

AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE II PUBLIC HEALTH, SAFETY, AND WELFARE, CHAPTER 220 EMERGENCY MANAGEMENT OF THE MUNICIPAL CODE OF THE CITY OF OAK GROVE, MISSOURI REGARDING GENERAL UPDATES OF THE CHAPTER.

WHEREAS, The Board of Aldermen of the City of Oak Grove desires to update Chapter 220 of the Municipal Code of Ordinances of the City of Oak Grove, Missouri (the "City Code") to be consistent with state law and current practice in emergency management.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN FOR THE CITY OF OAK GROVE, MISSOURI, that the current version of Chapter 220 is replaced by the following: Article I Local Office of Emergency Management

An Ordinance of the City of Oak Grove repealing Chapter 220, Emergency Management, and all of sections contained within and replacing with revised and updated Chapter 220 as below:

Article I Local Office of Emergency Management

Section 220.010 Establishment.

There is hereby created within the City of Oak Grove, Missouri, a disaster planning and operations organization known as the Oak Grove Emergency Management Agency which is responsible for the preparation and implementation of emergency plans and functions required to prevent, mitigate, prepare, respond, and recover from the effects of disasters, to include emergency management of resources and administration of such actions as may be required to provide for the welfare, safety and well-being of the community, in accordance with Missouri Civil Defense Act, Chapter 44, RSMo.

Section 220.020 Definitions.

When used in this Chapter, the following words shall have the definitions set forth below:

SEMA Missouri State Emergency Management Agency.

FEMA Federal Emergency Management Agency

DISASTER

A disaster, whether natural or man-made, shall include, but limited to, any situation causing or potentially causing great harm to the community, including: flood, fire, severe storm, tornado, earthquake, severe high or low temperatures, water contamination or pollution, land contamination or pollution, air pollution, blizzard, landslide, landslide, hurricane, building or structural collapse, high water table, pandemic disease, epidemic, riot, blight, drought, civil disturbance, utility emergency, severe energy shortages, snow, ice, windstorm, hazardous substance spills or releases, chemical spills or releases, petroleum spills or releases, biological matter spills or releases, radiation releases or exposures, infestation, explosions, sabotage, mass transportation accidents, utility interruption, public health emergencies, civil disorder, crime, terrorism, or war. This definition should not be applied rigidly to exclude situations not enumerated.

CHIEF EXECUTIVE OFFICER

The Chief Executive Officer is the person in the designated executive line of succession in case of disaster or emergency affecting the City of Oak Grove who acts as the Incident Commander for the City of Oak Grove. The executive line of succession, in order is:  
Mayor of the City of Oak Grove

Mayor Pro-Tem of the City of Oak Grove  
City Administrator  
Assistant City Administrator  
Public Works Director  
Parks Director  
Chief of Police

Chief of the Sni Valley Protection District

Other personnel as the highest available person on this executive line of succession may designate if no other listed person is available in order to provide continuous staffing for the position of Chief Executive Officer / Incident Commander.

#### STATE OF EMERGENCY

The imminent threat or occurrence of a disaster or emergency affecting the City and its residents and inhabitants where the Chief Executive Officer determines that the exercise or discharge of emergency powers is necessary to save lives, protect property, protect the public health and safety, or to lessen or to avert the threat of a catastrophe or calamity within the City. A Declaration of a State of Emergency is also necessary to qualify for the benefits of a Federal Disaster Declaration.

#### DISASTER DECLARATION

The formal request by the Governor of Missouri or formal statement by the President of the United States that a disaster exists and all state (or federal) resources necessary will be applied to the address the situation under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (the Stafford Act).

LEOP Local Emergency Operations Plan.

