

ORDINANCE #56

THE CHARTER TOWNSHIP OF CHOCOLAY,
MARQUETTE COUNTY, MICHIGAN
EMERGENCY MANAGEMENT ORDINANCE

This ordinance is to provide the general policy and organization for effective mitigation, preparedness, response, and recovery from natural and human-caused emergencies and disasters within the Charter Township of Chocolay, as a component jurisdiction of the Marquette County Emergency Management Program; to designate the position of Township Emergency Management Coordinator who shall serve at the general direction of County Emergency Management officials in coordinating the emergency management activities of the Township and providing liaison between the Township and County officials on all matters pertaining to emergency management; to provide a means of coordinating resources and support of the Township with those of the County in the event of an emergency or disaster situation; and to provide a means through which the Charter Township of Chocolay Board, the Chief Executive Official, and Emergency Management officials may exercise the authority and discharge the responsibilities vested in them by their resolution and Michigan Emergency Management Act, Act No. 390 of the Public Acts of 1976, as amended.

THE CHARTER TOWNSHIP OF CHOCOLAY, MARQUETTE COUNTY, MICHIGAN, ORDAINS:

Article 1 – Short Title.

Section 101. This ordinance shall be known as the “The Charter Township of Chocolay Emergency Management Ordinance.”

Article 2 – Definitions.

Section 201. For the purpose of this ordinance certain words used herein are defined as follows:

- (a) “Act” means the Michigan Emergency Management Act, Act No. 390 of the Public Acts of 1976, as amended.
- (b) “Central Dispatch Manager” means the person who serves as the Manager for the Marquette County Central Dispatch Center and supervises the Emergency Management Coordinator.
- (c) “Chief Executive Official” means:
 - 1. in the case of a Township, the township supervisor.
 - 2. in the case of a City, the mayor or individual specifically identified in the municipal charter.
 - 3. in the case of Marquette County, the Board chairperson.
- (d) “Township Emergency Management Coordinator” means the person assigned by the Board in accordance with Section 9 (1) of Public Act 390 of 1976, as amended, to coordinate emergency management activities within the Township and serve as a liaison with the County.
- (e) “Board” shall mean the Charter Township of Chocolay Board.
- (f) “County Emergency Management Coordinator” shall mean the person appointed pursuant to Section 9 of Public Act 390 of 1976, as amended, to coordinate emergency management activities within the County.
- (g) “Disaster” means an occurrence or threat of widespread or severe damage, injury, or loss of life or property, resulting from a natural or human made cause, including but not limited to, fire, flood, snowstorm, ice storm, tornado, windstorm, wave action, oil spill, water contamination, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous materials incident, epidemic, air contamination, blight, drought, infestation, explosion, or hostile military action or paramilitary action, or similar occurrences resulting from terrorist activities, riots, or civil disorders.
- (h) “Disaster Relief Force” means all agencies of the state, county, and municipal government, private and volunteer personnel, public officers and employees, all persons or groups of persons identified in the Emergency Operations Plan, those called into duty or working at the direction of a party identified in the Plan, to perform specific disaster or emergency related tasks and those having duties or responsibilities under the Michigan Emergency Management Act or pursuant to a lawful order or directive authorized by the Act.
- (i) “District Coordinator” means the state police, emergency management division district coordinator.
- (j) “Emergency Management Program” means a program established to coordinate mitigation, preparedness, response, and recovery activities for all emergency and disaster situations within the County and fulfill the requirements of the Act. The Program shall be managed through the Central Dispatch Department by an Emergency Management Program Coordinator and meet the program standards and requirements established by the Department of State Police, Emergency Management Division.
- (k) “Emergency” means any occasion or instance in which assistance is needed to save lives, protect property and the public health and safety, or to lessen or avert the threat of a disaster.
- (l) “Emergency Operations Plan”/”Emergency Action Guidelines” means the plan and necessary support material developed and maintained by the County and those political subdivisions included in the Emergency Management Program for the purpose of guiding local response to emergency and disaster situations, including provisions for the safe and efficient use of the Disaster Relief Force.
- (m) “Governor’s State of Disaster” means an executive order or proclamation by the Governor that implements the disaster response and recovery aspects of the Michigan Emergency Management Plan and applicable local plans of county or municipal programs affected.

