

**CHARTER TOWNSHIP OF MILFORD
ORDINANCE NO. 234
EMERGENCY PREPAREDNESS**

AN EMERGENCY ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CHARTER TOWNSHIP OF MILFORD BY ADDING A NEW CHAPTER 3, EMERGENCY PREPAREDNESS, IN ORDER TO ESTABLISH EMERGENCY PREPAREDNESS POLICY AND ORGANIZATION FOR THE CHARTER TOWNSHIP OF MILFORD.

THE CHARTER TOWNSHIP OF MILFORD ORDAINS:

Section 1. Amendment.

Chapter 3, Emergency Preparedness, shall be added to the Code of Ordinances for the Charter Township of Milford, which shall read as follows:

CHAPTER 3 - EMERGENCY PREPAREDNESS

Section 3-1. Intent and purpose.

It is the intent and purpose of this Chapter to establish an organization that will ensure the complete and efficient utilization of all municipal resources during periods of emergency and disaster.

Section 3-2. Scope.

This Chapter will not relieve any elected officials or municipal 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.

Section 3-3. Definitions.

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:

Coordinator means the responsible head of the office of emergency management, appointed as prescribed by this Chapter. In the absence of an appointed 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 a natural or manmade cause, including fire, flood, snow, ice, windstorm, wave action, oil spill, 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, 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.

Emergency Management means preparations for and relief from the effects or natural and manmade disasters.

Emergency Management Forces means the employees, equipment and facilities of all municipal departments, boards, institutions and commissions suitable for or adaptable to participation in emergency services activities as designated by the Township Supervisor, with the approval of the Township Board, if warranted; and in addition shall include all volunteer personnel, equipment and facilities contributed by or obtained from volunteer persons and agencies.

Emergency Management Volunteer means any person duly registered and appointed by the coordinator and assigned to participate in the emergency management activity.

Emergency Proclamation means a proclamation issued by the Governor of the State of Michigan that a state of emergency exists under the provisions of Act 302, Public Acts of 1945 (MCL 10.31 et seq.), as amended.

Emergency Situation means any situation confronting a community requiring emergency actions of a lesser nature than a disaster to include but not be limited to civil disturbances, labor strikes, visits by national or international dignitaries, and build-up activities prior to an actual disaster.

State of Disaster means a declaration by executive order or proclamation by the Governor of the State of Michigan under the provisions of Act 390, Public Acts of 1976 (MCL 30.401 et seq.), 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.

State of Emergency means a declaration by the Township Supervisor, as ratified by the Township Board, pursuant to this Chapter, the Michigan Emergency Management Act, and the Charter Township Act, activating 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.

Section 3-4. Coordinating Agency.

Unless otherwise appointed by the Township Supervisor, the Office of Emergency Management will be the coordinating agency responsible for Township-wide emergency preparedness. The Office of Emergency Management will provide the means through which the Township Board and Township Supervisor may exercise the authority and discharge the responsibilities vested in them by this Chapter and the Michigan Emergency Management Act, as amended.

Section 3-5. Organization for Providing Emergency Services.

(a) The Township Supervisor, with the approval of the Township Board, if warranted, is hereby authorized and directed to create an organization to prepare for community disasters utilizing to the fullest extent existing agencies within the municipality. The Township Supervisor, as executive head of the Township government, or his or her designee, shall be the Director of the Emergency Services Forces of the Township and shall be responsible for its organization, administration and operation, working through the coordinator.

(b) The organization for providing emergency services shall consist of the following:

- (1) An Office of Emergency Management established within the Township government. The Office of Emergency Management shall have an appointed administrative head who will be known as the Coordinator. Such assistants and other employees as are deemed necessary for the proper functioning of the organization will be employed.
- (2) The employees, equipment and facilities of all municipal departments, boards, institutions and commissions suitable for or adaptable to emergency service activities may be designated as part of the total emergency management forces. Such designation shall be made by the Township Supervisor, with the approval of the Township Board, if warranted.

(c) All officers and employees of departments, commissions, boards, institutions and other agencies of the Township government designated by the Township Supervisor, with the approval of the Township Board, if warranted, as emergency management forces shall cooperate with the Emergency Management Coordinator in the formulation of the emergency operations plan and shall assist the Coordinator in all matters pursuant to the provisions of this Chapter.