#### Section 220.030 Organization.

This office shall consist of a Director and other members appointed by the Mayor. The Director shall be responsible for the overall operation of the Emergency Management Agency and shall act as a technical advisor, Emergency Operations Center Manager, Shelter Coordinator, and Deputy Incident Commander during time of emergency. The Director shall assist the Mayor or acting Chief Executive Officer as technical advisor in determining a course of action in time of emergency and in actions to prevent, prepare for, mitigate, respond to and recover from the effects of emergencies in the community.

#### Section 220.040 Functions.

The Emergency Management Agency shall perform emergency functions within the territorial limits of the City of Oak Grove, Missouri, and may conduct these functions outside the territorial limits as directed by the Governor during time of emergency pursuant to the provisions of the Missouri Civil Defense Act, Chapter 44, RSMo or pertinent mutual aid agreements or resource requests. The Emergency Management Agency reports situational information, including damage reports and resource requests to the appropriate county and to the State Emergency Management Agency. The State Emergency Management Agency makes resource requests to the Federal Emergency Management Agency.

#### Section 220.050 Director.

A. The Director will be appointed by the Mayor and approved by the Board of Aldermen and shall meet professional qualifications established by the Missouri State Emergency Management Agency. The Director shall meet the professional qualification of the Certified Emergency Manager (CEM) of the International Association of Emergency Managers (IAEM), or Missouri Certified Emergency Manager (MO-CEM), or possess equivalent training and experience in emergency management and emergency services; and current qualifications required by the Missouri State Emergency Management Agency (SEMA).

B. The Director shall have direct responsibility for the organization, administration and operations of local disaster planning and preparedness functions and is directed to create and maintain a Local Emergency Operations Plan (LEOP) and such other plans and measures as needed to maximize the ability to prepare for and respond to emergencies.

C. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Emergency Management Agency.

D. The Director shall be authorized to accept services, materials, equipment, supplies, or funds granted or loaned by the Government of the United States or the State of Missouri for emergency management purposes and recruit and supervise volunteer personnel as needed to assist with operation of the Emergency Management Agency.

#### Section 220.060 Members — Restrictions.

No person shall be employed or associated in any capacity in any organization established under this Act who advocates or has advocated a change by force or violence in the constitutional form of Government of the United States or this State or the overthrow of any Government in the United States by force or violence or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for civil defense shall, before entering upon his/her duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I (name of person) do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri against all enemies, foreign and domestic; that I will bear true faith and allegiance of the same; and that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such time as I am a member of the Oak Grove Emergency Management Organization, I will not advocate nor become a member of a political party or organization that advocates the overthrow of the Government of the United States or this State by force or violence."

#### Section 220.070 Office Space.

The Mayor is authorized to designate space in any City of Oak Grove owned or leased building for the Oak Grove Emergency Management Agency office.

### Article II Disaster Emergency Powers

#### Section 220.100 Purpose and Declaration of Policy.

This Article is enacted to set out and clarify the authority of the City and its officers and employees with regard to emergency and disaster situations. It is intended to grant as broad a power as permitted by statutory and constitutional authority. Any conflict between this Article and Federal or State laws including, but not limited to, the National Response Plan should be interpreted so as to harmonize the ordinance with Federal or State law or plan regarding disaster response.

#### Section 220.110 Chief Executive Officer's Powers During Emergency.

A. Notwithstanding any provision of this Code to the contrary, when the Chief Executive Officer determines in the Chief Executive Officer's sole discretion that a state of public emergency exists within the City, the Chief Executive Officer, may by proclamation declare a state of emergency, govern the City by proclamation, and exercise all emergency powers, including, but not limited to, all of the following:

1. The power to direct emergency response activities by all city departments, and by such emergency services personnel as the Chief Executive Officer may designate or appoint.