- (n) "Governor's State of Emergency" means an executive order or proclamation by the Governor that implements the emergency response and recovery aspects of the Michigan Emergency Management Plan and applicable local plans of the county or municipal programs affected.
- (o) "Local State of Emergency" means a declaration by the Chairperson or other Chief Executive Official, pursuant to the Act and this resolution, which implements the appropriate response and recovery aspects of the County Emergency Action Guidelines and authorizes certain actions as described in this resolution.
- (p) "Vital Records" means those records that contain information needed to continue effective functioning of a governmental entity in the event of an emergency or disaster situation, including those records necessary to recreate the legal position of government and those necessary to preserve the rights of government, its employees, and the residents it serves.
- (q) "Volunteer" means any person registered with the Emergency Management Program Coordinator and assigned to participate in emergency management related activities. The individual will contribute services, equipment, and/or facilities to the Emergency Management Program without remuneration or without a formal agreement or contract of hire.

Article 3 – Marquette County Emergency Management Organization.

Section 301. In accordance with the Act and this ordinance, the County has established and maintains an Emergency Management Program. The functions of the Program shall be handled by the Emergency Management Program Coordinator, who shall serve under the supervision of the Marquette County Central Dispatch Manager. He/she shall have the personal attributes, training, experience, and certification necessary to carry out the duties and responsibilities of this position.

Section 302. In addition, the Chairperson with approval of the Board shall designate a minimum of two qualified persons as successors to the Emergency Management Program Coordinator in the event the Coordinator is not immediately available or is unable to perform the duties or responsibilities of the position. The designated line of succession shall be listed in the County Emergency Action Guidelines.

Section 303. Such assistants, professional, and support employees deemed necessary by the Board for the proper functioning of the Emergency Management Program will be employed or assigned.

Article 4 – Marquette County Emergency Management Program; Responsibilities.

Section 401. The Emergency Management Program Coordinator shall be responsible for the planning, coordinating, and operation of all emergency management related activities in Marquette County. The Emergency Management Program Coordinator and designated staff shall maintain ongoing coordination and liaison with municipal, county, state, and federal authorities as well as the private and volunteer sector to ensure safe, effective, and coordinated emergency operations. County emergency management officials and staff shall comply with the standards and requirements of the County and the Department of State Police Emergency Management Division, under the authority of the Act, in performing the following:

- a. Coordinate emergency management planning, disaster preparedness, and recovery assistance with local, state, and federal agencies and appropriate private entities. Participate in the development and negotiation of mutual aid agreements and other emergency management related contracts. Provide staff assistance to and coordinate activities of the Local Emergency Planning Committee. Develop professional working relationships to facilitate networking to help ensure the success of the Emergency Management Program.
- b. Develop, author, and update the County Emergency Action Guidelines and necessary support plans for review and approval by County, state and federal authorities as required. Ensure that the Plan is responsive to all state and federal regulations.
- c. Develop, collect, and maintain emergency resource information and ensure that information is readily available when needed.
- d. Ensure effective and efficient methods of communication are in place so that staff may be contacted at any time in the event of an emergency. Ensure that key elected officials are notified of an emergency situation. Responsible for notifying the State Police Emergency Management Division as required in the event of a disaster.
- e. Respond to calls for assistance as needed. Serve as principal emergency management advisor to the Chairperson and/or public officials from local entities. Activate the Emergency Operations Center when necessary and coordinate those activities. May be required to respond to the scene of an emergency situation to help coordinate needed resources. Coordinate with Central Dispatch Manager if planning to be absent from the area so an alternate coordinator can be made available.
- f. Submit accurate, concise, and well-written reports in a timely manner that are requested by state and federal agencies and County staff on both a routine basis and as needed in the event of a major emergency or disaster. Ensure proper reporting to secure disaster recovery assistance for the County and local jurisdictions. Serve as the official applicant agent for all units of government for state and federal emergency management assistance grants and funding for special emergency service projects.
- g. Conduct hazard identification, capability assessments, and vulnerability analyses to identify and prioritize community risks. Coordinate with local and state officials to develop hazard mitigation strategies. Physically survey and assesses various sites such as hazardous material locations (including facilities subject to Superfund Amendments and Reauthorization Act of 1986 (S.A.R.A.) Title III planning requirements), dams, reception and care facilities, medical facilities, schools, and businesses.
- h. Develop contingency plans to include hazard monitoring, public warnings, emergency notifications, personal safety measures, and population protection measures. Identify special populations in the County such as the homebound, to ensure adequate transportation in an evacuation or other emergency.
- i. Develop, coordinate, schedule, and participate in drills and operational exercises to ensure that involved agencies are able to fulfill their responsibilities and functions in an emergency. Identifies and documents strengths and deficiencies in emergency plans, response, implementation, and resources to assist in an evaluation of the County's level of disaster preparedness.

