TOWN OF POETRY, TEXAS
ORDINANCE NO. 2021-07-01

AN ORDINANCE OF THE TOWN OF POETRY, TEXAS, ESTABLISHING A COMPREHENSIVE EMERGENCY MANAGEMENT PROGRAM, AUTHORIZING THE APPOINTMENT OF AN EMERGENCY MANAGEMENT COORDINATOR, PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THE EMERGENCY MANAGEMENT DIRECTOR AND COORDINATOR, AUTHORIZING MUTUAL AID AGREEMENTS WITH OTHER GOVERNMENTAL ENTITIES, AND PROVIDING A PENALTY CLAUSE OF A FINE NOT TO EXCEED THE SUM OF $1,000.00 FOR EACH OFFENSE AND PROVIDING THAT EACH CONTINUING DAY'S VIOLATION UNDER THIS ORDINANCE SHALL CONSTITUTE A SEPARATE OFFENSE; PROVIDING FOR SEVERABILTY; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE AND ENGROSSMENT AND ENROLLMENT.

WHEREAS, the Town Council of the Town of Poetry, Texas, has determined that the health, safety and welfare of the citizens of Poetry necessitates that the Town adopt a comprehensive emergency management program as set forth in this Ordinance; and

WHEREAS, the Town Council of the Town of Poetry, Texas, deems it in the best interest of the residents of the Town of Poetry to adopt an emergency management program not in contrast with the Hunt and Kaufman County emergency management programs; and

WHEREAS, this Ordinance contains a penal provision making violations of the Emergency Management Plan punishable by a fine not to exceed $1000.00 and/or 180 days in jail; and

WHEREAS, the **Texas Government Code § 418.173** provides a Town's Emergency Management Plan may prescribe a punishment of up to $1,000.00 for failure to comply with the plan or with a rule, order, or ordinance adopted under the plan;

WHEREAS, the Town Council of the Town of Poetry deems it in the best interest of the Town of Poetry and the health, safety and welfare of the public to adopt the provisions set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF POETRY, TEXAS:

SECTION 1. Incorporation of Premises. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the Town Council and made a part hereof for all purposes.

SECTION 2. Emergency Management Program Ordinance Adopted. The following is hereby adopted as the Emergency Management Program of the Town of Poetry, Texas:

EMERGENCY MANAGEMENT PROGRAM

Sec. 2.01. Office of emergency management created.

The office of emergency management for the Town of Poetry is created and shall exist in accordance with state law as follows:

(1) The Mayor of the Town of Poetry is designated as the Director of emergency management.

(2) The Director may appoint a coordinator of the office of emergency management who shall serve at the pleasure of the Director. The Director shall be responsible for conducting a program of comprehensive emergency management with the Town of Poetry and for carrying out the duties and responsibilities of this article. The Director may delegate the duties and responsibilities to the emergency

management coordinator as Director deems necessary or advisable, but Director shall retain ultimate responsibility for execution of such duties and responsibilities as the office is charged with fulfilling.

Sec. 2.02. Powers and duties of office of emergency management.

The powers and duties of the office of emergency management shall be the powers and duties of the Emergency Management Coordinator of the office and shall be as follows:

(1) The Emergency Management Coordinator shall maintain an on-going survey of actual or potential major hazards that threaten life and property within the Town of Poetry and an on-going program of identifying and requiring or recommending the implementation of measures that would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.

(2) The Emergency Management Coordinator shall supervise the development and maintenance of a current emergency management plan for the Town of Poetry. Such plan shall set forth the form of the disaster services organization, establish and designate divisions and functions, assign tasks, duties and powers, designate officers and employees to carry out the provisions of this emergency management plan, and provide the following:

a. Wage, price and rent controls, rationing of critical resources, and other economic stabilization methods in the event of disaster;

b. Curfews, blockades and limitations on utility usage in an area affected by disaster, rules governing ingress and egress to the affected area and other

security measures; and

c. Debris removal from public and private lands and water and disposal.

(3) The powers of the Emergency Management Director shall include the authority to declare a state of emergency in and state of disaster in accordance with the **Texas Disaster Act,** Chapter 418 of the Texas Local Government Code, as amended. For the purposes of this Ordinance, emergency shall be synonymous with disaster. Nothing in this Ordinance shall abridge in any way the authority of the Mayor of the Town of Poetry to execute the powers under state law or local ordinance during a state of emergency.

(4) The Emergency Management Coordinator shall also survey the availability of existing and potential personnel, equipment, supplies, services and facilities that 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. The Director and Emergency Management Coordinator shall keep current with all federal and state regulatory and informational requirements.