2. The power to execute contracts for the emergency construction or repair of public improvements or removal of debris, or other emergency work, when the delay of advertising and public bidding might cause serious loss or injury to the City.
3. The power to purchase or lease goods and services that the Chief Executive Officer deems necessary to the City's emergency response or for the repair of City facilities, or both, and to acquire and distribute, with or without compensation, supplies, materials, and facilities.
4. The power to lease or lend real property, or structures, or both, that the Chief Executive Officer deems necessary for the continued operation of City Government.
5. The power to promulgate rules and orders to implement and clarify the Mayoral proclamation exercising emergency power.
6. The power to delegate any or all of these duties and to provide for sub-delegation.
7. The power to appoint any commissioned Law Enforcement Officer in this State or as provided for in state law as a temporarily commissioned officer of this City.
8. The power to transfer, appropriate, or lend between funds as may be necessary in the circumstances.
9. The power to use employees of the city to assist in the preservation of life, limb, and property.
10. The power to close any public street or alley, sidewalk, parking areas, and other public place or buildings to motor vehicles, persons, and pedestrian traffic.
11. The power to close any city-owned buildings and other facilities to the use of the general public.
12. The power to reassign all administrative and executive employees doing non-administrative work as non-administrative or non-exempt employees during the declared emergency.
13. The power to postpone license and permit processing and deadlines.
14. The power to waive or postpone charges for city services, permits, and functions.
15. The power to postpone or waive utility shut offs and/or suspend penalties for overdue utility bills.
16. The power to amend work schedules for city staff.
17. The power to establish immediate or delayed effective dates for permits, licenses, etc.
18. The power to waive permit fees for reconstruction or repair of property damaged by the disaster.

Section 220.120 Statutory Procedures Suspended in Event of Emergency.

In the event of an emergency, the Chief Executive Officer is authorized to procure all services, supplies, equipment or materials necessary to continue the effective operation of the emergency preparedness plan without regard to normal statutory procedures or formalities normally prescribed by law pertaining to municipal contracts or obligations; provided that if the Board of Aldermen is meeting at the time, the Chief Executive Officer shall act pursuant to the orders and directions imposed by that body. In the event of an

emergency, the Chief Executive Officer, by proclamation, may waive any time-consuming formalities or procedures required by Statute or by the provisions of this Code or other ordinances pertaining to the advertisement of bids for the execution of contracts and for the performance of public work contracts. This section does not relieve the city from complying with purchasing procedures that may be required by FEMA and any changes in procedures should remain as close to normal city procedures as possible.

Section 220.130 Emergency Procurement.

Notwithstanding any provision of this Code to the contrary, the Chief Executive Officer upon declaration of a state of emergency by proclamation as provided in Section 220.120, may authorize the City Administrator or the City Administrator's designees to procure by purchase or lease, such goods and services as are deemed necessary for the City's emergency response effort. This emergency procurement of goods or services may be made in the open market without filing a requisition or estimate and without advertisement for immediate delivery or furnishing. A full written account of all emergency procurements made during this emergency, together with a requisition for the required materials, supplies, equipment, or services, shall be submitted to or provided by the City Administrator within thirty (30) days after their procurement, and shall be open to public inspection for a period that meets the requirements of the Secretary of State's Retention Manual. The City Administrator shall, within three (3) months of the conclusion of the emergency, formally communicate these emergency expenditures in a full written account to the Board of Aldermen.

Section 220.140 Effective Date and Termination of Emergency Powers.

Proclamations, rules, and orders issued pursuant to Section 220.110 shall be effective upon issuance and shall remain in effect for a period of up to thirty (30) days or until terminated by the Chief Executive Officer or Board of Aldermen, whichever comes first. This period may be extended by the Chief Executive Officer only upon approval of the Board of Aldermen. Upon the expiration of the local state of emergency, those persons acting pursuant to Section 220.110 shall cease to exercise emergency powers. The Mayor or Board of Aldermen shall consult with current incident commander(s) prior to terminating the state of emergency.

Section 220.150 Penalty For Violation of Emergency Proclamation, Rule, or Order.

