

Chapter 14 – Civil Emergencies

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ARTICLE I. - IN GENERAL

Secs. 14-1—14-30. - Reserved.

ARTICLE II. - EMERGENCY MANAGEMENT¹

DIVISION 1. - GENERALLY

Sec. 14-31. - Commitment of funds.

No person shall have the right to expend any public funds of the county in carrying out any emergency management activity authorized by this article without prior approval by the commissioners court. No person shall have any right to bind the county by contract, agreement or otherwise without prior and specific approval of the commissioners court unless during a declared disaster. During a declared disaster, the county judge may expend and/or commit public funds of the county when deemed prudent and necessary for the protection of health, life or property.

(Ord. No. 88-358, § 7, 2-29-1988)

Sec. 14-32. - Override.

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

(Ord. No. 88-358, § 5, 2-29-1988)

Sec. 14-33. - Liability.

This article is an exercise by the county of its governmental functions for the protection of the public peace, health and safety, and neither the county, the agents and representatives of the county, nor any individual, receiver, firm, partnership, corporation, association or trustee, nor any of agents of the same, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this article shall be liable for any damage sustained to persons as the result of such activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the county a license of privilege, or otherwise permits the county 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, impending or practice enemy attack or natural or manmade disaster shall, together with his successors in interest, if any, 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.

(Ord. No. 88-358, § 6, 2-29-1988)

Sec. 14-34. - Offenses; penalties.

¹ **State Law reference**— Emergency management, V.T.C.A., [Government Code § 418.001](#) et seq.

- (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 or regulation issued pursuant to this article, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this article.
- (b) 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 emergency management organization of the county unless authority to do so has been granted to such person by the proper officials.
- (c) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning shall be deemed guilty of a violation of this article and shall be subject to the penalties imposed by this article.
- (d) Convictions for violations of the provisions of this article, upon conviction, shall be punishable by fine not to exceed \$1,000.00.

(Ord. No. 88-358, § 8, 2-29-1988)

Secs. 14-35—14-60. - Reserved.

DIVISION 2. - STATE OF EMERGENCY OR DISASTER

Sec. 14-61. - Declaration of state of emergency or disaster.

In the event that the presiding officer of any municipality in Dallas County, and/or the presiding officer of Dallas County, and/or the Governor of the State of Texas expresses an intent to declare or declares a state of emergency or disaster that may impact Dallas County, the commissioners court administrator shall immediately schedule and cause to be called an emergency meeting of the commissioners court. Such meeting will be scheduled within two but not more than 24 hours from the intent or declaration. The purpose of such meeting shall be to ensure that the commissioners court is properly informed and ready to take appropriate action to prepare the county to perform its responsibilities. In the event any city, county or state official becomes aware of the intent to declare an emergency or disaster they shall notify the commissioners court administration.

(Ord. No. 2006-392, 2-28-2006)

DIVISION 3. - ADMINISTRATION²

Sec. 14-62. - Officers and organization.

- (a) *Office of director held by county judge.* The office of emergency management director of the county shall be held by the county judge in accordance with state law.
- (b) *Appointment of coordinator.* An emergency management coordinator may be appointed by and serve at the pleasure of the director.
- (c) *Responsibilities of director generally.* The director shall be responsible for a program of comprehensive emergency management within the county and for carrying out the duties and responsibilities set forth in this article. He may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the director.
- (d) *Composition of emergency management organization.* The operational emergency management organization of the county shall consist of the officers and employees of the county so designated by the director in the emergency management plan, as well as organized volunteer groups. The functions

² **State Law reference**— County emergency management program, V.T.C.A., [Government Code § 418.102](#).

and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan.

