

## ORDINANCE NO. 2101

### AN ORDINANCE AMENDING CHAPTER 7.12, CIVIL EMERGENCIES, OF THE EUREKA SPRINGS MUNICIPAL CODE.

#### FOR THE CITY OF EUREKA SPRINGS, ARKANSAS:

**WHEREAS**, the weather-related crises that the City of Eureka Springs has experienced over the past year have given rise to a greater awareness of steps that need to be taken to protect lives and property in the event of emergencies; and

**WHEREAS**, the City Council for the City of Eureka Springs has determined that modifications to the City's emergency protocol are necessary in order to assure a quick but methodical response when an emergency strikes.

**NOW THEREFORE**, be it hereby ordained by the City Council of the City of Eureka Springs, Arkansas, that Chapter 7.12, Civil Emergencies, of the Eureka Springs Municipal Code be amended as follows:

**Section 1.** That Sections 7.12.03 through 7.12.05 of the Eureka Springs Municipal Code is hereby amended in their entirety to read as follows:

#### 7.12.03 Emergency and Disaster Council

- A. The City's Emergency and Disaster Council shall consist of the Mayor, who shall be its chairman, the Chief of Police, the Fire Chief, the Public Works Director and the Transit Director.
- B. The City's Emergency and Disaster Council shall meet upon call of the chairman or, in his/her absence or inability to call such a meeting, then upon the call of the Chief of Police. In the event that both the Mayor and the Chief of Police are either absent or unable to call such a meeting, then any remaining member shall be so empowered.

#### 7.12.04 Emergency and Disaster Corps

- A. The City's Emergency and Disaster Corps shall consist of all officers and employees of the City, its agencies, and all volunteers and all groups, organizations and persons commandeered under the provisions of this Chapter, with all equipment and materials publicly owned, volunteered, commandeered, or in any way under the control of such personnel, for the support of the personnel in the conduct of emergency or disaster operations.
- B. Subject to the oversight of the Mayor and the Emergency and Disaster Council, all activities of the Emergency and Disaster Corps shall be directed by the following officials in the order named:
  1. The Chief of Police
  2. The Fire Chief
  3. The Assistant Chief of Police
  4. The Assistant Fire Chief.

#### 7.12.05 Activation of Emergency and Disaster Corps

- A. The Emergency and Disaster Corps shall be activated and shall function as an emergency and disaster relief body only:

1. Upon the declaration by the governor or the county judge or of persons authorized to act in either of their stead of a state of emergency affecting areas including the city; or
  2. Upon the declaration of an interim local emergency by the Mayor, the Chief of Police or the Fire Chief, in successive order. An interim local emergency shall remain in effect until either (a) it is cancelled by the Mayor, the Chief of Police or the Fire Chief, in successive order or (b) it is revoked by the City Council.
- B. The officers of the City shall have the duty and authority to plan for the mobilization, operation and support of that segment of the Emergency and Disaster Corps for which each is responsible as may be provided for in any emergency and operations disaster plan for the City, and to conduct the activities under such plan.
- C. As soon as practical, but within twenty-four (24) hours following (a) notification that the governor or the county judge (or persons acting in their stead) have declared a state of emergency or (b) the declaration of an interim local emergency by the Mayor, the Police Chief, or the Fire Chief, in successive order, the Mayor or persons authorized to act in his/her stead shall notify members of the City Council of such Declaration. In addition, a copy of such Declaration shall be posted in a conspicuous location visible from the outside at City Hall, the Police Department Headquarters and at any other location serving as a City emergency center. In the event that circumstances prevent the notification of any member of City Council in person, by telephone or other electronic means, the posting of the Declaration of Emergency shall meet the requirements of this section.

**Section 2.** That Section 7.12.06 of the Eureka Springs Municipal Code is hereby amended in its entirety to read as follows:

Section 7.12.06 Powers and Duties of Chairman The Chairman of the Emergency and Disaster Council shall have the following powers and duties:

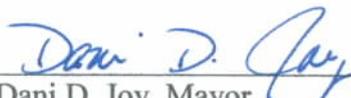
- A. To make key appointments within the Emergency and Disaster Corps;
- B. During the proclaimed existence of a state of emergency or a local emergency affecting the city to:
  1. Use all city resources for the preservation of life and property and to reduce the effects of such emergencies or disaster;
  2. Resolve questions of authority and responsibility that may arise in emergency or disaster operations; and
  3. Require emergency services of any city officer or employee.
- C. During the proclaimed existence of a state of emergency or local emergency affecting the City, to:
  1. Obtain vital supplies, equipment and other resources needed for for the preservation of life and property, and for the vital supplies, equipment and other resources needed for the Emergency and Disaster Corp, by either binding the City for their fair market value for by commandeering them.
  2. Delegate to elected and appointed officials of the City such duties and authorities as he/she deems necessary.

3. Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by any conditions proclaimed as provided in this Chapter.
4. Require emergency services and aid of as many citizens of the City as he/she thinks necessary in the execution of his/her duties.
5. Exercise complete authority over the City and to exercise all police power vested in the city by the Constitution, statutes, ordinances and general laws.
6. Exercise such additional powers incidental to the performance of his/her duties as chairman of the Emergency and Disaster Council as shall be necessary for him/her to carry out the emergency and disaster operations plan of the City, it being the intent that the enumerated powers in this section shall not be the limits of his/her powers.

**Section 3.** All Ordinances or Resolutions, and parts thereof, in conflict with this Ordinance are hereby repealed to the extent of such conflict. In the event any one or more of the provisions contained in this Ordinance shall for any reason be held by a Court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

**PASSED AND APPROVED, this 8th day of June, 2009**

APPROVED:

  
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Dani D. Joy, Mayor

ATTEST:

  
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Mary Jean Sell, Clerk