A. The violation of a proclamation of emergency, a subsequent proclamation exercising emergency powers, a rule, or order, which proclamation, rule or order is issued pursuant to Section 220.110, or the violation of any order or directive given by a Peace Officer or designated emergency services personnel pursuant to authority resulting from Section 220.110 is a violation and punishable as provided in Section 100.220 of this Code.

B. Nothing herein contained shall prevent the City from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with or violation of this Article or the emergency measures which may be effective pursuant to this Article. Such other lawful action shall include, but shall not be limited to, an equitable action for injunctive relief or any action at law for damages.

C. Should a competent court of law find any of these sections invalid, that decision shall apply to that section or portion of a section covered by the decision and that the remainder of the Section or Chapter shall not be invalid.

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Read two times and passed by the Board of Aldermen of City of Oak Grove, Missouri, this 7<sup>th</sup> day of August, 2023.

CITY OF OAK GROVE

Dana R. Webb  
Mayor Dana Webb

(Seal)  
ATTEST:

Kim Drury  
City Clerk Kim Drury

APPROVED THIS 7<sup>th</sup> DAY OF August, 2023.

Dana R. Webb  
Mayor Dana Webb

(Seal)  
ATTEST:

Kim Drury  
City Clerk Kim Drury

Proposed changes are denoted in *Italics*

Deletions are denoted by ~~Strikethrough~~

----- **EXISTING CODES WITH CORRECTIONS AND CHANGES** -----

Article I Local Office of Emergency Management

Section 220.010 Establishment.

There is hereby created within the City of Oak Grove, Missouri, a disaster planning and operations organization known as the Oak Grove Emergency Management ~~Organization~~ *Agency* which is responsible for the preparation and implementation of emergency plans and functions required to ~~prevent, minimize mitigate, prepare, respond, and recover from the effects of and repair injury and damage due to~~ *prevent, minimize mitigate, prepare, respond, and recover from the effects of* disasters, to include emergency management of resources and administration of such actions as may be required to provide for the welfare, safety and well-being of the community, in accordance with Missouri Civil Defense Act, Chapter 44, RSMo.

Section 220.020 Definitions.

When used in this Chapter, the following words shall have the definitions set forth below:

SEMA

*Missouri State Emergency Management Agency.*

FEMA

*Federal Emergency Management Agency*

DISASTER

*A disaster, whether natural or man-made, shall include, but not be limited to, flood, fire, severe storm, tornado, earthquake, severe high or low temperatures, water contamination or pollution, land contamination or pollution, air pollution, blizzard, landslide, landslide, hurricane, building or structural collapse, high water table, pandemic disease, epidemic, riot, blight, drought, civil disturbance, utility emergency, severe energy shortages, snow, ice, windstorm, hazardous substance spills or releases, chemical spills or releases, petroleum spills or releases, biological matter spills or releases, radiation releases or exposures, infestation, explosions, sabotage, mass transportation accidents, utility interruption, public health emergencies, civil disorder, crime, terrorism, or war. This definition should not be applied rigidly to exclude situations not enumerated.*

CHIEF EXECUTIVE OFFICER

*The Chief Executive Officer is the person in the designated executive line of succession in case of disaster or emergency affecting the City of Oak Grove who acts as the Incident Commander for the City of Oak Grove. The executive line of succession, in order is:*

*Mayor of the City of Oak Grove*

*Mayor Pro-Tem of the City of Oak Grove*

*City Administrator*

*Assistant City Administrator*

*Public Works Director*

*Parks Director*

*Chief of Police*

*Chief of the Sni Valley Fire Protection District*

*Other personnel as the highest available person on this executive line of succession may designate if no other listed person is available, in order to provide continuous staffing for the position of Chief Executive Officer / Incident Commander.*

*Other personnel as the highest available person on this executive line of succession may designate if no other listed person is available, in order to provide continuous staffing for the position of Chief Executive Officer / Incident Commander.*

#### STATE OF EMERGENCY

The imminent threat or occurrence of a disaster or emergency affecting the City and its residents and inhabitants where the Chief Executive Officer determines that the exercise or discharge of emergency powers is necessary to save lives, protect property, protect the public health and safety, or to lessen or to avert the threat of a catastrophe or calamity within the City. *A Declaration of a State of Emergency is also necessary to qualify for the benefits of a Federal Disaster Declaration.*

1.