- (e) *Duties and responsibilities of director.* The duties and responsibilities of the emergency management director shall include the following:
- (1) Conduct an ongoing survey of actual or potential hazards which threaten life and property within the county 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.
 - (2) Supervision of the development and approval of an emergency management plan for the county, and shall recommend for adoption by the commissioners court all mutual aid arrangements deemed necessary for the implementation of such plan.
 - (3) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of seven days except by or with the consent of the commissioners court. Any order or proclamation declaring, continuing or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the county clerk.
 - (4) Issuance of necessary proclamations, regulations or directives which are necessary for carrying out the purposes of this article. Such proclamations, regulations or directives shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the county clerk.
 - (5) Direction and control of the operations of the county emergency management organization as well as the training of emergency management personnel.
 - (6) Determination of all questions of authority and responsibility that may arise within the emergency management organization of the county.
 - (7) Maintenance of liaison with other municipal, county, district, state, regional or federal emergency management organizations.
 - (8) Marshaling of all necessary personnel, equipment or supplies from any department of the county to aid in the carrying out of the provisions of the emergency management plan.
 - (9) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivision of the state and the drafting and execution, if deemed desirable, of an agreement with the cities located in the county for the county-wide coordination of emergency management efforts.
 - (10) 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 county.
 - (11) Authorizing of agreements, after approval by the county attorney, for use of private property for public shelter and other purposes.
 - (12) Survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for in this section.
 - (13) Other requirements as specified in Texas Disaster Act 1975, V.T.C.A., Government Code § 418.001 et seq.

(Ord. No. 88-358, §§ 1, 2, 2-29-1988; Ord. No. 2006-392, 2-28-2006)

Sec. 14-63. - Chart of organization for emergency purposes.

The following chart depicts the county emergency management organization for emergency purposes:

