YORK HAVEN BOROUGH
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 95-4

AN ORDINANCE ESTABLISHING AN EMERGENCY MANAGEMENT AGENCY, EMERGENCY MANAGEMENT COORDINATOR, AND EMERGENCY MANAGEMENT ADVISORY COUNCIL WITHIN THE BOROUGH OF YORK HAVEN, PENNSYLVANIA.

BE IT ENACTED AND ORDAINED by the Council of the Borough of York Haven, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section (1). Title. The Ordinance shall be known and may be cited as the "Emergency Management Agency Ordinance."

Section (2). Definitions.

The following words and terms when used in this Ordinance shall have the meaning given to them below:

(a) "Borough". The Borough of York Haven, Pennsylvania.

(b) "Council". The duly elected Borough Council of York Haven, Pennsylvania.

Section (3). Purpose and findings.

(a) Each political subdivision of the Commonwealth of Pennsylvania has been given the authority by the Emergency Management Services Code (35 Pa.C.S. 7501 et. seq.) to establish a local emergency management agency.

(b) It is in the best interests of the health, safety, and welfare of the citizens of the Borough of York Haven that an emergency management agency be established for the Borough by this

Ordinance.

(c) This Ordinance was properly advertised and proper notice given as required by law.

Section (4) Authority.

The York Haven Emergency Management Agency, "YHEMA", is established pursuant to the provisions of the Emergency Management Services Code (35 Pa.C.S.A. Section 7101 et seq.).

Section (5) General Duties and Responsibilities.

The YHEMA shall have the responsibility for emergency management and disaster response and recovery within the Borough. The Emergency Management Agency shall also provide emergency management and disaster response and recovery services outside the Borough as required by the terms and conditions of this Ordinance.

Section (6) Declaration of Disaster Emergency.

(a) A local disaster emergency may be declared by Council of the Borough. In addition, the Mayor or President of Council is hereby authorized to declare a local disaster emergency subject to ratification by the Council within seven (7) days of such declaration.

(b) A local disaster emergency may only be declared upon finding by the Council, Mayor, or President of Council that a disaster has occurred or is imminent.

(c) The declaration of a local disaster emergency shall not be continued or renewed for a period in excess of seven (7) days unless approved by the Council.

(d) Any order or proclamation declaring, continuing or

terminating a local disaster emergency shall be given prompt and general publicity, and a copy of any such order or proclamation shall be filed promptly with the Pennsylvania Emergency Management Agency.

(e) Upon declaration of a local disaster emergency, the applicable response and recovery aspects of the Borough's emergency management plan shall be activated, and all provisions for aid and assistance thereunder shall be authorized.

Section (7) Temporary Suspension of Formal Requirements.

Upon declaration of a disaster emergency by the Governor of the Commonwealth, under Section 7301(c) of the Emergency Management Services Code, the Mayor and Council shall be authorized to exercise the powers granted in the Ordinance without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements) 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. In addition, upon the declaration of a disaster emergency the Borough is authorized to avail itself of the provisions of Act of August 5, 1941, (P.L. 752, No. 286), known as the "Civil Service Act," in connection with the employment of personnel in local organizations established pursuant to the provisions of this ordinance.

Section (8) Local Coordinator of Emergency Management.

(a) The YHEMA shall have a Coordinator who shall be

responsible for the planning, administration, and operation of the agency subject to the direction and control of the Mayor and Borough Council.

(b) The Coordinator of YHEMA shall be appointed by the Governor of the Commonwealth of Pennsylvania upon recommendation of the Mayor and Council. Council may, upon agreement by resolution with adjoining municipalities, recommend to the Governor a candidate for Coordinator for emergency management activities in the said political subdivisions. The YHEMA Coordinator shall serve at the pleasure of Council.

(c) The Coordinator of the YHEMA shall:

(1) Be professionally competent and capable of planning, effecting and coordinating operations among agencies of government and controlling coordinated operations by local emergency preparedness forces;

(2) Attend and successfully complete the first phase of the career development program as prescribed by the Pennsylvania Emergency Management Agency within one year after appointment;

(3) Attend and successfully complete the second phase of the career development program as prescribed by the Pennsylvania Emergency Management Agency within three years after appointment;

(4) Attend basic and advanced seminars, workshops and training conferences called by the Director of the Pennsylvania Emergency Management Agency and/or its

Director of Training and Education;

(5) Failure to attend and successfully complete the career development program phases, as described above, or failure to attend a prescribed training program for two consecutive years shall be cause for replacement of the Coordinator of the YHEMA;

(6) Responsibility for the professional in-service training of the Coordinator of the YHEMA shall rest with the Emergency Management Coordinator of York County;

(d) The Borough will reimburse its coordinator for actual expenses incurred as the result of his or her attendance at scheduled meetings and training programs.

