relationships with LEADERS OF ~~neighboring~~ LOCAL
 18 jurisdictions' ~~leaders,~~ regional emergency management groups, core private-sector
 19 organizations, voluntary agencies, and community partners in order to coordinate, ~~with~~
 20 and train, with local partners in advance of an incident, and to develop mutual aid or
 21 assistance agreements for PROVIDING OR RECEIVING support in response to an
 22 incident;
 - 23 2. Leading and encouraging local leaders to focus on preparedness by participating in
 24 planning, training, and exercises;
 - 25 3. Supporting participation of the Office of Emergency Management, other City
 26 departments, and the private-sector in local mitigation efforts within the jurisdiction;
 - 27 4. Understanding and implementing laws and regulations that support emergency
 28 preparedness and response;
 - 29 5. Ensuring that local emergency plans take into account the needs of the jurisdiction,
 30 including persons, persons with special needs, property, AND economic activities;
 - 31 6. Encouraging residents to participate in volunteer organizations, and training courses; and
 32 7. Working closely with other levels of government in Maryland and the United States
 33 during local states of emergency and on an ongoing basis regarding local preparedness
 34 capabilities and needs.
 35
- 36 B. The Mayor, ~~or one acting as Mayor,~~ and OR THE City Council ~~are~~ IS responsible for ensuring
 37 that emergency preparedness programs are appropriately resourced and that responsible and
 38 effective leaders and managers are appointed or hired to direct those programs.
 39
- 40 C. The Director of the Office of Emergency Management is ~~directly~~ responsible for the
 41 organization, administration, and operation of the Office of Emergency Management. The
 42 Director shall also have those emergency preparedness powers delegated to the Director by
 43 the Mayor ~~of the City of Annapolis~~ and/or by the Governor of the State of Maryland. The
 44 Director's duties include guiding the Office of Emergency Management in:
 45

- 1 1. Coordinating all components of the local emergency management program, to include
- 2 assessing the availability and readiness of local resources most likely required during an
- 3 incident; and identifying and correcting any shortfalls;
- 4 2. Coordinating the emergency planning process and working cooperatively with other local
- 5 agencies and private-sector organizations;
- 6 3. Coordinating damage assessments during an incident;
- 7 4. ~~Coordinate~~COORDINATING the provision of aid, such as response personnel,
- 8 equipment, or facilities to ~~neighboring~~LOCAL jurisdictions, as needed;
- 9 5. Advising and informing local officials about emergency management activities during an
- 10 incident;
- 11 6. Developing and executing public awareness and education programs;
- 12 7. Conducting ANNUAL exercises to test plans and systems and obtain lessons learned;
- 13 8. Developing mutual aid and assistance agreements; ~~and~~
- 14 9. Involving the private sector and nongovernmental organizations in planning, training, and
- 15 exercises.; AND
- 16 10. COORDINATING HOMELAND SECURITY GRANTS AND OTHER GRANTS IN
- 17 THE INTEREST OF PUBLIC SAFETY.

18
 19 D. City Department Directors, SENIOR STAFF, AND THE CITY COUNCIL shall collaborate
 20 with the Director of the Office of Emergency Management in the development and
 21 implementation of local emergency plans, THE CONTINUITY OF OPERATIONS PLANS,
 22 THE CONTINUITY OF GOVERNMENT PLANS, and the provision of key response
 23 resources.

- 24
 25 1. City department directors and ~~their~~ SENIOR staff are responsible for developing plans
 26 and training their staff about internal emergency policies and procedures to SAFELY
 27 meet their Department's response, continuity, and recovery needs ~~safely~~.
- 28 2. During a local state of emergency, City department directors AND SENIOR STAFF shall
 29 provide key response and continuity resources to the City as required by the Mayor and
 30 the Office of Emergency Management.
- 31 3. City department directors AND SENIOR STAFF shall participate in interagency training
 32 and exercises to develop and maintain the necessary emergency response and
 33 preparedness capabilities.

34
 35 **Section 11.48.070 - Emergency procurement.**

36
 37 A. ~~Whenever~~IF the time required to comply with City procurement laws, regulations, ~~and/or~~OR
 38 requirements would endanger the health or safety of people or property, the City Procurement
 39 Officer may make an emergency procurement IN ACCORDANCE WITH THIS SECTION
 40 after obtaining approval ~~of~~FROM the City Manager, ~~and in accordance with this Section~~. An
 41 emergency procurement shall be limited to ~~only the~~THOSE goods and services necessary to
 42 meet the emergency and its duration; and shall conform to the City procurement laws,
 43 regulations, and requirements to the extent practicable under the circumstances.

44
 45 B. The Procurement Officer shall maintain a complete, current file record explaining or
 46 otherwise supporting the particular basis on which each emergency purchase was made. The

records shall be available for public inspection during regular eCity business hours in the Central Purchasing Office.

SECTION 11.48.080 - PUBLIC EMERGENCY.

A. A CITY PUBLIC SAFETY OFFICIAL MAY DECLARE A PUBLIC EMERGENCY, INCLUDING—WEATHER EMERGENCIES, FIRE EMERGENCIES, POLLUTION INCIDENTS, OR THREAT CONDITIONS CONNECTED WITH THE SAFETY OF ANY PERSON,

B. IT IS UNLAWFUL FOR A PERSON TO FAIL TO COMPLY WITH AN ORDER OF A CITY PUBLIC SAFETY OFFICIAL MADE PURSUANT TO THIS SECTION. A VIOLATION OF THIS SECTION IS A MISDEMEANOR PUNISHABLE BY A FINE, IMPRISONMENT, OR BOTH, AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL.

TITLE 15 – HARBORS AND WATERFRONT AREAS

Chapter 15.04 – MANAGEMENT OF CITY WATERS

Section 15.04.040 – HARBORMASTER’S ~~Compliance~~ POWERS IN CONNECTION with A PUBLIC EMERGENCY DECLARED BY A CITY PUBLIC SAFETY OFFICIAL ~~Harbormaster~~ during a declared public emergency.

A. During any public emergency declared PURSUANT TO SECTION 11.48.080 OF THE CODE by a City Public Safety Official AS DEFINED IN SECTION 15.04.040 OF THE CODE, ~~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 A CITY PUBLIC SAFETY OFFICIAL. ~~the Director of the Office of Emergency Management. As used herein, "Public Safety Official" includes the Mayor, Fire Chief, Police Chief, and Director of the Office of Emergency Management.~~

B. It is unlawful for a person to fail to comply with an order of the Harbormaster made pursuant to this sSection. A violation of this sSection 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:

UPPERCASE indicates matter added to existing law.

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2
3

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