

CITY OF STARBASE, TEXAS
ORDINANCE NO. 2025-05-30-DOLO-DR

AN ORDINANCE OF THE CITY OF STARBASE, TEXAS, ESTABLISHING A COMPREHENSIVE EMERGENCY MANAGEMENT PROGRAM; AUTHORIZING THE APPOINTMENT OF AN EMERGENCY MANAGEMENT COORDINATOR; PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THE EMERGENCY MANAGEMENT DIRECTOR AND COORDINATOR; AUTHORIZING MUTUAL AID AGREEMENTS WITH OTHER GOVERNMENTAL ENTITIES; CREATING AN OFFENSE FOR VIOLATING THE CITY'S EMERGENCY MANAGEMENT PLAN; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A PENALTY CLAUSE OF A FINE NOT TO EXCEED THE SUM OF \$1,000.00 FOR EACH OFFENSE AND PROVIDING THAT EACH CONTINUING DAY'S VIOLATION UNDER THIS ORDINANCE SHALL CONSTITUTE A SEPARATE OFFENSE; PROVIDING FOR SEVERABILITY; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Starbase, Texas, has determined that the health, safety, and welfare of the citizens of Starbase necessitate that the City adopt a Comprehensive Emergency Management Program as set forth in this Ordinance; and

WHEREAS, the City Commission of the City of Starbase, Texas, deems it in the best interest of the residents of the City of Starbase to adopt an Emergency Management Program not in contrast with the Cameron County emergency management programs; and

WHEREAS, Texas Government Code § 418.173 provides a city's Emergency Management Plan may prescribe a punishment of up to \$1,000.00 or confinement in jail for a term not to exceed 180 days for failure to comply with the plan or with a rule, order, or ordinance adopted under the plan; and

WHEREAS, this Ordinance contains a penal provision making violations of the Emergency Management Plan an offense punishable by a fine not to exceed \$1,000.00; and

WHEREAS, the City Commission of the City of Starbase deems it in the best interest of the citizens of the City of Starbase and for the health, safety, and welfare of the public to adopt the provisions set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STARBASE, TEXAS:

SECTION 1. Incorporation of Premises. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Commission and made a part hereof for all purposes.

SECTION 2. Emergency Management Program Ordinance Adopted. The following is hereby adopted as the Emergency Management Program of the City of Starbase, Texas:

EMERGENCY MANAGEMENT PROGRAM

Sec. 1.01. Construction of article.

This article shall not be construed to conflict with any state or federal statute or with any military or naval order, rule, or regulation.

Sec. 1.02. Liability.

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

(b) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the city a license or privilege or otherwise permits the city to inspect, designate, and use the whole or any part of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster or an emergency training exercise, together with his successors in interest, if any, 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.

Sec. 1.03. Office of Emergency Management created.

The Office of Emergency Management for the City of Starbase is created and shall exist in accordance with state law as follows:

- (a) The Mayor of the City of Starbase is designated as the Director of Emergency Management.
- (b) The Director may appoint a Coordinator of the Office of Emergency Management who shall serve at the pleasure of the Director. The Director shall be responsible for conducting a program of comprehensive emergency management with the City of Starbase and for carrying out the duties and responsibilities of this Ordinance. The Director may delegate the duties and responsibilities to the Emergency Management Coordinator as the Director deems necessary or advisable, but the Director shall retain ultimate responsibility for execution of such duties and responsibilities as the office is charged with fulfilling.

Sec. 1.04. Organization.

The City's operational emergency management organization shall consist of the City officers and employees so designated by the Emergency Management Director in the Emergency Management Plan, as well as all organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the Emergency Management Plan. Such plan shall set forth the form of the organization; establish and designate divisions and functions; assign tasks, duties and powers; and designate officers and employees to carry out this article. Insofar as possible, the form of organization, titles, and terminology shall conform to the recommendations of the state division of emergency management and of the federal government.

Sec. 1.05. Powers and duties of office of emergency management.

- (a) The powers and duties of the Emergency Management Director shall include an ongoing survey of actual or potential major hazards which threaten life and property within the City and an ongoing program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur. As part of his or her responsibility in hazard mitigation, the Director shall supervise the development of an Emergency Management Plan for the City and shall recommend that Plan for adoption by the City Commission along with any and all mutual aid plans and agreements which are deemed essential for the implementation of such Emergency Management Plan. The powers of the

Emergency Management Director shall include the authority to declare a state of emergency and state of disaster in accordance with the Texas Disaster Act, Chapter 418 of the Texas Local Government Code, as amended. For the purposes of this Ordinance, the word "emergency" shall be synonymous with "disaster." Nothing in this Ordinance shall abridge, in any way, the authority of the Mayor of the City of Starbase to execute his or her powers under state law or local ordinance during a state of emergency. The duties of the Director shall also include the causing of a survey of the availability of existing personnel, equipment, supplies, and services which could be used during the disaster, as provided for in this article, as well as continuing study of the need for amendments and improvements in the emergency management plan.

