

ORDINANCE NO. 5599

AN ORDINANCE to amend and reordain Chapter 3 (Emergency Services) of Title 4 (Public Safety) of the Code of the City of Alexandria, Virginia 1981 as amended, to change the Emergency Services Code of the City of Alexandria, VA to Emergency Management Code of the City of Alexandria, VA, and to change the Office of Emergency Services to the Office of Emergency Management effective January 2025.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1: That Chapter 3, Title 4 of The Code of the City of Alexandria, Virginia 1981, as amended, be and the same hereby as amended and reordained to read as follows:

CHAPTER 3 – Emergency ~~Services~~ Management

Sec. 4-3-1 - Short title.

This chapter shall be known and may be cited as the Emergency ~~Services~~ Management Code of the City of Alexandria, Virginia.

Sec. 4-3-2 - Definitions.

- (a) Emergency ~~services~~ management. The preparation for and the carrying out of functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from natural or manmade disasters; together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions. These functions include, without limitations, ~~fire fighting~~ firefighting services, police services, medical and public health services, rescue engineering, ~~air raid warning services~~, communications, radiological, chemical, biological, and other ~~special~~ weapons of mass destruction defense, evacuation of persons from ~~stricken~~ impacted areas, emergency ~~welfare~~ mass care and sheltering services, emergency transportation, existing or properly assigned functions of ~~plant~~ environmental protection, temporary restoration of public utility services and other functions related to civilian protection.
- (b) Hazardous substances. All materials or substances that now or hereafter are designated, defined, or characterized as hazardous by law or regulation of the city, state, or federal government.
- (c) Natural disaster. Any act of nature, including but not limited to, hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, fire or other ~~eatastrophe~~ emergencies resulting in damage, hardship, suffering or possible loss of life.
- (d) Man-made disaster. Any condition following an attack by an enemy or foreign nation upon the United States resulting in substantial damage to property or injury to persons in the United States and may be by use of bombs, missiles, shellfire, ~~atomic~~ nuclear,

radiological, chemical or biological means or other weapons or processes; also ~~their~~ conditions resulting from other accidental or intentional causes, such as ~~oil spills releases~~ of hazardous substances, other injurious environmental contamination, conflagrations, explosions, failures of infrastructure (including power outages, disruption of water and sanitary sewer services, etc.), sabotage, covert and overt paramilitary actions or other similar acts.

- (e) *Local emergency.* The condition declared by city council when in its judgment the threat or actual occurrence of a disaster is or threatens to be of sufficient severity and magnitude to warrant coordinated action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby; provided, however, that a local emergency arising wholly or substantially out of a resource shortage may be declared only by the governor, upon petition of the city council, when he deems the threat or actual occurrence of a disaster to be of sufficient severity and magnitude to warrant coordinated city council action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby.
- (f) *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 the commonwealth.
- (g) *Interjurisdictional agency for emergency ~~services~~ management.* Any organization established between contiguous political subdivisions to facilitate the cooperation and protection of the subdivisions in work of disaster prevention, preparedness, response and recovery.

Sec. 4-3-3 - Establishment of office.

There is hereby established the office of emergency ~~services~~ management of the City of Alexandria, Virginia.

Sec. 4-3-4 - Director of office.

- (a) The city manager shall be the director ~~of the office~~ of emergency ~~services~~ management. Duties and responsibilities of the director are as follows:
 - (1) The director shall organize emergency ~~services~~ management and direct emergency operations through the regularly constituted government structure, and shall use equipment, supplies and facilities of existing departments, offices and agencies of the city to the maximum extent practical. The officers and personnel of all the departments, offices and agencies are directed to cooperate with and extend any services and facilities to the director upon request.
 - (2) The director shall prepare or cause to be prepared and ~~kept~~ keep current a city emergency operations plan.

(3) The director may, in collaboration with other public and private agencies within the state, develop or cause to be developed mutual aid agreements or reciprocal assistance in the case of an emergency or disaster too great to be dealt with unassisted.