(5) The Emergency Management Coordinator shall have direction and control of the actual disaster operations of the Poetry Emergency Management organization and training activities in emergency management and disaster relief.

(6) The Director shall determine all questions of authority and responsibility that may arise within the Emergency Management organization of the Town.

(7) The Emergency Management Coordinator shall maintain all necessary

liaison and coordination of activities with other municipal, county, district, state, regional, federal, and other emergency management, civil defense, and disaster relief organizations.

(8) The Emergency Management Coordinator may marshal, after declaration of disaster or emergency as provided for above, all necessary personnel, equipment, or supplies from any department of the Town and from voluntary private contributors to aid in the implementation of the provisions of the emergency management plan.

(9) The Director may issue all reasonable rules, regulations, or directives that are necessary for the protection of life and property in the Town of Poetry. Such rules and regulations shall be filed in the office of the Town Secretary and shall receive widespread publicity. All such rules, regulations or directives shall be subject to Council approval in accordance with applicable state law.

(10) The Emergency Management Coordinator shall supervise the drafting and execution of any and all mutual aid plans and agreements deemed essential or desirable for the implementation of the Town's emergency management plan and coordination of combined area disaster services efforts, including the formation of a county or other joint disaster services council and emergency management plan and the appointment of a disaster coordinator for such joint effort.

(11) The Director shall supervise and have final authorization for, the procurement of all necessary supplies and equipment, including acceptance of voluntary private contributions that may be offered for the purpose of improving

Emergency Management within the Town.

(12) The Director may execute agreements, after approval by the Town Attorney, for the use of private property for public shelter and other purposes during the course of an emergency.

Sec. 2.03. Organization.

The operational Emergency Management organization of the Town of Poetry shall consist of the officers and employees of the Town so designated by the Director in the emergency management plan, as well as all organized volunteer groups. The functions and other 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 ordinance. Insofar as possible, the form of organization, titles, and terminology shall conform to the recommendations of the Texas Division of Emergency Management of the State of Texas and of the Federal Government.

Sec. 2.04. Violations.

(1) 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 lawful ordinance, resolution, proclamation, rule or regulation issued pursuant to this ordinance.

(2) It shall be unlawful for any person to do any act forbidden by any lawful

ordinance, resolution, proclamation, rule or regulation issued pursuant to the authority contained in this ordinance.

(3) It shall 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 Town of Poetry, unless authority to do so has been granted to such person by the proper officials.

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

(7) This ordinance shall not be construed so as to conflict with any State of Federal statute or with any military or naval order, rule, or regulation.

Sec. 2.05. Non-liability.

(1) This Ordinance is an exercise by the Town of its governmental functions for the protection of the public peace, health, and safety, and neither the Town of Poetry, the agents and representatives of the Town, 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 ordinance, resolution, proclamation, order, rule, or regulation promulgated

pursuant to the provisions of this ordinance shall be liable for any damage sustained to persons as a result of said activity.

(2) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the Town of Poetry a license of privilege, or otherwise permits the Town to inspect, designate, and use the whole or any part of or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, or exercise, 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.

SECTION 3. Penalty. Any person, firm, corporation or business entity intentionally, knowingly or recklessly violating this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of $1,000.00. Each continuing day's violation under this ordinance shall constitute a separate offense. The penal provisions imposed under this ordinance shall not preclude the Town from filing suit to enjoin the violation or taking other legal action as allowed by law.

SECTION 4. Severability. It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section 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 phrases,

clauses, sentences, paragraphs and sections of this Ordinance, because the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

SECTION 5. Cumulative Repealer. This Ordinance is cumulative of all ordinances of the Town and all Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 6. Effective Date. This Ordinance shall take effect upon its passage and publication as required by law. The caption of this Ordinance shall be published as required by law and this ordinance shall be engrossed and enrolled.

DULY PASSED AND APPROVED by the Town Council of the Town of Poetry, Texas, this 20th day of July 2021.

Tara Senkevech

Tara Senkevech, Mayor

ATTEST:

Karoline Chapman

_____, Town Secretary (acting)

APPROVED AS TO FORM:

Patricia D. Adams

TOWN ATTORNEY'S OFFICE

I, Karoline Chapman, Secretary of the Town Council of the Town of Poetry, do hereby

certify that the foregoing is a true and correct copy of an Ordinance adopted by the Town Council of the Town of Poetry at its regular meeting held on the 20th day of July, 2021, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the Town of Poetry this 9th day of December, 2021.

Karoline Chapman

Town Secretary (acting)