~~"Civil emergency", as used in this Section, shall include, but not be limited to, any condition of unrest, riot, civil disobedience, affray, unlawful assembly, hostile or military or paramilitary action, war, terrorism, or sabotage, epidemic or any event which results in mass casualties which may be beyond normal capacity.~~

2.

~~"Utility emergency", as used in this Section, shall include, but not be limited to, conditions which endanger or threaten to endanger the safety, potability, availability, transmission, distribution, treatment, or storage of water, natural gas, gas, fuel, electricity, communication, garbage, or sewage.~~

#### DISASTER DECLARATION

*The formal request by the Governor of Missouri or formal statement by the President of the United States that a disaster exists and all state (or federal) resources necessary will be applied to the address the situation under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (the Stafford Act).*

#### LEOP

*Local Emergency Operations Plan.*

#### Section 220.030 Organization.

~~{Ord. No. 1104 §2, 6-6-1994}~~

This office shall consist of a Director and other members appointed by the Mayor. The Director shall be responsible for the overall operation of the Emergency Management ~~Organization~~ Agency and shall act as a technical advisor, *Emergency Operations Center Manager, Shelter Coordinator,* and Deputy Incident Commander ~~and second in command to the Mayor~~ during time of emergency. The Director shall assist the Mayor or acting chief executive as technical advisor in determining a course of action in time of emergency and in actions to prevent, prepare for, mitigate, respond to and recover from the effects of emergencies in the community.

#### Section 220.040 Functions.

~~{Ord. No. 1104 §3, 6-6-1994}~~

The Emergency Management ~~Organization~~ Agency shall perform emergency functions within the territorial limits of the City of Oak Grove, Missouri, and may conduct these functions outside the territorial limits as directed by the Governor during time of emergency pursuant to the provisions of the Missouri Civil Defense Act, Chapter 44, RSMo *or pertinent mutual aid agreements or resource requests.* *The Emergency Management Agency reports situational information, including damage reports and resource requests to the appropriate county and to the State Emergency Management Agency. The State Emergency Management Agency makes resource requests to the Federal Emergency Management Agency.*



Section 220.050 Director.

~~{Ord. No. 1104 §4, 6-6-1994}~~

A. The Director will be appointed by the Mayor and approved by the Board of Aldermen and shall meet professional qualifications established by the Missouri State Emergency Management ~~Organization~~ Agency. The Director shall meet the professional qualification of the ~~National Coordinating Council for Emergency Management~~ *Certified Emergency Manager (CEM) of the International Association of Emergency Managers (IAEM), or Missouri Certified Emergency Manager (MO-CEM), or possess equivalent training and experience in emergency management and emergency services; and current qualifications required by the Missouri State Emergency Management Agency (SEMA).*

B. The Director shall have direct responsibility for the organization, administration and operations of local disaster planning and preparedness functions and is directed to create and maintain a Local Emergency Operations Plan and such other plans and measures as needed to maximize the ability to prepare for and respond to emergencies.

C. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Emergency Management ~~Organization~~ Agency.

D. The Director shall be authorized to accept services, materials, equipment, supplies or funds granted or loaned by the Government of the United States or the State of Missouri for emergency management purposes *and recruit and supervise volunteer personnel as needed to assist with operation of the Emergency Management Agency.*

Section 220.060 Members — Restrictions.