(b) The director shall have authority to appoint a coordinator of emergency ~~services~~ management with the consent of the city council. The coordinator shall be responsible to the director and shall carry out any tasks as designated by the director.

Sec. 4-3-5 - Declaration of local emergency.

(a) A local emergency may be declared by the director of emergency ~~services~~ management with the consent of council. In the event that council cannot convene due to the emergency or other exigent circumstances, the director or any member of council in the absence of the director may declare the existence of a local emergency, subject to confirmation by council at its next regularly scheduled meeting or at a special meeting within 14 days of the declaration, whichever occurs first. When in its judgment all emergency actions have been taken, council shall take appropriate action to end the declared emergency.

(b) A declaration of a local emergency shall activate the response and recovery programs of all applicable local and interjurisdictional emergency operations plans and authorize the furnishing of aid and assistance thereunder.

(c) Whenever a local emergency has been declared, the director of emergency ~~services~~ management may be authorized by the council to enter into contracts and incur obligations on behalf of the city necessary to combat the threatened or actual disaster, protect the health and safety of persons and property, and provide emergency assistance to the victims of the disaster. In exercising the powers vested under this section, under the supervision and control of council, the director may proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and other expenditures of public funds, providing any funds in excess of allocations authorized by city council are available.

(d) Whenever a local emergency has been declared, the director, or member of the council acting in the absence of the director, shall notify the state office of emergency services Virginia Department of Emergency Management (VDEM) when all local resources have been committed and assistance is needed from the state.

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Sec. 4-3-6 - State of emergency.

Whenever the governor has declared a state of emergency, the city council may, under the supervision and control of the governor or his designated representative, enter into contracts and incur obligations necessary to combat the threatened or actual disaster beyond the capabilities of local government, protect the health and safety of persons and property, and provide emergency assistance to the victims of the disaster, in exercising the powers vested under this section, under the supervision and control of the governor, the city council may proceed without regard to time-consuming procedures and formalities prescribed by law pertaining to public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, levying of taxes, and appropriation and expenditure of public funds.

Sec. 4-3-7 - Emergency operations plan.

- (a) The director shall prepare or cause to be prepared and shall keep current a comprehensive emergency operations plan.
- (b) The plan shall include but not be limited to the responsibilities of all local departments, agencies, commissions, etc.
- (c) The director shall in the plan establish a chain of command within the emergency organization. The responsible person for each agency shall designate and keep on file with the director a current list of three persons as successors to his position. The list shall be in order of succession.
- (d) The plan shall be comprehensively reviewed, updated, and formally adopted by city council every four years.

Sec. 4-3-8 - City liability.

- (a) Neither the city nor agents nor representatives of the city, nor any individual, receiver, firm, partnership, corporation, association or trustee, nor 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 the provisions of this chapter, shall be liable for any damage sustained to persons or property as a result of this activity.
- (b) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the city the right to inspect, designate and use the whole or any parts of the real estate or premises for the purpose of sheltering persons during an actual or impending disaster shall not be civilly liable for the death of, or injury to, any persons on or about the real estate or premises under any license, privilege or other permission, or for loss of or damage to the property of the person.
- (c) If any person holds a license, certificate or other permit issued by any state or political subdivision thereof, evidencing the meeting of qualifications for professional, mechanical

or other skills, the person may gratuitously render aid involving that skill in the city during a disaster, and that person shall not be liable for negligently causing the death of, or injury to, any person or for the loss of or damage to the property of any person resulting from any gratuitous service.

Section 2. That Chapter 3 as enacted pursuant to Section 1 of this ordinance, be, and the same hereby is, enacted as part of the City of Alexandria City Code.

Section 3. That this ordinance shall become effective at the time of its final passage.




ALVIA GASKINS
Mayor

ATTEST:



Gloria A. Sitton, CMC City Clerk

Approved as to Form:



Cheran Cordell Ivery City Attorney

Final Passage: June 14, 2025