Section (9) Powers and Duties of the Emergency Management Agency.

The YHEMA is hereby directed to:

(a) Prepare, maintain and keep current a disaster emergency plan for the Borough for the prevention and minimization of injury and damage caused by disaster, for prompt and effective response to disaster and for disaster emergency relief and recovery in consonance with the Pennsylvania Emergency Management Plan and the York County Emergency Management Plan;

(b) Establish, equip, and staff an emergency operations center for the Borough;

(c) Establish a warning and communications system for the Borough that will support governmental operations in emergencies;

(d) Provide essential facilities and equipment to those agencies and organizations that have been assigned emergency functions under the provisions of this Ordinance;

(e) Provide individual and organizational training programs for police officers, firefighters, rescue personnel, ambulance personnel, emergency management volunteers and the general public to insure prompt, efficient and effective disaster emergency services;

(f) Organize, prepare, and coordinate all locally available manpower, materials, supplies, equipment, facilities necessary for disaster emergency readiness, response and recovery;

(g) Adopt and implement precautionary measures to mitigate the anticipated effects of a disaster;

(h) Execute and enforce such rules, regulations and orders as the YHEMA may adopt pursuant to the provisions of this Ordinance;

(i) Cooperate and coordinate with any public and private agencies or entities in achieving any purpose of this Ordinance;

(j) Have available for inspection at its emergency operations center all emergency management plans, rules, regulations, and orders of the Governor and the Pennsylvania Emergency Management Agency;

(k) Provide prompt and accurate information regarding local disaster emergencies to appropriate Commonwealth and local officials and agencies and the general public;

(l) Make monthly reports to the Council on the status and programs of the YHEMA, its personnel, programs, and plans;

(m) Execute and enforce such rules and orders as may be adopted by the Pennsylvania Emergency Management Agency;

(n) Make timely recommendations to and secure the consent of the Council concerning the development of plans, the acquisition of materials, supplies, and equipment and the development of a budget for the agency, except as provided for in disaster emergencies;

(o) Identify areas within the Borough that are particularly vulnerable to disasters;

(p) Upon request of the Mayor, the Council or a duly authorized borough official, assist the Borough and/or its police, fire, rescue, or emergency medical services in handling and coordinating special, non-disaster emergencies and situations.

Section (10) Coordination, Assistance and Mutual Aid.

The Coordinator of the YHEMA shall develop and maintain mutual aid agreements with adjacent political subdivisions for reciprocal emergency assistance. The agreements shall be consistent with the plans and program of the Pennsylvania Emergency Management Agency and the York County Emergency Management Agency.

Section (11) Approvals and Ratification of Agreements.

(a) Except during local disaster emergencies, the Council shall:

1. Approve all expenditures of the YHEMA in advance;
2. Approve attendance and participation of personnel of the YHEMA at training sessions, seminars and meetings;

3. Review and approve the YHEMA plan.

(b) All mutual aid agreements shall be ratified by the Council and by the governing bodies of the other applicable municipalities prior to implementation.

Section (12) Gifts and Grants of Monies.

Any gift or grant of monies made to the YHEMA or to the Borough for the payment of expenses incurred by the YHEMA shall be deposited in the treasury of the Borough and shall be appropriated only for the purpose for which the gifts or grants were made.

Section (13) Applicability of State Statutes.

The provisions of the "Emergency Management Services Code" of the Commonwealth of Pennsylvania, 35 Pa.C.S. 7101 et. seq., shall govern the emergency management services and activities within the Borough except where no provision is made in the code, in which case, the Borough shall pass appropriate ordinances.

Section (14). Invalidity of Inconsistent Ordinance.

To the extent that any other Ordinance or Resolution of Borough Council is in conflict with this Ordinance or is inconsistent with the same, it is hereby repealed and declared to be null and void.

Section (15). Severability.

It is the intention of Council that if any Section of this Ordinance shall be deemed to be unconstitutional, invalid or unenforceable by any court, such decision shall not affect the validity and enforceability of any other Section. It is hereby

declared as a legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or unenforceable provision or provisions not have been included. To this end, this Ordinance is declared to be severable.

THIS ORDINANCE SHALL become effective on January 8, 1996.

ENACTED AND ORDAINED this 4th day of December, 1995.

ATTEST:

By: Sandra L. Harget
Sandra L. Harget, Secretary

BOROUGH OF YORK HAVEN

By: Henrietta R. Heistand
Henrietta R. Heistand
President of Borough Council

APPROVED this 4th day of December, 1995.

By: Harvey R. Heistand
Harvey Heistand, Mayor