Section 3-6. Powers and Duties of Township Supervisor.

(a) The Township Supervisor may exercise the emergency power and authority as specified in this Section by declaring a state of emergency. Whenever a situation requires or is likely to require that the Township Supervisor invoke such power and authority, he or she 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 Supervisor or the Township Board otherwise established by state law.

(b) Under the following circumstances, the Township Supervisor may assemble and utilize the emergency management forces and may prescribe the manner and conditions of their use:

- (1) Whenever, on the basis of information received from authoritative sources, he or she feels that a large-scale disaster or emergency situation in the Township or state is imminent.
- (2) During any period of disaster in the Township or state and thereafter as long as he or she shall deem it necessary.

(c) Whenever the Township Supervisor finds that any condition in the Township has attained or threatens to attain the proportions of a major disaster, he or she may assemble and utilize emergency management forces and may prescribe the manner and conditions of their use. The Township Supervisor, with the approval of the Township Board, if warranted, is hereby empowered to enter into mutual aid agreements with other public and private agencies for reciprocal aid and assistance during disasters which are beyond local capabilities and resources. The Township Supervisor, or his or her designee, may, when he or she deems it in the public interest, send emergency management forces of the Township to the aid of other communities stricken by disaster as provided by mutual aid agreements; provided, that after the Township Board convenes, the future continuance of any such disaster relief and the period thereof shall be subject to the action of the Township Board, as warranted.

(d) The Township Supervisor, with the approval of the Township Board, may make regulations permitting the Coordinator to assemble and utilize the emergency management forces and provide disaster relief as prescribed in subsections (b) and (c) of this section.

(e) During a state of emergency, the Township Supervisor, with the approval of the Township Board, if warranted, may make temporary regulations or declarations permitting the temporary waiver of fees owed to the Township, including but not limited to water and sewer fees.

(f) When obtaining formal approvals would result in delay of relief activity, the Township Supervisor, or his or her designee, 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 the expenditure of existing funds. The Township Board is also empowered to waive any such procedures and formalities.

Section 3-7. Appointment of Emergency Management Coordinator, Assistant Coordinators.

(a) The Township Supervisor, with the approval of the Township Board, if warranted, shall appoint an Emergency Management Coordinator who shall be a person with the personal attributes, experience, and training needed to coordinate the activities of the agencies, departments, and individuals within the Township to protect the public health, safety and welfare during emergency situations and disasters.

(b) Assistant coordinators shall be designated to work with the Coordinator on emergency planning matters. Assistant coordinators shall be selected to serve as follows:

- (1) There shall be one (1) such assistant coordinator appointed from each Township department designated by the department head, with the approval of the Township Supervisor, as part of the emergency management forces.
- (2) Assistant coordinators shall assume the duties of the Coordinator whenever he or she is unavailable during disasters or emergency situations in the order of designation by the Township Supervisor, acting upon the recommendation of the Coordinator.

Section 3-8. Powers and Duties of Emergency Management Coordinator.

(a) The Emergency Management Coordinator shall be responsible for the administration, planning, coordination and operation of all emergency preparedness activities in the Township. He or she shall maintain liaison with county, state and federal authorities, and the authorities of adjacent and nearby political subdivisions so as to ensure the most effective emergency operations.

(b) The duties of the Coordinator shall include but not be limited to the following:

- (1) Development of 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 civilian population as to actions necessary and required for the protection of persons and property in case of 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 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.
- (8) Establishing property accountability procedures for federal surplus property acquired by the Township, federal excess property on loan to the Township, or any other property or equipment loaned to the Township for use in disaster or emergency situations.
- (9) Coordinating municipal emergency preparedness activities with those at the county level and adjacent municipalities.

Section 3-9. Emergency Management Volunteers.

(a) Under the direction of the Emergency Management Coordinator, each department, commission, board and other agency of Township government may at any time appoint or authorize the appointment of volunteer citizens to augment the personnel of such Township department, commission, board and agency in time of emergency. Such individuals shall be enrolled as emergency management volunteers and shall be subject to the rules and regulations set forth by the respective department, commission, board, or agency head for such volunteers.