ORGANIZATION FOR EMERGENCY PURPOSES

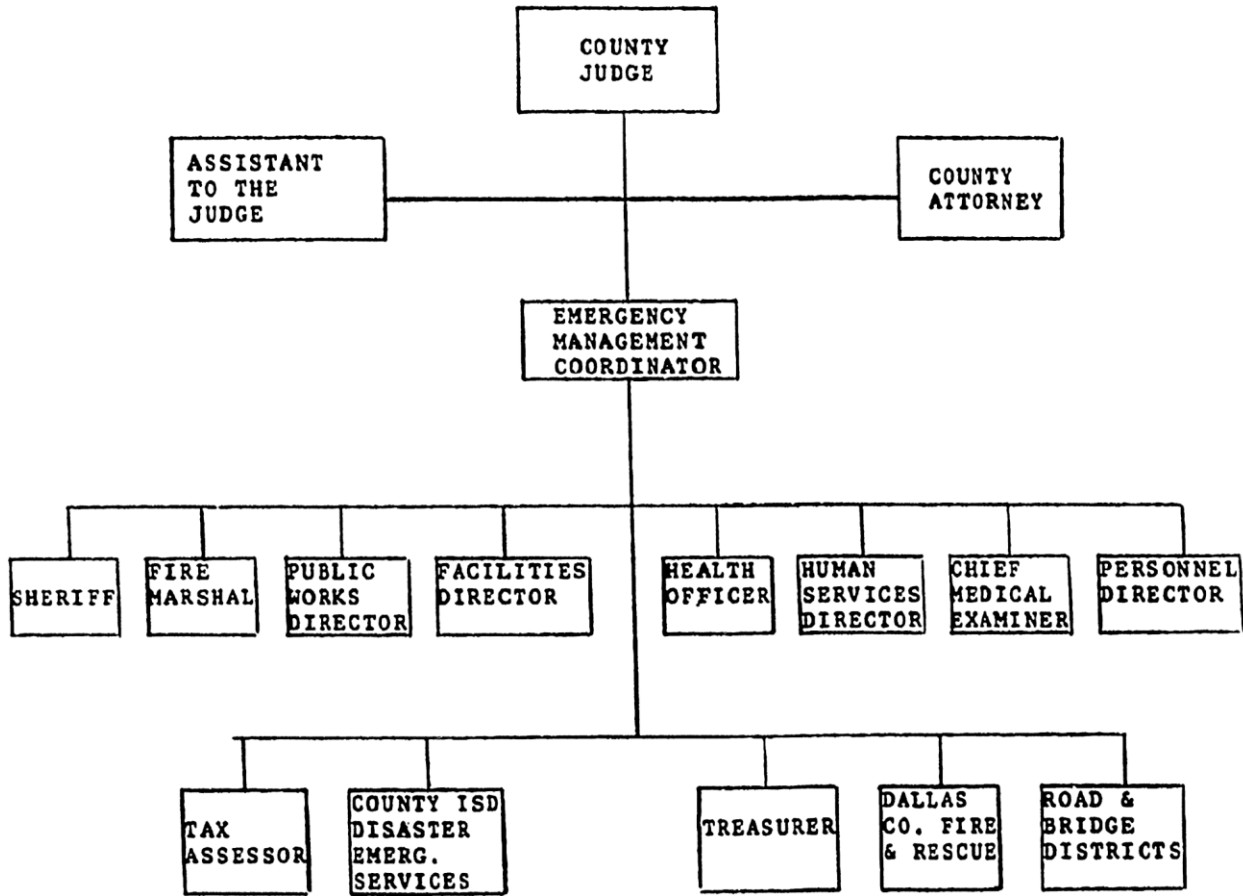


Chart for emergency purposes

(Ord. No. 88-358, attach. 3, 2-29-1988; Ord. No. 2006-392, 2-28-2006)

EMERGENCY MANAGEMENT FUNCTIONAL RESPONSIBILITIES

Sec. 14-64. - Responsibilities of county officials.

The following depicts the responsibilities for the designated officials:

	Communi	Damage	Evacuatio	EOC/	Fire/Resc	Hazard	Health	Human	Law	Legal	Emergenc	y Public	Mortuary	Public	Radiologi	Hazardou	Resource	Shelter	Transport	Warning
County Judge	S	S	S	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Sheriff	P		S	S	S	S		S	P		S				S	S	S	S		P

Fire Marshal	S	S	S	S	P	S								P	P	S	S		S
Public Works Director		S		S		P								P	S		S	S	S
Facilities Director	S	S		S		S											S	S	
Health Officer			S	S	S	S	P	S						S	S	S	S	S	
Human Services Director			S	S		S		P									S	P	
Medical Examiner		S		S			S							P					
Personnel Director				S		S											P		
Tax Assessor		P		S		S											S		
County ISD/Disaster Emerg.			S	S		S		S							S	S	S	P	

Service s																			
County Attorn ey			S	S		S				P					S	S			
Treasu rer				S		S										S			
Emerg ency Manag e. Coordi nator	C	C	P	P	C	S	C	C	C	C	P	C	C	C	P	S	C	C	S

P—Indicates primary responsibility

S—Indicates support responsibility

C—Indicates coordination responsibility

(Ord. No. 88-358, attach. 4, 2-29-1988; Ord. No. 2006-392, 2-28-2006)

Sec. 14-65. - Annex assignments.

The following are annex assignments:

	Annex	Assigned To:
Annex A:	Warning	Sheriff
Annex B:	Communications	Sheriff
Annex C:	Shelter	Human Services Director
Annex D:	Radiological Protection	Fire Marshal

Annex E:	Evacuation	Emergency Management Coordinator
Annex F:	Fire and Rescue	Fire Marshal/Fire & Rescue
Annex G:	Law Enforcement	Sheriff
Annex H:	Health and Medical	Health Officer
Annex I:	Emergency Public Information	Emergency Management Coordinator
Annex J:	Damage Assessment	Tax Assessor
Annex K:	Public Works	Public Works Director
Annex L:	Utilities	NIA
Annex M:	Resource Management	Personnel Director
Annex N:	EOC Direction & Control	Emergency Management Coordinator
Annex O:	Human Services	Human Services Director
Annex P:	Hazard Mitigation	Public Works Director
Annex Q:	Hazardous Materials	Fire Marshal
Annex R:	Rescue	Fire Marshal
Annex S:	Transportation	County ISD Disaster Emergency Services Department
Annex T:	Training	Emergency Management Coordinator
Annex U:	Legal	County Attorney

(Ord. No. 88-358, attach. 5, 2-29-1988; Ord. No. 2006-392, 2-28-2006)

Secs. 14-66—14-90. - Reserved.

DIVISION 4. - PLAN AND PROGRAM

Sec. 14-91. - Emergency management plan.

- (a) A comprehensive emergency management plan shall be developed and maintained in a current state. The plan sets forth the form of the organization, establishes and designates divisions and functions, assigns responsibilities, tasks, duties and powers, and designates officers and employees to carry out the provisions of this article. As provided by state law, the plan follows the standards and criteria established by the state division of emergency management. Insofar as possible, the form of organization, titles and terminology conforms to the recommendations of the state division of emergency management. It shall be the duty of all departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this article and have the effect of law during the time of a disaster.
- (b) The emergency management and disaster preparedness plan of the county is adopted in this section by reference and is not printed in this article, but is on file in the county offices.

