

CHAPTER 1

GENERAL PROVISIONS

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Ordinance No. 2010-09-07

That Chapter 1 sec.1.101, of the Code of Ordinances, City of Ladonia, Texas, is hereby amended to read as follows:

The ordinances embraced in this and the following chapters, articles and sections shall constitute and be designated the "Revised Code of Ordinances", 1995, City of Ladonia, Texas and may be so cited. All enforcement of ordinances will be governed according to "Texas State Statutes Local Government Code, Title 2, subtitle D. General Powers of Municipalities, Chapter 54. Enforcement of Municipal Ordinances and subchapter: C. Quasi-Judicial Enforcement of Health and Safety Ordinances.

WHEREAS, the City Council is charged with the responsibility to periodically review, amend or delete various Articles, Sections and/or Sub-Sections of the City Code of Ordinances; and

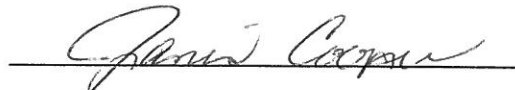
WHEREAS, such a review has been conducted in conjunction with the proposed amendment to the "Code of Ordinances" to facilitate the enforcement of said Ordinances; and

WHEREAS, the proposed Ordinance No. 2010-09-07 has been developed to address the above stated needs.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Ladonia, Texas that:

1. Ordinance No. 2010-09-07 is hereby adopted as written and is authorized for insertion into the City's Code of Ordinances.

PASSED AND APPROVED, this 7th day of September, 2010.



Janis Cooper, Mayor

ATTEST:



Julie Russell, City Secretary

ARTICLE 1.100 CODE OF ORDINANCES***Sec. 1.101 Designation and Citation of Code**

The ordinances embraced in this and the following chapters, articles and sections shall constitute and be designated the "Revised Code of Ordinances, 1995, City of Ladonia, Texas," and may be so cited.

Sec. 1.102 Catchlines of Articles and Sections

The catchlines of the several articles and sections of this code are intended as mere catchwords to indicate the contents of the article section and shall not be deemed or taken to be titles of such articles and sections, nor as any part of the articles and sections, nor, unless expressly so provided, shall they be so deemed when any of such articles and sections, including the catchlines, are amended or reenacted.

Sec. 1.103 Definitions and Rules of Construction

In the construction of this code, and of all ordinances and resolutions passed by the city council, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council:

- (1) Generally. Words shall be construed in their common and usual significance unless the contrary is clearly indicated.
- (2) City. The words "the city" or "this city" shall be the City of Ladonia in the County of Fannin and the State of Texas.
- (3) City Officers or Departments. Shall be construed to mean such municipal officers or departments, respectively, of the City of Ladonia, Texas. Reference to an officer or employee by title shall include his or her duly authorized assistants or representatives.
- (4) Computation of Time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.
- (5) Council. Whenever the term "council," "this council," or "the council" is used, it shall mean the city council of the City of Ladonia, Texas.

* State Law reference—Authority of municipality to codify ordinances, V.T.C.A., Local Government Code, Chapter 53.

- (6) County. The term "county" or "this county" shall mean the County of Fannin, Texas.
- (7) Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, associations and corporations as well as to males.
- (8) Month. Shall mean a calendar month.
- (9) Number. Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular.
- (10) Oath. Shall be construed to include an affirmation in all cases in which, by law, an affirmation may be submitted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- (11) Official Time Standard. Whenever certain hours are named herein, they shall mean standard time or daylight savings time as may be in current use in the city.
- (12) Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a Part of such building or land.
- (13) Person. The word "person" shall extend and be applied to associations, corporations, firms, partnerships, fiduciaries, representatives and bodies politic and corporate as well as to individuals.
- (14) Preceding and Following. Shall mean next before and next after, respectively.
- (15) State. The words "the state" or "this state" shall be construed to mean the State of Texas.
- (16) Tense. Words used in the past or present tense include the future as well as the past and present.
- (17) V.T.C.S., V.T.P.C., V.T.C.C.P. Refer to the divisions of Vernon's Texas Statutes Annotated.
- (18) Written or In Writing. The term "written" or "in writing" shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise.
- (19) Year. Shall mean a calendar year.

Sec. 1.104 Amendments to Code

(a) All ordinances passed subsequent to the adoption of this code, which amend, repeal or in any way affect this code, may be numbered in accordance with the numbering system of this code and printed for inclusion therein. When subsequent ordinances repeal any chapter, article, section or subsection or any portion thereof, such repealed portions may be excluded from the code by omission from reprinted pages. The subsequent ordinances as numbered and printed or omitted in the case of repeal, shall be prima facie evidence on such subsequent ordinances until such time that this code and subsequent ordinances numbered or omitted are readopted as a new code by the city council.