- j. Develop and implement a public information and education program to provide updated emergency management information to the media, communities, citizens, etc.
- k. Research possible grant opportunities and oversee grant programs as assigned. Keep abreast of issues and information related to responsibilities in the Emergency Management Program. Attend training as assigned to maintain and improve proficiency and comply with current and/or future standards/certifications.
- l. Assist Manager is responding to complaints regarding Emergency Management Program. This may include discussing with the complainant, reviewing information, discussing with staff, and responding to and resolving complaint.
- m. Perform other duties as assigned.

Article 5 – Township Emergency Management Coordinator; Appointment.

Section 501. By the authority of this ordinance, there is hereby established a Township Emergency Management Coordinator within the Charter Township of Chocoday for the purpose of coordinating emergency mitigation, preparedness, response, and recovery activities within the Township. He/she shall receive administrative supervision from the Chief Executive Official for the Township and according to the Act, serve at the direction of the County Emergency Management Coordinator on matters pertaining to emergency management. He/she shall have the personal attributes and experience necessary to carry out the duties and responsibilities of this position.

The Chief Elected Official, with the approval of the Township Board, shall appoint a minimum of two persons as successors to the position of Township Emergency Management Coordinator. The line of succession shall be provided to the Emergency Management office. In the absence of an appointed Emergency Management Coordinator, the Chief Executive Official for the Township shall serve in this capacity.

Article 6 – Township Emergency Management Coordinator; Duties.

Section 601. The Township Emergency Management Coordinator would be responsible for the following:

- a. Preparation and updating of the Township Emergency Operations Plan and other contingency plans. Township emergency planning shall supplement and be consistent with the County Emergency Action Guidelines, provide for interagency coordination, and guide the emergency response activities for the jurisdiction. Develop Standard Operating Procedures (SOP's) or checklists to accomplish emergency notification, assign emergency tasks, and guide emergency operations. Emergency planning documents shall generally be in the form prescribed by the Emergency Services Division.
- b. Promptly notify County Emergency Management officials of any condition or situation that threatens or has reached the proportions of a community emergency or disaster.
- c. Coordinate with Township emergency management efforts and response measures with those of the County and adjacent jurisdictions. Serve as the Township contact for damage assessment information.
- d. Participate in recommended emergency management training programs and ensure that Township personnel are adequately trained for assigned emergency functions. Coordinate with the County Emergency Management office to obtain or enroll in emergency management training programs.
- e. Assist in providing information and education to the Township residents as to actions necessary for the protection of life and property in an emergency or disaster situation.
- f. Participate in periodic exercises to enhance the Township emergency response capability.
- g. Provide County Emergency Management officials with a roster of personnel and resources available within the jurisdiction and a list of those services that may be needed during times of emergency.
- h. Assist in identification and protection of Vital Records of the Township.
- i. Cooperate with County Emergency Management officials in implementing the directives of the Township and County Chief Executive Officials under a local "State of Emergency."

