

EMERGENCY MANAGEMENT AND SERVICES

Chapter 26

EMERGENCY MANAGEMENT AND SERVICES

ARTICLE I. IN GENERAL

Secs. 26-1—26-18. Reserved.

ARTICLE II. EMERGENCY MANAGEMENT*

*State law reference—Emergency management, Minn. Stats. ch. 12.

Sec. 26-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Disaster means a situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to property or the environment, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

Emergency means an unforeseen combination of circumstances that call for immediate action.

Emergency management means the preparation for and the carrying out of emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters, from acute shortages of energy, or from incidents occurring at nuclear power plants that pose radiological or other health hazards. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency human services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, implementation of energy supply emergency conservation and allocation measures, and other functions related to civilian protection, together with all other activities necessary or incidental to preparing for and carrying out these functions. The term "emergency management" includes those activities sometimes referred to as civil defense or emergency preparedness functions.

Emergency management forces means the total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this article or any rule or order thereunder. This includes personnel from city departments, authorized volunteers, and private organizations and agencies.

Emergency management mutual aid means any disaster or major incident which requires the dispatching of city personnel, equipment or other necessary resources within or without the city limits.

Emergency management organization means the staff element responsible for coordinating city-level planning and preparation for disaster response. This organization provides city liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities, major incidents, mutual aid, and other projects consistent with this article and assures implementation of federal, state, county and other program requirements.

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Energy supply emergency means a state of emergency declared by the executive Council or the legislature pursuant to Minn. Stats. § 216C.15 and rules adopted under that section.

Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee means a committee made up of the Lake Minnetonka area emergency management directors which develops, renews and establishes a basic emergency plan, and identifies and coordinates training for member communities and reviews local plans, exercises, major incidents and disaster responses which are consistent with this article.

Major incident means any incident which exhausts local resources.

(Code 1987, § 220.05; Ord. No. 100-1998, 10-10-1998)

State law reference—Similar provisions, Minn. Stats. § 12.03.

Sec. 26-20. Policy and purpose.

Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps of catastrophic measure or other major incidents, and in order to ensure that preparations of the city will be adequate to deal with such disasters and generally, to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of this city, it is hereby found and declared to be necessary:

- (1) To establish a city emergency management organization responsible for city planning and preparation for emergency government operations in time of disasters.
- (2) To provide for the exercise of necessary powers during emergencies and disasters.
- (3) To provide for the rendering of mutual aid between the city, and other political subdivisions with respect to the carrying out of emergency preparedness functions.
- (4) To comply with the provisions of the Minnesota Emergency Management Act of 1996 (Minn. Stats. ch. 12).
- (5) To participate as a member of the Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee and accept its emergency plan as the city's basic plan for responses to emergencies, disasters, major incidents, mutual aid and other projects consistent with this article and Minn. Stats. ch. 12.

(Code 1987, § 220.01; Ord. No. 100-1998, 10-10-1998)

Sec. 26-21. Establishment of an emergency management organization.

There is hereby created with the city government an emergency management organization which shall be under the supervision and control of the emergency management director, hereinafter called the director. The director shall be appointed by the Mayor. The director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization.

(Code 1987, § 220.10; Ord. No. 100-1998, 10-10-1998)

State law reference—Local organization required, Minn. Stats. § 12.25, subd. 1.

Sec. 26-22. Powers and duties of the director.

- (a) The director shall represent the city on any regional or state conference for

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emergency management. The director may develop additional mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present such agreements to the city for its action. Such arrangements shall be consistent with the emergency plan. The director shall also be the city's representative on the Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee.

(b) The director shall make assessments of personnel, businesses and industries, resources and facilities of the city as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency, major incident or disaster.

(c) The director shall prepare a comprehensive emergency plan for the emergency preparedness of the city and shall present such plan to the city for its approval. When the Council has approved the plan by resolution, it shall be the duty of all city agencies and all emergency preparedness forces of the city to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The director shall coordinate the basic emergency management activities of the city to the end that they shall be consistent and fully integrated with the basic emergency plan of the Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee, and federal and state governments.

(d) In accordance with the emergency plan, the director shall institute such training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the emergency plan when a disaster, major incident or mutual aid occurs.

