

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

CITY OF WALHALLA)

ORDINANCE NO. 2023-9

ESTABLISHING AN EMERGENCY MANAGEMENT PROGRAM

An ordinance establishing a program response and recovery phases of comprehensive emergency management and other matters related thereto

WHEREAS, the City of Walhalla finds that the identification of potential hazards and the prevention or mitigation of their effects must be an ongoing concern of the City if the lives and property of the populace are to be protected; and

WHEREAS, the City Council hereby declares that the preparation of a C Emergency Management plan, and the means for its implementation for the protection of lives and property in the City of Walhalla from natural or man caused disasters or threat thereof is immediately essential; and

WHEREAS, the City Council further finds that in times of disasters which may imperil the safety of the inhabitants of the City, or their property, it becomes necessary to effectuate and place into operation the preconceived plans and preparations with a minimum of delay; and

WHEREAS, the City Council finds, therefore, that the preparation, implementation of such plans are now imperative

Section 1. ORGANIZATION

There exists the City of Walhalla Fire Department and said department shall be the City's emergency management agency.

- a) The fire chief shall also serve as the emergency manager for the city;
- b) The manager shall be responsible for a program of comprehensive emergency management within the City and for carrying out the duties and responsibilities set forth in this ordinance.
- c) The operational Emergency management organization of the City of Walhalla shall consist of the officers and employees of the City so designated by the Emergency Operations Plan, as well as 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 Operations Plan.

Section 2. EMERGENCY MANAGER-POWERS AND DUTIES

The duties and responsibilities of the Emergency Manager shall include the following:

- a) Surveying actual or potential hazards which threaten life and property within the City and 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.
- b) Supervision of the development of an emergency management plan for the City of Walhalla and shall recommend for adoption by the City Council all mutual aid arrangements deemed necessary for the implementation of such plan.
- c) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of three (3) days except by or with the consent to the City Council. Any order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Clerk.
- d) Issuance of necessary directives which are necessary for carrying out the purposes of this ordinance. Such or directives shall be disseminated promptly by which means calculated to bring its contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the City Clerk.
- e) Direction and control of the operations of the Emergency Management organization as well as the training of Emergency Management personnel.
- f) Determination of all questions of authority and responsibility that may arise within the Emergency Management Organization of the City.
- g) Maintenance of liaison with other Municipal, County, District, State, regional or federal Emergency Management Organizations.
- h) Marshalling 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.
- i) 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 an 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 County-Wide coordination of Emergency efforts.
- j) 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.
- k) Authorizing of agreements, after approval by the City Attorney, for use of private property for public shelter and other purposes.
- l) Surveying the availability of existing personnel, equipment, supplies, and services which could be used during a disaster, as provided for herein.

Section 3. EMERGENCY MANAGEMENT PLAN

An Emergency Operations Plan shall be developed and maintained in a current state. The plan shall set forth the form of the organization; establish and designate divisions and functions; assign responsibilities, 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 approved, it shall be the duty of all departments and agencies to perform the functions assigned by the plan and maintain their portion of the plan in a current state of readiness at all times. The emergency operations plan shall be considered supplementary to this ordinance and have the effect of law during the time of disaster. The plan shall be updated by resolution every three (3) years or as needed on advice of the emergency manager.

Section 4. OVERRIDE

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.

Section 5. LIABILITY

This ordinance 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 Walhalla, 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, nay order, rule, or regulation promulgated pursuant to the provisions of this ordinance shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the City of Walhalla a license of privilege, or otherwise permits the City in 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 or natural or man-made disaster shall together, with is 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 on for loss of, or damage to, the property of such person.

Section 6. COMMITMENT OF FUNDS

All normal procurement regulations will be followed. Emergency purchases will follow emergency procurement regulations set forth by the City.

Section 7. OFFENSES: PENALTIES

- a) 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 ordinance.
- b) 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 the City of Walhalla, unless authority to do so has been granted to such person by the proper officials.
- c) Convictions for violations of the provisions of this ordinance shall be punishable by fine not to exceed 500.00 dollars.

Section 8. SEVERABILITY

If any portion of this ordinance shall, for any reason be declared invalid such, invalidity shall not affect to remaining provisions thereof.

Section 9. LIMITATIONS

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

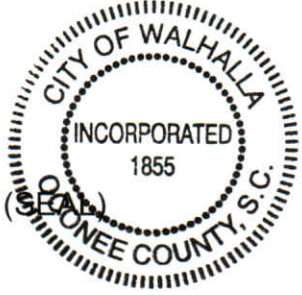
Section 10. REPEALER

All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

BE IT ORDAINED by the Mayor and the City council of the City of Walhalla in Council duly assembled and by the authority of the same:

DONE AND RATIFIED in council duly assembled this 18TH day of APRIL 2022.

(signatures on following page)



By: 
Danny Edwards, Mayor

ATTEST:

By: Timothy B. Burt

Timothy B. Burton, City Administrator

Introduced By: MR. UNDERWOOD

First Reading: MARCH 21, 2023

Second Reading: APRIL 18, 2023