

CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2020-004

EMERGENCY AMENDMENTS TO EMERGENCY PREPAREDNESS ORDINANCE

An Emergency Ordinance to amend the Emergency Preparedness Ordinance to require and provide for appointment of a Township Emergency Management Coordinator, provide for the full and independent exercise by the Township of its separate powers and authority under the Emergency Management Act, Public Act No. 390 of 1990, as amended, remove any required participation in Oakland County's emergency operations plan, and to make other changes related to that Act and those purposes.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

Sections 6-002, 6-003, 6-004, 6-005, 6-006, 6-007, 6-008, 6-009, 6-010, and 6-011 in Chapter 6, Emergency Preparedness, of the Waterford Charter Township Code are amended to read as follows:

Sec. 6-002. Purpose; intent.

The purpose and intent of this chapter is to ~~establish an organization that will:~~

- (a) ~~Ensure the complete and efficient utilization of all Township resources during periods of emergency and disaster.~~
- (b) Define the ~~powers, authority, duties, and responsibilities of Township officials and personnel, including the Supervisor, Township Board, and the e~~Emergency ~~services~~Management ~~e~~Coordinator ~~in a disaster or emergency situation and other personnel.~~
- (c) Authorize the use of the material resources and manpower of the Township in emergency operations.
- (d) Serve to ~~prepare for, prevent, minimize, mitigate, respond to, and relieve and recover from~~ damage to persons and property resulting from any form of disaster ~~or emergency.~~

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Sec. 6-003. Definitions.

~~In addition to those rules of construction and definitions contained in Section 1-002, the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

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~~Act means the Emergency Management Act, Public Act No. 390 of 1976, as amended, MCL 30.401 to MCL 30.421.~~

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~~Coordinator or Emergency Management Coordinator means ~~the~~ Emergency Management Coordinator ~~person~~ appointed ~~as provided in Section 6-005~~ to coordinate emergency planning and services within the Township ~~or as prescribed in this chapter~~. In the absence of an appointed Emergency Management Coordinator ~~person~~, "coordinator" shall mean the Township Supervisor.~~

~~Disaster means an occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause, including but not limited to fire, flood, snow, ice or wind storm, wave action, oil spills, water contamination requiring emergency action to avert danger or damage, utility failure, hazardous peacetime radiological incident, major transportation accident, epidemic, air contamination, blight, drought, infestation, explosion, riot or hostile military or paramilitary action. Riots and other civil disorders are not within the meaning of this term unless they directly result from and are an aggravating element of the disaster.~~

~~District coordinator means the state police emergency management division district ~~emergency services~~ coordinator or ~~that district coordinator's~~his authorized representative. ~~The District coordinator serves as a liaison between local emergency management programs and the Michigan State Police, Emergency Management and Homeland Security Division in all matters pertaining to mitigation, preparedness,~~~~

response, and recovery in emergency and disaster situations

Emergency operations plan means the emergency operations plan for the Township which has been prepared under Section 6-011 to coordinate disaster response and recovery within the Township.

Emergency services has a broad meaning to include preparations for, and relief from, the effects of natural and manmade disasters and emergencies as defined herein, and ~~to include~~ civil defense.

Emergency services forces means all disaster relief forces; all agencies of the Township government, private and volunteer personnel, public officers and employees; and all other persons or groups of persons having duties or responsibilities under this chapter or pursuant to a lawful order or directive authorized by this chapter.

Emergency services volunteer means any person duly registered and appointed by the coordinator and assigned to participate in the emergency services activity.

Emergency situation means any situation of a lesser nature than a disaster but still confronting a community requiring emergency actions to protect persons and/or property and the public health and safety, such as of a lesser nature than a disaster to include, but not limited to, civil disturbances, labor strikes, visits by national or international dignitaries, and build-up activities prior to an actual disaster.

State of disaster or emergency means a declaration by executive order or proclamation by the governor under the provisions of the Act 390, Public Acts of 1976 (MCL 30.401 et seq.) of a state of disaster or state of emergency, which activates the disaster response and recovery aspects of state, local and inter jurisdictional disaster emergency plans and authorizes the deployment and use of any forces to which the plan or plans apply as provided in the Act.

Local State of emergency means a declaration by the Township Supervisor pursuant to this chapter which activates the disaster response and recovery aspects of the Township's emergency operations plan and authorizes the deployment and use of any forces to which the plan applies.

Sec. 6-004. Organization, personnel, and resources for emergency services forces.

~~(a) The Township Supervisor, Emergency Management Coordinator, Department Heads, Township Board, Township employees, and appointed or authorized volunteers as described in this Chapter shall constitute with the approval of the Township Board, is hereby authorized and directed to create an the emergency services forces organization to prepare for and respond to community disasters and emergencies utilizing to the fullest extent existing agencies within the Township. The Township Supervisor shall be the director of the emergency services forces of the Township and shall be responsible for their organization, administration and operation, working through the coordinator.~~

~~(b) The employees, equipment, and facilities of all Township departments, boards, institutions and commissions suitable for, or adaptable to emergency services activities may be designated as part of the total emergency services forces. Such designations shall be by the Township Supervisor with the approval of the Township Board.~~

Sec. 6-005. Office of Emergency Management services created; eCoordinator.

