

**INTRODUCED BY: ALDERWOMAN PARKER TICE ALDERMAN PLUFKA
 ALDERWOMAN SIMS ALDERMAN WEGGE
 ALDERMAN GOULD ALDERMAN LOCHMOELLER
 ALDERMAN ERGER ALDERWOMAN HARTER**

AN ORDINANCE AMENDING THE BRENTWOOD CITY CODE TO PROVIDE FOR EMERGENCY OPERATIONS FOR THE CITY AND ADOPTING AN EMERGENCY OPERATIONS PLAN.

WHEREAS, the purpose of an Emergency Operations Plan (EOP) is to develop a comprehensive emergency management program that will provide a system to mitigate the effects of an emergency or disaster, preserve life, respond during emergencies, provide necessary assistance, and establish a recovery system, in order to return the community to its normal state of affairs.; and

WHEREAS, this plan attempts to clearly define the roles and responsibilities of each department and function within the City organization by providing guidance in accomplishing the objectives of this plan with lists of guidelines, plans, assessments and resources; and

WHEREAS, on February 28, 2003, the President issued Homeland Security Presidential Directive (HSPD) - 5 Management of Domestic Incidents, which directs the Secretary of Homeland Security to develop and administer a National Incident Management System (NIMS) and the directive also requires Federal Departments and agencies to make adoption of the NIMS by State, Tribal and local organizations a condition for Federal preparedness assistance beginning in Federal FY 2005; and

WHEREAS, certain State and Federal disaster reimbursements require local jurisdictions to adopt and train in a EOP, NIMS and Incident Command Systems (ICS); and;

WHEREAS, the City Administrator and the Public Safety Committee have reviewed the updated EOP with all of its attachments as periodically amended and recommend adoption by the Board of Aldermen.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRENTWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. Title II of the Code of Ordinances of the City of Brentwood, Missouri, is hereby amended by the addition of one new Chapter and nine new Sections, initially to be designated as Chapter 245 and Sections 245.010 through 245.090, to read as follow:

SECTION 245.010. DEFINITIONS

DISASTER

An occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, or hostile military or

paramilitary action. The term is not limited to disasters declared pursuant to Statute or ordinance but may include events where no declaration has been made.

EMERGENCY

Any situation that requires immediate response by the City's first response departments or agencies to save lives, protect property and public health, or to lessen or avert the threat of a disaster. The term is not limited to emergencies declared pursuant to Statute or ordinance but may include events where no declaration has been made..

EMERGENCY MANAGEMENT DIRECTOR/COORDINATOR

An Emergency Planning Chief/Coordinator shall be appointed by the Mayor, with consent of the Board of Aldermen, and have the duties as provided by Section 44.080, RSMo., as well as the duties of preparedness as provided by the National Incident Management System (NIMS).

EMERGENCY MANAGEMENT

Those functions required to prepare, respond, recover, and mitigate disasters to save the maximum number of lives, minimize injuries, protect property, preserve functioning civil government, and maintain economic activities for the City.

EMERGENCY OPERATIONS PLAN

A written plan of the city that describes the planning for, response to, and recovery from a disaster or other significant localized situation.

SIGNIFICANT LOCALIZED SITUATION

Any emergency or disaster situation which is not declared as such by Statute or ordinance, but for which local resources are insufficient to respond adequately

SECTION 245.020. ESTABLISHMENT AND PURPOSE

A. The City shall, at all times, have in place an emergency operations plan that focuses on developing an emergency management system capable of operating in any type of emergency or disaster, whether natural, technological, or civil. The plan objective is to create the capacity for the City to save the maximum number of lives, minimize injuries, protect property, preserve functioning civil government, and maintain economic activities essential for the survival and recovery from the emergency or disaster.

B. The emergency management system shall include the implementation of the National Incident Management System (NIMS) in accordance with Homeland Security Presidential Directive 5.

C. The emergency operations plan shall be reviewed bi-annually and updated as necessary by the Emergency Planning Chief or his/her designee, with same to be kept on file in the Offices of the Chief of Police and City Clerk.

SECTION 245.030. ORGANIZATION

A. The City's emergency management organizational system shall consist of an Emergency Planning Chief recommended by the City Administrator and appointed by the

Mayor with consent of the Board of Aldermen.

B. The Emergency Planning Chief will coordinate a team consisting of the Command staff of the Brentwood Police and Fire Departments to develop and review emergency operations plan(s).