(Ord. No. 88-358, § 3, 2-29-1988)

Sec. 14-92. - Interjurisdictional program.

The county judge is hereby authorized to join with the mayors of the cities in the county in the formation of an emergency management council for the county and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of a joint emergency management coordinator, as well as all powers necessary to participate in a county-wide program of emergency management insofar as such program may affect the county.

(Ord. No. 88-358, § 4, 2-29-1988)

Secs. 14-93—14-120. - Reserved.

ARTICLE III. - CHEMICAL EMERGENCY PLAN

DIVISION 1. - GENERALLY

Sec. 14-121. - Policy.

The county commissioners court chemical emergency plan protects the health and safety of the citizens and the environment in the county in a chemical emergency.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-122. - Hazardous material team.

The county hazardous material team is directed by the county fire marshal/emergency management coordinator, and the team will be composed of members of the following departments selected by the fire marshal:

- (1) The county fire and rescue service;
- (2) The county sheriff's office;
- (3) Institute of Forensic Science;

- (4) The county health department; and
- (5) Road and bridge district no. 4.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-123. - Purpose of article.

The purpose of the hazardous material team is to protect the health and safety of the citizens and the environment in the county in a chemical emergency. Response, identification and disposal of chemicals will be in accordance with the provisions of this article.

(Ord. No. 86-1495, § 1, 10-6-1986)

Secs. 14-124—14-145. - Reserved.

DIVISION 2. - INCIDENTS INVOLVING ABANDONED CHEMICALS

Sec. 14-146. - Closed containers; no leakage reported.

When chemicals are found on private property in the unincorporated areas of the county:

- (1) The county fire marshal will inform property owners/occupants to contact the state natural resource conservation commission.
- (2) The county fire marshal shall follow up with routine call to the state natural resource conservation commission to ensure that the property owner did notify them.
- (3) When a known explosive or classified hazardous material is involved, the county fire marshal shall immediately notify the state natural resource conservation commission.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-147. - Containers; leakage occurring.

In containers in which leakage occurs, the following will be done:

- (1) The county will provide immediate life saving functions.
- (2) The county will notify the state natural resource conservation commission, but will not accept custody of containers.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-148. - Fire.

Fires involving chemicals will be extinguished when safely possible to do so. Runoff will be controlled to help reduce cleanup.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-149. - Site assessment.

When chemicals are found on public property in unincorporated areas, the following shall occur: Utilizing resources of the county hazardous material team, the county fire marshal/emergency management coordinator shall determine the extent and severity of the incident and determine the method of disposal.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-150. - Incident exceeding resources of county hazardous material team.

When an incident exceeds the resources of the county hazardous material team, the county fire marshal will contact a licensed disposal company through the court administrator and request them to handle the situation. The county fire marshal will notify the state natural resource conservation commission. The Institute of Forensic Science will be utilized to identify the products whenever possible to hold down the cost of analysis.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-151. - Incident within resources of county hazardous material team.

When an incident is within the resources of the county hazardous material team, the county hazardous material team will secure the site and identify the material. The county fire marshal/emergency management coordinator will contact a licensed disposal company for disposal of the material. When storage of the material is required, a licensed commercial holding area will be used.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-152. - Municipalities within the county.

The following shall be handled by the hazardous material team in connection with municipalities within the county: Chemical situations which are within the jurisdiction's capability to control.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-153. - Perceived dangerous situations.

When closed containers are discovered with no leakage reported, but a dangerous situation is perceived:

- (1) The fire marshal may respond to size up the situation.
- (2) The municipality shall be informed to contact the state natural resource conservation commission, when appropriate.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-154. - Leaking containers.

When containers in which leakage is occurring are found, the fire marshal will respond to provide advice only for immediate life saving functions, such as evacuation, when needed.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-155. - Extinguishing fires.

Fires involving hazardous materials will be extinguished by utilizing county mutual aid fire contracts, when necessary. Runoff will be controlled to help reduce cleanup.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-156. - Chemical situations which are beyond the jurisdiction's capability to control.