(e) The director, during an emergency, major incident or mutual aid, shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all such departments and agencies shall be, to the maximum extent practicable, cooperative with and extend such services and facilities to the emergency management organization. The head of each department or agency in cooperation with the director shall be responsible for the planning and programming of such emergency activities as will involve the utilization of the facilities of the department or agency.

(f) The director shall, in cooperation with the existing departments and agencies affected, assist in the organizing, recruiting and training of such emergency management personnel that may be required on a volunteer basis to carry out the emergency plans. To the extent that such emergency personnel are recruited to augment a regular department or agency for emergencies, they shall be assigned to such departments or agencies and shall be under the administration and control of said departments or agencies.

(g) The director shall carry out all orders, rules and regulations issued by the governing authority with reference to emergency management.

(h) The director shall prepare and submit such reports on emergency preparedness activities as may be requested by the City Council.

(Code 1987, § 220.15; Ord. No. 100-1998, 10-10-1998)

Sec. 26-23. Emergency regulations.

(a) Whenever necessary to meet a declared emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the governor or the City Council, the Council may by resolution promulgate regulations, consistent with the applicable federal or state law or regulation, respecting the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services, emergency

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health, fire, and safety regulation, drills, or practice periods required for preliminary training, and all other matters which are required to protect public safety, health, and welfare in declared emergencies. It shall be unlawful to violate any such regulations.

- (b) Every resolution of emergency regulations shall:
 - (1) Be in writing;
 - (2) Be dated;
 - (3) Refer to the particular emergency to which it pertains, if so limited; and
 - (4) Be filed in the office of the City Manager.

A copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the City Manager's office shall be conspicuously posted at the front of the city hall or other headquarters or at such other places in the affected area as the Council shall designate in the resolution. By like resolution, the Council may modify or rescind any such regulation.

(c) The City Council may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule or regulation inconsistent with an emergency regulation promulgated by the Council shall be suspended during the period of time and to the extent such conflict exists.

(d) During a declared emergency, the director is, notwithstanding any statutory or charter provision to the contrary, empowered through its governing body acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. The director may exercise such powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds including, but not limited to, publication of resolutions, publication of call for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirements for budgets.

(Code 1987, § 220.25; Ord. No. 100-1998, 10-10-1998)

Sec. 26-24. Emergency management a governmental function.

All functions thereunder and all other activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this article or under the workers compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

(Code 1987, § 220.30; Ord. No. 100-1998, 10-10-1998)

Sec. 26-25. Authorization of mutual aid in emergencies.

(a) The city finds it desirable and necessary to authorize the director to dispatch city equipment and personnel to local communities who request aid to combat their emergency, disaster, or major incident consistent with this article, and section 26-22(e).

(b) The director shall evaluate the internal needs of the city, and dispatch appropriate available aid. The director shall immediately recall, order and terminate the use of any dispatched equipment and personnel when the need for their use no longer exists, or earlier, when it appears in the best interest of the city. Aid requested from outside the Lake Minnetonka regional area, or

extended local aid, shall require mutual agreement between the director and the City Manager or their designees.

(c) Actions of the director shall be authorized acts of the city. All provisions for compensation of personnel, rental of equipment, liability insurance coverage, workman's compensation insurance and all other safeguards and matters pertaining to the city, its equipment and personnel, shall apply in each case as if specifically authorized and directed at such time, whether or not the City Council or authority of the place in which the disaster, major incident, mutual aid, or other occurrence exists, has previously requested and provided for assistance and the use of equipment and personnel under a mutual protection agreement or other type protection agreement within the city.

(Code 1987, § 220.40; Ord. No. 100-1998, 10-10-1998)

Secs. 26-26—26-53. Reserved.

ARTICLE III. ALARM SYSTEMS*

*State law reference—Alarm transmission telephone devices, Minn. Stats. § 237.47.

Sec. 26-54. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm system means any mechanical or electrical alarm installation designed to be used for the prevention or detection of burglary, robbery, medical, carbon monoxide, fire or other condition on the premises that contains an alarm installation. An automobile device shall not be considered an alarm system under this article.

Alarm user means any person, owner, occupant, tenant, firm, partnership, association, corporation, company or organization of any kind upon whose premises, building, structure or facility an alarm system is maintained.

Calendar year means the period January 1 through December 31 of each year.

