



Legislation Text

File #: O-15-19, Version: 1

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

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 15-19

Introduced by: Mayor Buckley, Alderwoman Finlayson, and Alderwoman Tierney

Referred to

Environmental Matters Committee
Public Safety Committee

AN ORDINANCE concerning

The Office of Emergency Management

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

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

11.48.010
11.48.020
11.48.030
11.48.040
11.48.050
11.48.060
11.48.070
15.04.040

BY adding the following portion to the Code of the City of Annapolis, 2019 Edition
11.48.080

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:

TITLE 11 - PUBLIC PEACE, MORALS, AND WELFARE

Chapter 11.48 - EMERGENCY MANAGEMENT

Section 11.48.010 - Definitions.

- A. "Continuity of ~~g~~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 ~~e~~Operations" or "~~e~~COOP" planning is an effort to assure that the capability exists to continue essential agency functions across a wide range of potential emergencies.
- C. "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.
- ~~C~~D. "Director of the Office of Emergency Management" means the City of Annapolis Director of the Office of Emergency Management.
- ~~D~~E. "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;
 2. An enemy attack, act of terrorism, or public health catastrophe.
- ~~E~~F. "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.
- ~~G~~. "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.
- ~~F~~H. "Local state of emergency" means a declaration by the Mayor made pursuant to Section 11.48.030 of this Code.
- ~~G~~I. "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~~J. "Public emergency" ~~is~~MEANS (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 ~~C~~commission of unlawful acts that disturb the public peace or cause ~~the~~ unlawful destruction or damage ~~of~~ TO private or public property; (2) a fire, crisis, disaster, riot, or catastrophe; (3) a catastrophic health emergency; or, (34) an energy emergency.

~~IK.~~ "PUBLIC SAFETY OFFICIAL" MEANS THE MAYOR, THE FIRE CHIEF, THE POLICE CHIEF, AND THE DIRECTOR OF THE OFFICE OF EMERGENCY MANAGEMENT, ALL OF WHOM HAVE THE AUTHORITY TO DECLARE A PUBLIC 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~~IN PREPARATION for an emergency, the Mayor, ~~or one acting as Mayor,~~ has the power to:

1. Appoint a Director of the Office of Emergency Management for the City;
2. Adopt and revise an emergency operations plan, and related programs and plans, to respond to emergencies THAT MAY 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 OR 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, a pursuant to ~~Article 23A, Subtitle 2(b)(15)~~ SECTION 5-209 of the Public Safety Article of the Maryland Annotated Code.

Section 11.48.030 - State of emergency-declaration by THE Mayor.

~~A.~~ When the Mayor, ~~or one acting as Mayor,~~ determines that an emergency has developed or is impending due to any cause, the Mayor, ~~or one acting as Mayor,~~ may declare by written order that a local state of emergency exists in the City of Annapolis.

~~B.~~ The local state of emergency shall continue until the Mayor, ~~or one acting as Mayor,~~ declares by written order that the emergency no longer exists, provided, however, that the local state of emergency shall not

continue or be renewed for longer than ~~seven~~³⁰ days without the consent of the City Council.

- C. Orders declaring, extending, and terminating, a local state of emergency shall be given prompt and general publicity and BE filed with the City Clerk.

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 e Emergency oOperations pPlan and authorizes the provision of aid and assistance under the ~~emergency operations pPlan~~.
- 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 eContinuity of gGovernment pPlan, eContinuity of eOperations p 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. DECLARE AN EVACUATION TO STRONGLY ADVISE CITIZENS TO EVACUATE ALL OR PART OF THE CITY DUE TO AN IMMINENT THREAT TO LIFE OR PROPERTY;
 45. Authorize the use of City-owned property by any other governmental agency or person during the state of emergency;
 56. Direct the hHarbormaster to limit access to City waters or any other action provided in Section 15.04.040 of this Code; and
 67. Take such other and further actions needed to protect the public health, safety, and welfare, AND SECURITY.
- C. During a declared local state of emergency OR PUBLIC EMERGENCY, the Director of the Office of Emergency 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 THE receipt of aid, such as response personnel, equipment, or facilities, ~~provided by neighboring jurisdictions~~ to City departments FROM LOCAL, STATE, OR FEDERAL JURISDICTIONS OR FROM OTHER SOURCES, as needed.

Section 11.48.050 - Penalties.

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

Section 11.48.060 - Emergency preparedness duties-local government.

- A. The Mayor, ~~or one acting as Mayor~~, UNDER GUIDANCE FROM THE DIRECTOR OF THE OFFICE

OF EMERGENCY MANAGEMENT, 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 LEADERS OF ~~neighboring~~ LOCAL 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 PROVIDING OR RECEIVING 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 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, persons with special needs, property, AND 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 OR THE City Council ~~are~~IS 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 Management is ~~directly~~ responsible for the organization, administration, and operation of the Office of Emergency 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 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~~COORDINATING the provision of aid, such as response personnel, equipment, or facilities to ~~neighboring~~LOCAL 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 ANNUAL 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; AND
 10. COORDINATING HOMELAND SECURITY GRANTS AND OTHER GRANTS IN THE INTEREST OF PUBLIC SAFETY.

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

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

Section 11.48.070 - Emergency procurement.

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

B. The Procurement Officer shall maintain a complete, current file record explaining or otherwise supporting the particular basis on which each emergency purchase was made. The records shall be available for public inspection during regular ~~e~~City 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;¹ refuse or revoke docking, anchoring or mooring privileges;² order the relocation of vessels;³ 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,~~¹ 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 ~~s~~^Section. A violation of this ~~s~~^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:

UPPERCASE indicates matter added to existing law.

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

Underlining indicates amendments.