Chemical situations which are beyond the jurisdiction's capability to control necessitate implementation of the emergency management (civil defense) plan, due to a disaster defined in V.T.C.A., [Government Code § 418.001](#) et seq., as threat of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, other public calamity requiring emergency action, or energy emergency. The Federal Emergency Management Agency directive states that assistance should be provided by the next highest level of government (local-county-state-federal) as each jurisdiction reaches its maximum resources.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-157. - Assistance; on-scene guidance.

Assistance will be provided by the on-scene guidance of the county emergency management coordinator and the county hazardous material team.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-158. - Resource utilization.

Resource utilization, other than law enforcement and fire protection (mutual aid contracts) will not be committed until approval is obtained by implementing the county emergency management plan by the county judge who is the emergency management director.

(Ord. No. 86-1495, § 1, 10-6-1986)

Secs. 14-159—14-180. - Reserved.

DIVISION 3. - RESPONSIBILITIES OF COUNTY HAZARDOUS MATERIAL TEAM MEMBERS

Sec. 14-181. - County fire marshal/emergency management coordinator.

The county fire marshal/emergency management coordinator shall have the following responsibilities:

- (1) Coordinate all activities.
- (2) Determine when to activate the hazardous material team and activate the team when necessary.
- (3) Protect the area until arrival of the response team.
- (4) Set up a command post at a safe location.
- (5) Make all news releases.
- (6) Inform the court administrator, county judge and appropriate county commissioners when a major incident is encountered.

- (7) Assist the sheriff's office in the investigation of illegal dumpings.
- (8) Determine when an area is safe and declare and incident over.
- (9) Determine whether the county or a private company will handle the disposal of the abandoned materials.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-182. - County fire and rescue service.

The county fire and rescue service shall have the following responsibilities:

- (1) Respond with fire apparatus and county hazardous material trailer.
- (2) Assist the Institute of Forensic Science personnel with preliminary identification of substances (must wear full protective clothing, breathing apparatus, gloves and boots).
- (3) Assist in evacuation, if required.
- (4) Prepare all required firefighting equipment, such as hose lines, portable fire extinguishers, first aid kits for use when, and if, needed.
- (5) Provide lighting for nighttime operations.
- (6) Provide decontamination of equipment.
- (7) Assist the county fire marshal as requested following departmental procedures.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-183. - County sheriff's office.

The county sheriff's office shall have the following responsibilities:

- (1) Secure the scene until the arrival of the county fire marshal.
- (2) Block roads into all unsafe areas at the request of the county fire marshal.
- (3) Direct all the evacuation once it has been determined that evacuation is necessary.
- (4) Assist any federal or state enforcement agency involved in the investigation of abandoned hazardous materials, when requested. V.T.C.A., Health and Safety Code § 365.001 et seq., (Texas Litter Abatement Act) provides for enforcement of the disposing, dumping, discarding or throwing injurious substances on or near highways, county parks and inland waterways. However, the penalty is only \$50.00—\$200.00. Since federal penalties are more severe, it is recommended that the state natural resource conservation commission and/or EPA handle the investigation.
- (5) Assist the county fire marshal as requested following departmental procedures.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-184. - Institute of Forensic Science.

The Institute of Forensic Science shall have the following responsibilities:

- (1) Make initial identification of products.
- (2) Based upon this identification, advise the county fire marshal if the incident can be safely handled with county resources.

- (3) Advise the county fire marshal if evacuation is necessary.
- (4) Identification of chemicals and submission of necessary reports to the state natural resource conservation commission, county fire marshal and county health department, and conduct necessary tests to allow proper and legal disposal of chemicals.
- (5) Assist the county fire marshal as requested following departmental procedures.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-185. - County health department.

The county health department shall have the following responsibilities:

- (1) Evaluate harmful effects to life and environment from chemicals involved in an incident.
- (2) Assist the sheriff's office in investigation of illegal dumpings.
- (3) Responsible for coordinating final disposal of products.
- (4) Assist the county fire marshal as requested, following departmental procedures.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-186. - Road and bridge district 4.

The road and bridge district 4 shall have the following responsibilities:

- (1) Provide necessary equipment and equipment operators to move materials or provide dirt work to protect ground or water from leakage, when determined safe to do so.
- (2) Store and respond with necessary hazardous material equipment, such as pumps, barrels, over pressure drums, when requested by the county fire marshal.
- (3) Assist the county fire marshal, as requested, following departmental procedures.

(Ord. No. 86-1495, § 1, 10-6-1986)