- (b) The Director shall be responsible for conducting a program of comprehensive emergency management within the City and for carrying out the duties and responsibilities set forth in this subsection. The duties and responsibilities of the Emergency Management Director shall include the following:
 - (1) The direction and control of the actual disaster operations of the City's emergency management organization as well as the training of emergency management personnel.
 - (2) The determination of all questions of authority and responsibility that may arise within the City's emergency management organization.
 - (3) The maintenance of necessary liaisons with other municipal, county, district, state, regional, federal, or other emergency management organizations.
 - (4) The marshaling, after declaration of a disaster, of all necessary personnel, equipment, or supplies from any City department to aid in carrying out the provisions of the emergency management plan.
 - (5) The issuance of all necessary proclamations as to the existence of a disaster and the immediate operational effectiveness of the City Emergency Management Plan.
 - (6) The issuance of reasonable rules, regulations, or directives which are necessary for the protection of life and property in the city. Such rules and regulations shall be filed in the office of the City Clerk and shall receive widespread publicity unless publicity would be of aid and comfort to the enemy or to individuals, organizations, or entities who would frustrate or attempt to frustrate the issued rules, regulations, or directives. All such rules, regulations, or directives shall be subject to Commission approval in accordance with applicable state law when such approval or extension is required.

- (7) The supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which the City is located and with other municipalities within the county for the countywide coordination of emergency management efforts.
- (8) The supervision of and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the City.
- (9) The authorization of agreements, after approval by the city attorney, for the use of private property for public shelter and other purposes.

(c) The powers and duties of the Emergency Management Coordinator of the office, if designated, shall be as follows:

- (1) The Emergency Management Coordinator shall supervise the development and maintenance of a current Emergency Management Plan for the City. Such Plan shall set forth the form of the disaster services organization, establish and designate divisions and functions, assign tasks, duties and powers, designate officers and employees to carry out the provisions of this Emergency Management Plan, and provide, among other things, the following:
 - a. Wage, price, and rent controls, rationing of critical resources, and other economic stabilization methods in the event of disaster;
 - b. Curfews, blockades, limitations on utility usage in an area affected by disaster, rules governing ingress and egress to the affected area, rules governing evacuation of the affected area, and other security measures; and
 - c. Debris and water removal and disposal from public and private lands.
- (2) Any other power delegated to the Coordinator by the Director.

Sec. 1.06. Effect of orders, rules, and regulations.

At all times when the orders, rules, and regulations made and promulgated pursuant to this ordinance shall be in effect, they shall supersede and override all existing

ordinances, orders, rules, and regulations, insofar as the latter may be inconsistent therewith.

Sec. 1.07. Contracting and expenditure of public funds.

No person shall have the right to expend any public funds of the city in carrying out any emergency management activity authorized by this article without prior approval by the city commission, nor shall any person have any right to bind the city by contract, agreement, or otherwise without prior and specific approval of the City Commission.

Sec. 1.08 Violations.

- (a) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule, regulation, or order issued pursuant to this article or to do any act forbidden by any rule, regulation, or order issued pursuant to the authority contained in this article.
- (b) It shall be unlawful for any person to do any act forbidden by any ordinance, resolution, proclamation, rule, regulation, or order issued pursuant to the authority contained in this Ordinance.
- (c) It shall likewise be unlawful for any person to wear, carry, or display any emblem, insignia, or any other means of identification as a member of the city's emergency management organization, unless authority to do so has been granted to such person by the proper officials.

SECTION 3. Penalty. Any person, firm, corporation, or business entity intentionally, knowingly, or recklessly violating this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of \$1,000.00. Each continuing day's violation under this ordinance shall constitute a separate offense. The penal provisions imposed under this ordinance shall not preclude the City from filing suit to enjoin the violation or taking other legal action as allowed by law.

SECTION 4. Severability. It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, because

the same would have been enacted by the City Commission without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph, or section.

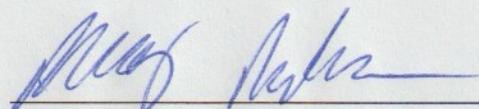
SECTION 5. Cumulative Repealer. This Ordinance is cumulative of all ordinances of the City and all Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 6. Engrossment/Enrollment. The City Clerk is hereby directed to enroll and engross this Ordinance by reflecting the passage of this Ordinance in the minutes of the City Commission and by filing this Ordinance in the Ordinance Records of the City.

SECTION 7. Effective Date. This Ordinance shall take effect upon its passage and publication as required by law.

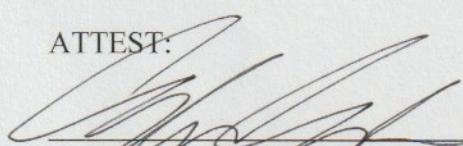
DULY PASSED AND APPROVED by the City Commission of the City of Starbase, Texas, this 30th day of May 2025.

CITY OF STARBASE, TEXAS

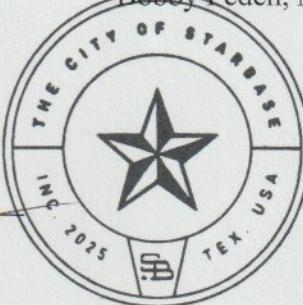


Bobby Peden, Mayor

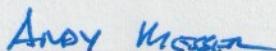
ATTEST:



Caroline Cole, City Clerk



APPROVED AS TO FORM:



Wm. Andrew Messer, City Attorney