~~The organization for providing emergency services shall consist of the following:~~

~~(a) The position An office of emergency management coordinator is services established within the police fire department of the Township. The emergency management coordinator shall be appointed by the Township Supervisor with the approval of the Township Board and shall have the powers and duties specified in this chapter. The office of emergency services shall be directed by the Fire Chief who will be known as the coordinator, office of emergency services. Such assistants and other employees as are deemed necessary for the proper functioning of the organization will be employed as determined by the Board.~~

~~(b) The employees, equipment and facilities of all Township departments, boards, institutions and commissions suitable for, or adaptable to emergency services activities may be designated as part of the total emergency services forces. Such designations shall be by the Township Supervisor with the approval of the Township Board.~~

~~(c) All officers and employees of departments, commissions, boards, institutions and other agencies of the~~

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Township government designated by the Township Supervisor, with the approval of the Township Board, as emergency services forces shall cooperate with the emergency ~~management services~~ coordinator in the formulation of the emergency operations plan, and they shall assist the coordinator in all matters pursuant to the provisions of this chapter.

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Sec. 6-006. ~~Assistant coordinators~~ Township Department Heads.

~~Assistant coordinators~~ The director or head of each township department shall ~~be designated to~~ work with the coordinator on emergency planning matters, ~~either directly or through a designated representative. Assistant coordinators shall be selected and shall serve as follows:~~

- (a) ~~There shall be one (1) such assistant coordinator appointed from each designation by a department head or director of a representative to work with the coordinator is subject to Township department as designated by the department head, with the approval of the Township Supervisor, as part of the emergency services forces.~~
- (b) ~~Department heads, directors, or designated representatives~~ Assistant coordinators shall assume the ~~coordinator duties of the coordinator whenever he is unavailable during disasters or emergency situations in accordance with the hierarchy the order of designation by the Township Supervisor in the emergency operations plan acting upon the recommendation of the coordinator.~~

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Sec. 6-007. Township officers; powers and duties.

- (a) The Township Supervisor may exercise the emergency power and authority as specified herein. Whenever a situation requires, or is likely to require, ~~that the Township Supervisor invocation of~~ such power and authority, the Supervisor shall, as soon as reasonably expedient, convene the Township Board to perform its legislative and administrative duties as the situation demands and shall report to that body relative to emergency activities. Nothing in this chapter shall be construed as abridging or curtailing the powers of the Township Board unless specifically provided herein.
- (b) This chapter will not relieve any elected officials or Township departments of the normal responsibilities or authority given by general law or local ordinance, nor will it affect the work of the American Red Cross or other volunteer agencies organized for relief in a natural disaster.

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Sec. 6-008. Conditions for local state of emergency and requests for governor declarations.

Under the following circumstances, the Township Supervisor may declare a local state of emergency exists in the Township, ~~and~~ may assemble and utilize the emergency services forces in accordance with the emergency operations plan, and ~~he~~ may prescribe the manner and conditions of the use of such emergency services forces:

- (a) ~~Whenever, on the basis of information received from the coordinator or other authoritative sources, he feels that~~ a large-scale disaster or emergency situation in the Township or state is imminent.
- (b) ~~During any period of disaster in the Township or state and thereafter for as long as deemed he shall deem~~ necessary.
- (c) ~~Whenever the Township Supervisor deems that~~ if any disaster or emergency situation ~~condition~~ in the Township is beyond the control of local public or private agencies or has attained or threatens to attain the proportions of a major disaster, ~~in addition to declaring a local state of emergency, the Supervisor he~~ may request the governor to declare a state of disaster or emergency, which shall be implemented ~~by exists therein by instructing~~ the coordinator ~~to immediately contacting and cooperating with the~~ district coordinator in ~~assessing the nature and scope of the disaster or emergency and recommending the personnel, services, and equipment that will be required for its prevention, mitigation, or relief as provided in accordance with~~ Section 14 of the Act 390, Public Acts of 1976.
- (d) ~~A local state of emergency declared by the Supervisor shall not be continued or renewed for more than seven (7) days without the consent of the Township Board.~~

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Sec. 6-009. Township Supervisor and Township Board powers.