SECTION 245.040. FUNCTIONS OF EMERGENCY MANAGEMENT

A. The City's emergency management team shall perform emergency management functions within the City limits or outside the City limits as directed by approved mutual aid agreements or at the direction of the Governor.

SECTION 2454.050. PROCLAMATION OF EMERGENCY

A. Written Declaration. Whenever an emergency exists, the Mayor shall declare its existence by means of a written declaration under oath, setting forth the facts which constitute the emergency.

B. Effective Period. The proclamation herein authorized shall be effective for a period of not more than seven (7) days or until the adjournment of the first regular Board of Aldermen meeting, whichever occurs first, unless sooner terminated by a proclamation of the Mayor indicating that the emergency no longer exists. It shall not be continued or renewed for a period in excess of seven (7) days except by, or with the consent of, the Board of Aldermen by formal resolution. Any order or proclamation declaring, continuing or terminating a local disaster shall be given prompt and general publicity as outlined in (D) below and shall be filed with the City Clerk.

C. Declaration. The effect of the declaration of an emergency is to activate the City's emergency operation plan and to authorize the furnishing of aid and assistance thereunder.

D. Notification. Upon issuing the proclamation herein authorized, the Emergency Operations Director or his/her designee shall notify the news media that service the City and shall cause three (3) copies of the proclamation declaring the existence of the emergency to be posted at the following places within the City:

1. City Hall;
2. The Recreation Center; and
3. The Firehouse.

SECTION 245.060. CURFEW PROCLAMATION

After the proclamation of an emergency, the Mayor may order a general curfew applicable to such geographical areas of the City or to the City as a whole, as the Mayor deems advisable, and applicable during such hours of the day or night as the Mayor deems necessary in the interest of the public safety and welfare.

SECTION 245.070. AUTHORITY OF MAYOR

A. After the proclamation of an emergency, the Mayor of the City may also, in the interest of the public safety and welfare, do any of the following :

1. Order the closing of all retail liquor stores including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted;
2. Order the discontinuance of the sale of intoxicating liquor and beer by any wholesaler or retailer;
3. Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than the vehicle's original gasoline tank properly affixed to a motor vehicle;
4. Issue such other orders as are necessary for the protection of life and property;
5. Appropriate and expend funds, make contracts, obtain, and distribute equipment, materials and supplies for emergency management purposes.

SECTION 245.080. EMERGENCY PURCHASES

Purchases made in conjunction with emergency management shall be made pursuant to the City's emergency purchases policy as delineated in Section 115.120 of the City Code.

SECTION 245.090. MUTUAL AID

The Mayor, or his/her designee, may negotiate and enter into mutual aid arrangements or agreements with other public and private agencies within and without the State for reciprocal emergency aid on behalf of the City. Such arrangements or agreements shall be consistent with the State disaster plan and program and the provisions of Section 70.837, RSMo., and Section 320.090, RSMo. In time of emergency, it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual aid arrangements or agreements. No such mutual aid arrangement or agreement shall be effective until it has been duly authorized and approved by the Board of Aldermen.

SECTION 2. That certain document entitled *City of Brentwood Emergency Operations Plan* and dated May 2024, on file in the office of the City Clerk, including all Appendices and attachments thereto, is hereby adopted as the Emergency Operations Plan for the City of Brentwood as referenced in Chapter 245 of the City Code, subject to periodic review and amendment as provided by law.

SECTION 3. The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

SECTION 4. It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses,

phrases and words or this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

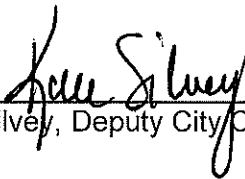
SECTION 5. This ordinance shall be in full force and effect from and after the date of its passage and approval by the Mayor.

PASSED BY THE BOARD OF ALDERMEN THIS 17th DAY OF JUNE 2024.



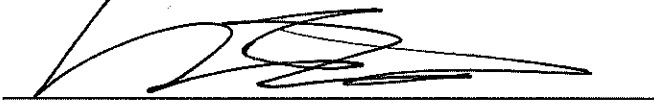
David A. Dimmitt, Presiding Officer

ATTEST:



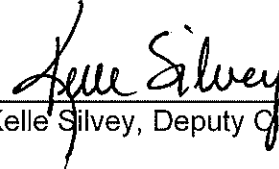
Kelle Silvey, Deputy City Clerk

APPROVED BY THE MAYOR THIS 17th DAY OF JUNE 2024.



David A. Dimmitt, Mayor

ATTEST:



Kelle Silvey, Deputy City Clerk

1st Reading: May 20, 2024

2nd Reading: June 17, 2024

