

AN ORDINANCE OF THE MUNICIPALITY OF MONROEVILLE REPEALING ORDINANCE NO. 383 OF THE MUNICIPALITY OF MONROEVILLE; ESTABLISHING THE MONROEVILLE EMERGENCY MANAGEMENT AGENCY; ESTABLISHING THE POWERS AND DUTIES OF THE MONROEVILLE EMERGENCY MANAGEMENT AGENCY; ESTABLISHING THE POWERS AND DUTIES OF THE MONROEVILLE EMERGENCY MANAGEMENT AGENCY CO-ORDINATOR; AND ESTABLISHING THE POWERS AND DUTIES OF THE MAYOR REGARDING THE MONROEVILLE EMERGENCY MANAGEMENT AGENCY.

WHEREAS, Ordinance No. 383 was enacted pursuant to authorization of PL 28, No. 4 of 1951, and;

WHEREAS, Act 323 of 1978, PL 1332, repealed PL 28, No. 4 as well as related Acts PL 42, No. 6; P. 47, No. 7; PL 129, No. 60; and PL 515, No. 265; and

WHEREAS, Section 606(b) of Article VI of the Monroeville Home Rule Charter, as amended, assigns to the Mayor the power and duty to preserve the public peace, safety, health and welfare in times of emergency and for purposes of martial law.

NOW, THEREFORE, BE IT RESOLVED BY COUNCIL ASSEMBLED PURSUANT TO authorization of PL 1332, the "Emergency Management Services Code" of the Commonwealth of Pennsylvania, as follows:

Section 1. DEFINITIONS:

The following words and phrases when used in this part shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Agency" - The Pennsylvania Emergency Management Agency.

"Disaster" - A man-made disaster, natural disaster or war-caused disaster.

"Emergency Management" - The judicious planning, assignment and coordination of all available resources in an integrated program of prevention, mitigation, preparedness, response and recovery for emergencies of any kind, whether from attack, man-made or natural sources.

"Emergency Services" - The preparation for and the carrying out of functions, other than functions for which military forces are primarily responsible, to prevent, minimize and provide emergency repair of injury and damage resulting from disasters, together with all other activities necessary or incidental to the preparation for and carrying out of those functions. The functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, disaster warning services, communications, radiological, shelter, chemical and other

special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, emergency resources management, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection.

"Local Emergency" - The condition declared by the local governing body when in their judgment the threat or actual occurrence of a disaster is or threatens to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby. A local emergency arising wholly or substantially out of a resource shortage may be declared only by the Governor, upon petition of the local governing body, when he deems the threat or actual occurrence of a disaster to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby.

"Local Organization" - A local emergency management organization.

"Man-made Disaster" - Any industrial, nuclear or transportation accident, explosion, conflagration, power failure, natural resource shortage or other condition, except enemy action, resulting from man-made causes, such as oil spills and other injurious environmental contamination, which threatens or causes substantial damage to property, human suffering, hardship or loss of life.

"Natural Disaster" - Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe which results in substantial damage to property, hardship, suffering or possible loss of life.

"Political Subdivision" - Any county, city, borough, incorporated town or township.

"Resource Shortage" - The absence, unavailability or reduced supply of any raw or processed natural resource, or any commodities, goods or services of any kind which bear a substantial relationship to the health, safety, welfare and economic well-being of the citizens of this Commonwealth.

"War-caused Disaster" - Any condition following an attack upon the United States resulting in substantial damage to property in injury to persons in the United States caused by use of bombs, missiles, shellfire, nuclear, radiological, chemical or biological means, or other weapons or overt paramilitary actions, or other conditions such as sabotage.

- Section 2. Ordinance No. 383 of the Borough of Monroeville is hereby repealed.
- Section 3. The Monroeville Emergency Management Agency is hereby established and is hereby recognized as the successor to the Office of Civil Defense of the Borough of Monroeville.
- Section 4. The powers and duties of the Monroeville Emergency Management Agency shall be:
- a. To coordinate the preparation and maintenance of a current disaster emergency management plan for the prevention and minimization of injury and damage for prompt and effective response to disaster; and for disaster emergency relief and recovery in consonance with the Pennsylvania Emergency Management Plan;
  - b. To coordinate the establishment, equipping and staffing of an emergency operations center, consolidated with warning and communications systems to support government operations in emergencies; and to coordinate the provisions of other essential facilities and equipment for agencies and activities assigned emergency functions;
  - c. To coordinate individual and organizational training programs to insure prompt, efficient and effective disaster emergency services;
  - d. To coordinate the organization and preparation of all locally available manpower, materials, supplies, equipment, facilities and services necessary for disaster emergency readiness, response and recovery;
  - e. To coordinate the adoption and implementation of precautionary measures to mitigate the anticipated effects of disaster;
  - f. To cooperate with any public and private agency or entity in achieving any purpose herein;
  - g. To have available for inspection at its emergency operations center all emergency management plans, rules and orders of the Governor and of the Pennsylvania Emergency Management Agency; the Allegheny County Emergency Management Agency, and the Monroeville Emergency Management Agency;
  - h. To provide prompt and accurate information regarding local disaster emergencies to appropriate Commonwealth, County and Municipal officials and agencies, and to the general public as well; and

- i. To render assistance in times of emergency in accordance with the provisions of mutual aid agreements.