Article 7 – Chief Executive Official of the Township; Powers; Duties:

Section 701. The Chief Executive Official of the Township shall monitor the activities of the Township Emergency Management Coordinator and County Emergency Management Program, working through County Emergency Management officials. With the advice of County Emergency Management officials and the consent of the Township/township Board, the Chief Executive Official may formulate, review, and approve policy and operational guidelines for the Township Emergency Management Coordinator as needed.

Section 702. On an annual basis, the Chief Executive Official shall review the status of the County Emergency Program and associated work activities with Township and County Emergency Management officials.

Section 703. The Chief Executive Official shall review for adequacy and authenticate the Township Emergency Management Operations Plan at least every two years.

Section 704. When circumstances within the Township indicate that the occurrence or threat of occurrence of widespread or severe damage, injury, or loss of life or property from a natural or human caused exists, the Chief Executive Official may declare a Local State of Emergency in accordance with provisions contained in the Act. Such a declaration shall be promptly filed with the Emergency Management office. This declaration shall not be continued or renewed for a period in excess of seven days, except with the consent of the Township Board.

Section 705. If the Chief Executive Official invokes such power and authority, he/she shall, as soon as reasonably expedient, convene the Township Board for one or more emergency meetings in accordance with the Open Meetings Act to perform its normal legislative and administrative duties as the situation demands, and will report to that body relative to emergency activities.

Nothing in this ordinance shall be construed as abridging or curtailing the powers of the Township Board unless specifically provided herein.

Section 706. The Chief Executive Official may do one or more of the following under a "State of Emergency:"

- a. Establish an Incident Command System/NIMS, activate the Township Emergency Operations Plan and/or other applicable emergency procedures for the Township. Consistent with the emergency plans and this (resolution/ordinance), initiate measures deemed immediately necessary for the protection of the health and safety of persons and property in the Township.
- b. Request County Emergency Management officials to implement the County Emergency Action Guidelines or other appropriate contingency plans and directives to the extent needed.
- c. Issue directives for travel restrictions on Township streets/roads within the jurisdiction.
- d. Relieve Township employees of normal duties and work schedules and temporarily reassign them to other duties.
- e. Authorize and activate mutual aid agreements.
- f. Oversee disaster relief efforts within the Township, in accordance with the Emergency Operations Plan.
- g. Advise the public of emergency or disaster situations and any recommended public protection measures.
- h. Request a local "State of Emergency" declaration and any required County assistance from the Chief Executive Official of the County.
- i. Assign available Township personnel and resources to the County Disaster Relief Force in the event a Local State of Emergency is declared in Marquette County by the Chief Executive Official for the County.
- j. Request a State of Disaster or Emergency declaration from the Governor through the County Emergency Management office.
- k. When obtaining normal approvals would result in undue injury or damage, the Chief Executive Official may, until the Township Board convenes, waive procedures and formalities otherwise required pertaining to the following:
 - i. For a period of up to seven days, appropriate and expend funds from the Township Disaster Contingency Fund created in Article 10 up to \$5,000.00, and thereafter with the consent of the Township Board.
 - ii. For a period of up to seven days, make contracts, obtain and distribute equipment, materials, and supplies for disaster purposes, and thereafter with the consent of the Township Board.
 - iii. Employ temporary emergency workers and services.
 - iv. Make, amend, or rescind ordinances or rules necessary for emergency management purposes which supplement a rule, order, or directive issued by the Governor or a State agency. Such an ordinance or rule shall be temporary and, upon the Governor's declaration that a State of Disaster or State of Emergency is terminated, shall no longer be in effect.
 - v. For a period of up to seven days, send the Township employees and resources to the temporary aid of other communities within Marquette County upon an official request from the affected jurisdiction(s).
 - vi. Authorize other emergency activities as provided for in the Act.