(b) The Coordinator may enlist volunteer citizens to form the personnel of an emergency service for which the Township has no counterpart, or to temporarily augment personnel of the Township engaged in emergency activities. The Coordinator shall maintain formal records of all such volunteers for worker's compensation purposes.

Section 3-10. Federal Surplus Property.

(a) The Emergency Management Coordinator is hereby designated as the person responsible for accepting federal surplus property with the power and full authority to sign for such surplus property. The Township Supervisor shall provide a written statement to appropriate county officials designating the current name of the coordinator as responsible for complying with the provisions of this section.

(b) The Coordinator is responsible for the accountability and will maintain the necessary records for all surplus property obtained for emergency purposes until relieved from accountability by Township and county authorities.

(c) The Coordinator is further authorized to direct payment of service charges for surplus property to complete all transactions.

(d) Misappropriation or unauthorized private use of such public property while still accountable is subject to prosecution under federal and state statute.

Section 3-11. Rights of Township Employees.

Township employees assigned to duty as a part of the emergency management forces pursuant to the provisions of this Chapter shall retain all of the rights, privileges, and immunities of Township employees and shall receive the compensation incident to their employment.

Section 3-12. Liability.

(a) This Chapter is an exercise by the Township of its governmental functions for the protection of the public health, safety, and general welfare. As such, neither the Township, nor agents and representatives of the Township, nor any individual, receiver, firm, partnership, corporation, association, nor trustee, nor any of the agents thereof, acting in good faith carrying out, complying with, or attempting to comply with this Chapter shall be liable for any damage sustained to persons or property as a result of the activity.

(b) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the Township the right to inspect, designate and use the whole or any part of such real estate or premises for the purpose of sheltering persons during a disaster 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.

Section. 3-13. Conflicting Ordinances, Orders, Rules and Regulations.

At all times when the orders, rules and regulations made and promulgated pursuant to this Chapter shall be in effect, they shall supersede all other existing ordinances, orders, rules, and regulations, insofar as the latter may be inconsistent therewith.

Section 3-14. Prohibited Acts; Penalty for Violations.

It shall be unlawful for any person willfully to obstruct, hinder or delay any emergency management forces in the enforcement of accomplishment of any rule or regulation issued pursuant to this Chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this Chapter. It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or other means of identification as a member of the emergency management forces of the Township unless authority to do so has been granted to such person by proper officials. Convictions for violations of the provisions of this chapter shall be punished as provided in Chapter 1 of the Township Code of Ordinances.

Section 2. Repealer.

This Ordinance hereby repeals any ordinances in conflict herewith.

Section 3. Savings Clause.

That nothing in this Ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, sections, and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 5. Emergency Adoption and Effective Date.

This Ordinance is deemed an emergency in order to protect the public health, as it is necessary to take appropriate precautions to control and limit the spread of the COVID-19 coronavirus, a communicable disease. Pursuant to enabling Township legislation this ordinance is hereby declared to have been introduced and adopted by the Board of Trustees for the Charter Township of Milford at an electronic meeting thereof duly called and held on the 15th day of April 2020 and ordered to be given effect immediately upon adoption.

Donald Green, Township Supervisor

Holly Brandt, Township Clerk, CMC

CERTIFICATION OF CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Board of Trustees for the Charter Township of Milford on April 15, 2020 which was a regular meeting. I further certify that at said meeting there were electronically present the following Board members Green, Brandt, Dagenhardt, Mazzara, Wiltse, Worrell.

I further certify that the adoption of said Ordinance was moved by Clerk Brandt and supported by Treasurer Dagenhardt.

I further certify that the following Board members: Brandt, Dagenhardt, Green, Wiltse, Mazzara, Worrell voted for the adoption of said Ordinance and that the following Board members voted against the adoption of said Ordinance: None.

I further certify that no Board member(s) abstained from voting.

I hereby certify that said Ordinance has been recorded in the Ordinance Book in said Township and that such recording has been authorized by the signature of the Township Supervisor and Township Clerk.

Holly Brandt, CMC, Township Clerk