- (a) The Township Supervisor, with the approval of the Township Board, is hereby empowered and has the authority:

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- (1) To appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for disaster purposes.
- (2) To provide for the health and safety of persons and property, including emergency assistance to the victims of a disaster.
- (3) To assign and make equipment available for duty, the employees, property or equipment of the Township relating to firefighting; engineering; rescue; health, medical, and related services; police; transportation; construction; and similar items or service for disaster relief purposes within or without the physical limits of the Township.
- (4) In the event of a foreign attack upon this state, to waive procedures and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of permanent and temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution with or without compensation of supplies, materials and facilities, and the appropriation and expenditure of public funds.
- (b) The Township Supervisor, with the approval of the Township Board, shall establish procedures for the succession of government during emergencies where officials are unavailable for exercising the powers and discharging the duties of their respective offices.
- (c) The Township Supervisor, with the approval of the Township Board, may make regulations permitting the coordinator to assemble and utilize the emergency services forces and provide disaster relief aid as prescribed in Section 6-008 and this section.
- (d) When obtaining formal approvals would result in delay of relief activity, the Township Supervisor may, until the Township Board convenes, waive procedures and formalities otherwise required pertaining to the performance of public works, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase and distribution of supplies, materials and facilities and expenditure of existing funds. The Township Board is also empowered to waive any such procedures and formalities.
- (e) Subject to any required budget and audit amendments and requirements, the funds that may be appropriated and spent under subsection (a) may include the Township's budget stabilization fund and portions of the workers compensation, cemetery care, and capital improvement fund balances that are designated for prefunding future budgetary events.

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Sec. 6-010. Township relationship to participation in county emergency operations plan.

- (a) ~~The Township, being~~ As a community with a population of 25,000 or more in excess of ten thousand (10,000) persons, that has appointed its own emergency management coordinator, the Township's rights, powers and authority under the Act, this chapter, and any other emergency or disaster grants, funding, relief, or benefits are separate and independent from and not dependent on Oakland County or its declares its participation in an emergency operations plan, rights, powers, and authority under the as established in the county under the Emergency Preparedness Act, Act 390 of Public Act of 1976 (MCL 30.401 et seq.), as amended.
- (b) ~~All other provisions of this chapter shall be construed and interpreted to give full effect to~~ The participation of the Township in the county emergency operations plan prior to the amendment of this section by Ordinance No. 2020-004 shall be and is hereby terminated. This termination shall in no way limit or restrict the Township from continuing or entering into cooperative, reciprocal, or mutual aid agreements or compacts with Oakland County and authorities of adjacent or nearby political subdivisions. Any provision herein which is deemed to be inconsistent or in conflict with this participation shall, to the extent of this inconsistency, be disregarded.

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Sec. 6-011. Coordinator's powers and duties.

- (a) The emergency services coordinator shall be responsible for the administration, planning, coordination and operation of all emergency preparedness activities in the Township, and He shall maintain liaison relationship with county, state and federal authorities, and the authorities of adjacent and nearby political subdivisions so as to insure the most effective emergency operations.
- (b) The duties of the office shall include, but not be limited to, the following:

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- (1) Development of the Township's emergency operations plan, and any other appropriate disaster plans, for the immediate use of all of the facilities, equipment, manpower and other resources of the Township for the purpose of minimizing or preventing damage to persons or property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and general welfare.
- (2) Coordinating the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the Township for emergency purposes.
- (3) Through public information programs, educating the population as to actions necessary and required for the protection of persons and property in case of a disaster.
- (4) Conducting practice alerts and exercises to ensure the efficient operation of the Township's emergency organization and to familiarize residents of the Township with emergency regulations, procedures and operations.
- (5) Coordinating the activity of all other public and private agencies engaged in any emergency or disaster relief programs.
- (6) Negotiating with the owners or persons in control of buildings or other property for the use of such buildings or property for emergency or disaster relief purposes, and designating suitable buildings as public shelters.
- (7) ~~Establishing and maintaining administrative control over a local radiological defense program, to include emergency preparations for both peacetime radiation incidents and international wartime disasters. Identifying departments and agencies to be included in the emergency operations plan as a disaster relief force.~~
- (8) Coordinating Township emergency preparedness activities with those at the county level and adjacent Townships.
- (9) Overseeing the implementation of all functions necessary during an emergency or disaster in accordance with the emergency operations plan, ensure that plan and Township actions under this chapter meet eligibility requirements for state and federal aid, assist in the development of mutual aid agreements, and develop and maintain a Township inventory of resources.

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Section 2 of Ordinance

This Ordinance is adopted as an Emergency Ordinance in response to the coronavirus State of Emergency declared by the President of the United States, Governor of the State of Michigan, Oakland County Executive, and Township Supervisor and Board of Trustees so as to immediately implement and provide for the full and independent exercise by the Township of its separate powers and authority under the Emergency Management Act.

Section 3 of Ordinance.

This Ordinance shall not be construed to impair or affect any existing right, remedy, or proceeding pending at the time this Ordinance takes effect.

Section 4 of Ordinance

Should any section, subdivision, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 5 of Ordinance

This Ordinance shall take effect immediately upon publication.

CERTIFICATION

I certify that this Ordinance was introduced and adopted as an Emergency Ordinance by the Board of Trustees of the Charter Township of Waterford at a regular meeting held on March 23, 2020.

CHARTER TOWNSHIP OF WATERFORD

Date

By: _____
Kimberly F. Markee, Township Clerk

Introduced and Adopted: March 23, 2020