Section 707. If a State of Disaster or Emergency is declared by the Governor, assign and make available for duty the employees, property, or equipment of the Township within or without the physical limits of the Township, as ordered by the Governor or the Director of the Michigan Department of State Police, in accordance with the Act.

Section 708. In the event the Township Executive Official is not immediately available or unable to exercise the powers and duties of the position, the following line of succession shall be established:

- a. Township Fire Chief
- b. Township Police Chief
- c. Township Director of Planning and Community Development

Article 8 – Governor Declaration Request.

Section 801. If a disaster or emergency occurs that has not yet been declared to be a State of Disaster or a State of Emergency by the Governor, the Township Board hereby delegates to the Chief Executive Official the authority to determine if the situation is beyond the control of the Township. If the disaster or emergency is considered to be beyond the Township's control, the Chief Elected Official may request state assistance. The Township Emergency Management Coordinator shall immediately contact the County Emergency Management Coordinator. The District Coordinator shall then be notified by County Emergency Management officials. Once notified, the District Coordinator, in conjunction with the Township and County Emergency Management officials, shall assess the nature and scope of the disaster or emergency. They shall recommend the personnel, services, and equipment that will be required for its mitigation or relief.

Section 802. The Chief Executive Official for the County shall not request state assistance or a declaration of a State of Disaster or a State of Emergency for an emergency which has occurred or is occurring solely within the confines of the Township, unless requested to do so by the Chief Executive Official for the Township.

Article 9 – Township Departments, Boarders, Board, or Other Services; Liaisons; Duties.

Section 901. Each department, Board, board, or other agency of Township government shall assign an emergency management liaison who shall coordinate the emergency management and emergency planning activities of the respective department, Boarder, board, agency, or service and act as a liaison between his/her organization and the Township Emergency Management Coordinator, and the County Emergency Management Coordinator, on all matters pertaining to emergency management activities.

Section 902. The organization's emergency management liaison should have a minimum of two people designated to serve as successors in the event the emergency management liaison is not immediately available or requires supplemental assistance. Successors shall be listed in the Township Emergency Operations Plan or the organization's standard operating procedures (SOP's) and be on file with the Township Emergency Management Coordinator and County Emergency Management Coordinator. In the absence of an appointed emergency management liaison, the service chief or agency head will serve in this capacity.

Section 903. Each department, Board, board, or other agency of county government, as well as other designated services are responsible for the following:

- a. Prepare or assist in the preparation and maintaining the Township Emergency Operations Plan, applicable portions of the Marquette County Emergency Action Guidelines, or other emergency plans deemed necessary to guide emergency management activities of that department, Board, board, agency, or service, including Standard Operating Procedures (SOP's) or checklists necessary to accomplish emergency notification, assigned emergency tasks, and define concepts of operation. Emergency planning documents shall generally be in the form prescribed by the County Emergency Management Coordinator.
- b. Promptly notify Township and County Emergency Management official of any condition or situation that threatens to become or has reached the proportions of a community emergency or disaster.
- c. As part of the Disaster Relief Force and the County Emergency Management Program, perform specific duties as assigned in the Township Emergency Operations Plan and County Emergency Action Guidelines or other appropriate contingency plans.
- d. Coordinate the organization's emergency management efforts with those of other services, as well as Township and County Emergency Management officials. Provide necessary information for incident and damage assessment activities.
- e. Participate in such emergency management training as recommended by the Township Emergency Management Coordinator and the County Emergency Management office. Arrange for training relevant to the emergency responsibilities and functions of the organization to ensure that personnel are trained to be able to implement assigned emergency activities.
- f. Participate in periodic emergency exercises to enhance the adequacy of the organization's response and recovery capability.
- g. Provide the Township Emergency Management Coordinator and County Emergency Management office with a list of personnel and resources available within the agency, department, or service, as well as lists of resources, which may be needed during times of emergency.
- h. Identify and provide for the protection of the organization's vital records.
- i. Cooperate with Township and County Emergency Management officials in implementing directives of the Chief Executive Official for the Township and County or his/her designee under a Local State of Emergency.