~~{Ord. No. 1104 §5, 6-6-1994}~~

No person shall be employed or associated in any capacity in any organization established under this Act who advocates or has advocated a change by force or violence in the constitutional form of Government of the United States or this State or the overthrow of any Government in the United States by force or violence or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for civil defense shall, before entering upon his/her duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I (name of person) do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri against all enemies, foreign and domestic; that I will bear true faith and allegiance of the same; and that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such time as I am a member of the Oak Grove Emergency Management Organization, I will not advocate nor become a member of a political party or organization that advocates the overthrow of the Government of the United States or this State by force or violence."

Section 220.070 Office Space.

~~{Ord. No. 1104 §6, 6-6-1994}~~

The Mayor is authorized to designate space in any City of Oak Grove owned or leased building for the Oak Grove Emergency Management ~~Organization~~ Agency office.

Article II Disaster Emergency Powers

Section 220.100 Purpose and Declaration of Policy.

~~{Ord. No. 12-57 §1, 10-22-2012}~~

This Article is enacted to set out and clarify the authority of the City and its officers and employees with regard to emergency and disaster situations. It is intended to grant as broad a power as permitted by statutory and constitutional authority. Any conflict between this Article and Federal or State laws including, but not limited to, the National Response Plan should be interpreted so as to harmonize the ordinance with Federal or State law or plan regarding disaster response. ~~(Ord. No. 12-57 §1, 10-22-12)~~

Section 220.110 Mayor's Chief Executive Officer's Powers During Emergency.

[Ord. No. 12-57 §1, 10-22-2012]

A. Notwithstanding any provision of this Code to the contrary, when the ~~Mayor's~~ *Chief Executive Officer* determines in the ~~Mayor's~~ *Chief Executive Officer's* sole discretion that a state of public emergency exists within the City, the ~~Mayor~~ *Chief Executive Officer*, may by proclamation declare a state of emergency, govern the City by proclamation, and exercise all emergency powers, including, but not limited to, all of the following:

1. The power to direct emergency response activities by ~~City departments including, but not limited to, the Police and Fire Departments,~~ *all city departments*, and by such emergency services personnel as the ~~Mayor~~ *Chief Executive Officer* may designate or appoint.
2. The power to execute contracts for the emergency construction or repair of public improvements or *removal of debris, or other emergency work*, when the delay of advertising and public bidding might cause serious loss or injury to the City.
3. The power to purchase or lease goods and services that the ~~Mayor~~ *Chief Executive Officer* deems necessary to the City's emergency response or for the repair of City facilities, or both, and to acquire and distribute, with or without compensation, ~~of~~ supplies, materials, and facilities.
4. The power to lease or lend real property, or structures, or both, that the ~~Mayor~~ *Chief Executive Officer* deems necessary for the continued operation of City Government.
5. The power to promulgate rules and orders to implement and clarify the Mayoral proclamation exercising emergency power.
6. The power to delegate any or all of these duties and to provide for sub-delegation.
7. The power to appoint any commissioned Law Enforcement Officer in this State or as provided for in state law as a temporarily commissioned officer of this City.
8. The power to transfer, appropriate, or lend between funds as may be necessary in the circumstances.
9. *The power to use employees of the city to assist in the preservation of life, limb, and property.*
10. *The power to close any public street or alley, sidewalk, parking areas, and other public place or buildings to motor vehicles, persons, and pedestrian traffic.*
11. *The power to close any city-owned buildings and other facilities to the use of the general public.*
12. *The power to reassign all administrative and executive employees doing non-administrative work as non-administrative or non-exempt employees during the declared emergency*
13. *The power to postpone license and permit processing and deadlines.*
14. *The power to waive or postpone charges for city services, permits, and functions.*
15. *The power to postpone or waive utility shut offs and/or suspend penalties for overdue utility bills.*

16. *The power to amend work schedules for city staff.*

17. *The power to establish immediate or delayed effective dates for permits, licenses, etc.*

18. *The power to waive permit fees for reconstruction or repair of property damaged by the disaster.*

B.