Section 5. The position of Monroeville Emergency Management Agency Coordinator is hereby established with the following powers and duties:

- a. The Coordinator shall be appointed by the Governor upon the recommendation of the Mayor.
- b. The Coordinator shall be responsible for the planning, administration and operation of the Monroeville Emergency Management Agency, subject to the direction and control of the Mayor and Council as provided herein.
- c. The Coordinator shall attend basic and advanced seminars, workshops, and training conferences called by the State Director and/or official having responsibility for providing the Coordinator with in-service training.
- d. The Coordinator shall be reimbursed for actual expenses incurred in the performance of his duties and attendance at scheduled meetings.
- e. The Coordinator shall develop mutual aid agreements with adjacent political subdivisions for reciprocal emergency assistance.
  - i) Said agreements shall be consistent with the plans and programs of the Pennsylvania Emergency Management Agency.
  - ii) Said agreements shall be ratified by the governing bodies of the political subdivisions involved.
  - iii) Support forces furnished a political subdivision from outside its jurisdiction pursuant to said agreements shall be under the operational control of the department, agency, or office furnishing the force.

Section 6. The Mayor or, in his absence, the Deputy Mayor, or a duly authorized designee thereof, may declare a local disaster emergency upon finding a disaster has occurred or is imminent. The declaration shall be subject to ratification by Municipal Council and shall not be continued for a period in excess of seven days nor renewed except by or with the consent of Municipal Council. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the Pennsylvania Emergency Management Agency.

Section 7. The Municipality shall have the power to enter into **contracts** and incur obligations necessary to disaster emergency management, response and recovery.

- a. Upon declaration of a disaster emergency, the Municipality is authorized pursuant to Section 7301(c) of PL 1332 to exercise the powers vested under this Ordinance in the light of the exigencies of the emergency situation without regard to procedures and formalities prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes and the appropriation and expenditure of public funds.
- b. The Municipality shall have the power to make appropriation for the payment of expenses of the Monroeville Emergency Management Agency in the manner provided by law for making appropriations for the ordinary expenses of the Municipality.
- c. The Monroeville Emergency Management Agency shall be deemed an agency, board or commission of the Municipality, subject to all of the laws governing the making of contracts or purchases, the employment of persons or otherwise incurring financial obligations which apply to the Municipality.
- d. Any gift or grant of money made to the Monroeville Emergency Management Agency or to the Municipality of Monroeville for the payment of expenses incurred or to be incurred by or for the Monroeville Emergency Agency shall be deposited in the treasury of the Municipality and shall be appropriated by the Municipality for the purpose for which the gift or grant was made, and any bills or claims to be paid from the gift or grant shall be paid in the manner provided in this Ordinance.

Section 8. a. Neither the Municipality nor the Monroeville Emergency Management Agency; nor, except in cases of willful misconduct, the agents, employees or representatives of any of them engaged in any emergency services activities; nor, except in cases of willful misconduct or gross negligence, any individual or other persons under contract with them to provide equipment or **work on** a cost basis to be used in disaster relief; nor, **except** in cases of willful misconduct or gross negligence, **any** person, firm, corporation or an agent or employee of **any** of them engaged in disaster services activities, while complying with or attempting to comply with this Ordinance, shall be liable for the deaths of or any injury to persons or loss or damage to property as a result of that activity.

- b. All duly enrolled emergency management volunteers who are not eligible to receive benefits under the Workmen's Compensation laws shall be entitled, except during a state of war or periods of armed conflict within the continental limits of the United States, to those benefits which are authorized by Section 7706 of PL 1332, as amended, relating to injuries sustained while actually engaged in emergency management activities or in en route to and from emergency management tests or operations authorized by the Pennsylvania Emergency Management Agency and carried out in accordance with rules and others promulgated and adopted by that Agency.
- c. This does not affect the right of any person to receive benefits to which he would otherwise be entitled under the workmen's compensation laws or under any pension law, nor the right of any person to receive any benefits or compensation under any Federal law.

Section 9. Any person violating any of the plans and programs adopted and promulgated pursuant to this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding \$200.00 or imprisonment not exceeding thirty (30) days or both, for the first offense, and a fine not exceeding \$500.00 or imprisonment not exceeding ninety (90) days or both, for each subsequent offense.

Section 10. Any Ordinance, rule, resolution, regulations, or any part thereof which is inconsistent with any provisions of this Ordinance is hereby repealed to the extent of any such conflict.

ORDAINED and ENACTED this 12th day of July, 1983.

(SEAL)

ATTEST:

MUNICIPALITY OF MONROEVILLE

S/ Marshall W. Bond  
Municipal Manager

S/ Michael P. Lynch  
Mayor