Article 10 – Disaster Contingency Fund.

Section 1001. A disaster contingency fund is hereby created in the Township budget of not less than \$5,000.00 Money may be expended from the fund when a "Local State of Emergency" has been declared by the Chief Executive Official of the Township for the purpose of paying the disaster relief force, purchase of supplies and services, repair costs, or other needs required specifically for mitigating the effects of, in response to, or recovery from an emergency or disaster situation.

Article 11 – Volunteers; Appointment; Reimbursement.

Section 1101. Each department, Board, board, or other agency of Township government is authorized to appoint volunteers to augment regular personnel during implementation of the Township Emergency Operations Plan and County Emergency Action Guidelines. Such volunteer personnel shall be part of the disaster relief force and shall be subject to the rules and operational controls set forth by the respective department, Board, board, or agency through which the appointment was made, and shall be reimbursed for all actual and necessary travel and subsistence expenses incurred during this appointment. All volunteers used for emergency management purposes shall be registered with the Township Emergency Management Coordinator, the Township Clerk, and the County Emergency Management office.

Article 12 – Rights of Disaster Relief Force.

Section 1201. In accordance with Section 11 of the Act, personnel of the disaster relief force, while on duty shall:

- a. If they are employees of a county, municipality, or other governmental agency, regardless of where serving, have the powers, duties, and rights, privileges, and immunities, and receive the compensation incidental to their employment.
- b. If they are not employees of the county, municipality, or other governmental agency, be entitled to the same rights and immunities as are provided for by law.

Article 13 – Temporary Seat of Government.

Section 1301. The Township Board shall provide for the temporary movement and reestablishment of essential government offices and services in the event that existing facilities cannot be used.

Article 14 – Liability.

Section 1401. As provided for in the Act and this ordinance, the county or any political subdivision, or the agents or representatives of any political subdivision shall not be liable for personal injury or property damage sustained by volunteer disaster relief workers. In addition, any member of the disaster relief force engaged in disaster relief activity shall not be liable in a civil action for damages resulting from an act or omission arising out of and in the course of the person's good faith rendering of that activity, unless the person's act or omission was the result of that person's gross negligence or willful misconduct. The

right of a person to receive benefits or compensation to which he or she may otherwise be entitled to under the worker's compensation law, any pension law, or act of Congress will not be effected as a result of said activity.

Section 1402. As provided for in the Act, any person owning or controlling real estate or other premises, who voluntarily and without compensation, grants the county the right to inspect, designate, and use the whole or any part of such real estate or premises for the purpose of sheltering persons or for any other disaster related function during a declared local state of emergency or during an authorized practice disaster exercise, shall 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.

Article 15 – Sovereignty.

Section 1501. Should any section, clause, or provision of this ordinance be declared by the courts invalid for any reason, such declaration shall not affect the validity of this ordinance as a whole or any part thereof, other than the section, clause, or provision so declared to be invalid.

Article 16 – Repeals.

Section 1601. All resolutions or parts of a resolution inconsistent herewith are hereby repealed.

Article 17 – Annual Review.

Section 1701. This ordinance shall be reviewed as required by the Township Board, and changes shall be made if necessary.

Article 18 – Effective Date.


Section 1801. This ordinance shall have immediate effect.

Dated October 16, 2006.



Arlene Hill

Clerk



Greg Seppanen

Supervisor

Adopted at a Regular Board meeting of the Charter Township of Chocoday Board on October 16, 2006.

MOTION by Tabor, second by Britton that BE IT RESOLVED, the CHARTER TOWNSHIP OF CHOCOLAY DOES HEREBY ADOPT Ordinance #56.

AYES: 7

NAYS: 0

MOTION CARRIED

Published in the "Mining Journal".

1. September 29, 2006.
2. October 25, 2006.