~~In the event the Mayor is unavailable, the Mayor Pro-tem of the City Council shall have the authorities listed in this Section, followed by the City Administrator, and then followed by the most senior ranked member of the City Council.~~

Section 220.120 Statutory Procedures Suspended in Event of Emergency.

~~{Ord. No. 12-57 §1, 10-22-2012}~~

~~In the event of an emergency, the Mayor Chief Executive Officer is authorized to procure all services, supplies, equipment or materials necessary to continue the effective operation of the emergency preparedness plan without regard to normal statutory procedures or formalities normally prescribed by law pertaining to municipal contracts or obligations; provided that if the Board of Aldermen is meeting at the time, the Mayor Chief Executive Officer shall act pursuant to the orders and directions imposed by that body. In the event of an emergency, the Mayor Chief Executive Officer, by proclamation, may waive any time-consuming formalities or procedures required by Statute or by the provisions of this Code or other ordinances pertaining to the advertisement of bids for the execution of contracts and for the performance of public work contracts. This section does not relieve the city from complying with purchasing procedures that may be required by FEMA and any changes in procedures should remain as close to normal city procedures as possible. {Ord. No. 12-57 §1, 10-22-12}~~

Section 220.130 Emergency Procurement.

~~{Ord. No. 12-57 §1, 10-22-2012}~~

~~Notwithstanding any provision of this Code to the contrary, the Mayor Chief Executive Officer upon declaration of a state of emergency by proclamation as provided in Section 220.120, may authorize the City Administrator or the City Administrator's designees to procure by purchase or lease, such goods and services as are deemed necessary for the City's emergency response effort. This emergency procurement of goods or services may be made in the open market without filing a requisition or estimate and without advertisement for immediate delivery or furnishing. A full written account of all emergency procurements made during this emergency, together with a requisition for the required materials, supplies, equipment, or services, shall be submitted to or provided by the City Administrator within thirty (30) days after their procurement, and shall be open to public inspection for a period that meets the requirements of the Secretary of State's Retention Manual. The City Administrator shall, within three (3) months of the conclusion of the emergency, formally communicate these emergency expenditures in a full written account to the Board of Aldermen. {Ord. No. 12-57 §1, 10-22-12}~~

Section 220.140 Effective Date and Termination of Emergency Powers.

~~{Ord. No. 12-57 §1, 10-22-2012}~~

~~Proclamations, rules, and orders issued pursuant to Section 220.110 shall be effective upon issuance and shall remain in effect for a period of up to thirty (30) days or until terminated by the Mayor Chief Executive Officer or Board of Aldermen, whichever comes first. This period may be extended by the Mayor Chief Executive Officer only upon approval of the Board of Aldermen. Upon the expiration of the local state of emergency, those persons acting pursuant to Section 220.110 shall cease to exercise emergency powers. The Mayor or~~

*Board of Aldermen shall consult with current incident commander(s) prior to terminating the state of emergency. (Ord. No. 12-57 §1, 10-22-12)*

Section 220.150 Penalty For Violation of Emergency Proclamation, Rule, or Order.  
~~{Ord. No. 12-57 §1, 10-22-2012)}~~

A. The violation of a proclamation of emergency, a subsequent proclamation exercising emergency powers, a rule, or order, which proclamation, rule or order is issued pursuant to Section 220.110, or the violation of any order or directive given by a Peace Officer or designated emergency services personnel pursuant to authority resulting from Section 220.110 is a violation and punishable as provided in Section 100.220 of this Code. ~~{Ord. No. 12-57 §1, 10-22-12}~~

B. Nothing herein contained shall prevent the City from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with or violation of this Article or the emergency measures which may be effective pursuant to this Article. Such other lawful action shall include, but shall not be limited to, an equitable action for injunctive relief or any action at law for damages.

C. Should a competent court of law find any of these sections invalid, that decision shall apply to that section or portion of a section covered by the decision and that the remainder of the Section or Chapter shall not be invalid.

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