False alarm means an alarm signal eliciting a response by public safety personnel when a situation requiring a response does not, in fact, exist and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation, the inadvertence of the alarm owner or lessee of the alarm system, or caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature or any other conditions which are clearly beyond the control of the alarm manufacturer, installer, owner or alarm user. Federal and/or state agencies and political subdivisions of the federal or state government shall be exempt from user fees or false alarms otherwise prohibited by this article.

Public safety personnel means employees of the city Fire and Police Departments including firefighters, police officers and other emergency service personnel who may respond to assist on requests for mutual aid.

(Ord. No. 01-2006, § 940.05, 1-22-2006)

Sec. 26-55. Violations.

Any alarm user who, within one calendar year, has more than two false police alarms, or more than two false fire alarms, shall be in violation of this article. The city shall impose a fee, which shall be on a graduated scale, as established by the city.

(Ord. No. 01-2006, § 940.10, 1-22-2006, Ord. No. 09-2015, 11-22-2015)

Sec. 26-56. Review false alarm calls.

The Chief of Police, or the chief's designee, shall review all alarm calls to the Police Department. The Chief of Police, or the chief's designee, will notify all households, businesses or other establishments, which utilize alarm systems, when an alarm has been responded to by the Police Department. The Police Department shall keep an annual record of alarm calls and shall notify all households, businesses or other establishments, which utilize alarm systems, when they are in violation of this section. The Fire Chief, or the chief's designee, shall follow the same procedure listed in this section.

(Ord. No. 01-2006, § 940.15, 1-22-2006)

Sec. 26-57. Process for notice of violations.

(a) Upon receipt and determination of the third false police alarm report or the third false fire alarm report to an address, the Chief of Police, the chief's designee, the Fire Chief, or designee, after review, shall then assess the alarm user for an alarm user's violation fee. The alarm user must submit the required violation fee to the city within 30 working days after receipt of invoice. Failure to pay the fee within 30 days will cause the alarm user to be considered delinquent and subject to penalty of a full ten percent of the fee.

(b) All delinquent charges against the respective properties served may be certified to the county auditor for collection with real estate taxes in the following year. In addition the city shall also have the right to bring civil action or take other legal remedies to collect unpaid fees.

(c) Any subsequent false police or fire alarms at that address within the calendar year shall result in an increased fee in accordance with the fee schedule. This process shall be repeated for each and every false alarm in excess of two false police alarms and in excess of two false fire alarms during each calendar year.

(Ord. No. 01-2006, § 940.20, 1-22-2006; Ord. No. 09-2015, 11-22-2015)

Sec. 26-58. Duration of the record of false alarms.

The record of all responded to false alarms will be closed, and will expire at the end of each calendar year. False alarms, not occurring during the current calendar year, shall not be counted as a false alarm for fee enhancement purposes.

(Ord. No. 01-2006, § 940.25, 1-22-2006)

Sec. 26-59. Letter of contestation.

(a) After the Chief of Police, Fire Chief, or designees determine that a false alarm has occurred at an address, the alarm user at that address may submit a letter of contestation to the Chief of Police or the Fire Chief to explain the cause of the alarm activation. If the Chief of Police or Fire Chief determine that the alarm was caused by conditions beyond the control of the alarm user, the alarm will not be counted as a false alarm at that address.

(b) False alarms will be excused if they are the result of an effort or order to upgrade, install, test, or maintain an alarm system and if the police or Fire Department is given notice in advance of said upgrade, installation, test or maintenance.

(Ord. No. 01-2006, § 940.30, 1-22-2006)

Sec. 26-60. Confidentiality.

(a) Information submitted in compliance with this article shall be held in confidence and shall be deemed a confidential record exempt from discovery to the extent permitted by law.

(b) Subject to requirements of confidentiality, the Chief of Police and Fire Chief may develop and maintain statistics for the purpose of ongoing alarm systems evaluation.

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(Ord. No. 01-2006, § 940.35, 1-22-2006)

Sec. 26-61. Communication center.

No automatic dialing devices shall be connected to the Police Department, the Fire Department or the county sheriff's communication center through any telephone line without that agency's express written permission. Use of automatic dialing devices will be considered a violation of this article.

(Ord. No. 01-2006, § 940.40, 1-22-2006)