(b) Amendments to any of the provisions of this code shall be made by amending such provisions by specific reference to the article and section number of this code in the following language:

“That Chapter __, Article _____ Section _____, of the Code of Ordinances, City of Ladonia, Texas, is hereby amended to read as follows: ... “

The new provisions shall then be set out in full as desired.

(c) In the event a new article or section not heretofore existing in the code is to be added, the following language shall be used:

“That Chapter __, of the Code of Ordinances, City of Ladonia, Texas, is hereby amended by adding a section, to be number Article/Section _____, which said article/section shall read as follows: ...”

The new article or section shall then be set out in full as desired.

(d) It is hereby provided, however, that any subsequent ordinance which fails to amend this code in the manner provided for above shall not be deemed invalid as a result of such failure to follow the procedure outlined in this section.

Sec. 1.105 Supplementation of Code

(a) By contract or by city personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the code shall include all substantive permanent and general parts of ordinances passed by the city council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by omission thereof from reprinted pages.

(c) When preparing a supplement to this code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions
- (2) Provide appropriate catchlines, headings and titles for articles, sections and other subdivisions of the code printed in the supplement and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to articles, sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing article or section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this section," "this subsection," etc., as the case may be; and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance articles or sections inserted into the code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code.

Sec. 1.106 General Penalty for Code Violations*

Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punishable by a fine not to exceed five hundred dollars (\$500.00) except for violations of ordinances that govern fire safety, zoning, public health and sanitation, including dumping of refuse, which cases shall be punishable by a fine not to exceed two thousand dollars (\$2,000.00) for each offense; provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.

* **State Law reference**—Authority of municipality to assess fines, V.T.C.A., Local Government Code, Section 54.001.

Sec. 1.107 Severability of Parts of Code

It is hereby declared to be the intention of the city council that the articles, sections, paragraphs, sentences, clauses and phrases of this code are severable and, if any article, section, paragraph, sentence, clause or phrase of this code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining articles, sections, paragraphs, sentences, clauses and phrases of this code since the same would have been enacted by the city council without the incorporation in this code of any such unconstitutional article, section, paragraph, sentence, clause or phrase.

(Ordinance adopting Code)

ARTICLE 1.200 FORM OF GOVERNMENT*

- (a) The provisions of Title 28 of the Revised Civil Statutes of Texas, 1925, relating to cities and towns hereby adopted and accepted.
- (b) The Town of Ladonia shall hereafter be known as City of Ladonia, Texas.

(Ordinance adopted 12/13/83)

ARTICLE 1.300 OFFICIAL NEWSPAPER**

The city council of the City of Ladonia, Texas, shall annually contract with a public newspaper of the city, to be the city's official newspaper until another paper is selected.
(Ordinance adopting Code)

ARTICLE 1.400 CITY DEPOSITORY

The city council of the City of Ladonia, Texas, shall designate an official depository for city funds, said depository to be the city's official depository until another is selected.
(Ordinance adopting Code)

* **State Law reference**—In 1987, the 70th State Legislature adopted a new Local Government Code and all cities operating under Chapter 1-10 of Title 28, Revised Civil Statutes of Texas were converted to Type A general-law towns and cities under the new Local Government Code. The form of government under which Ladonia now operates under is that of a Type A general-law city.

** **State Law reference**—Designation of official newspaper required, V.T.C.A., Local Government Code, Sec. 52.004.

ARTICLE 1.500 CODE OF ETHICS*

Sec. 1.501 Declaration of Policy

(a) It is hereby determined by the city council of the City of Ladonia, Texas, that the proper operation of government requires that public officers and employees be independent and impartial; that the government's decisions and policies be made within the proper channels of the governmental structure; that a public office not be used for personal gain; and that the public have confidence in the integrity of its government and its governmental officials. In recognition of these goals, the following code of ethics for all city officers and employees is adopted.

(b) The purpose of this code is to enumerate existing state laws which regulate the conduct and activities of city officers and employees, and to promulgate such additional minimum standards as are deemed necessary and appropriate to assure the faithful and impartial administration of the city's government.

Sec. 1.502 Definitions

For the purposes of this article the following words, terms, and phrases shall have the meanings ascribed thereto:

City employee. Any person employed by the city, including those individuals employed on a part-time basis.

City officer. The mayor, members of the city council, city staff members, and each member and alternate member of all of the city boards, commissions, and committees.

City official. A city officer or city employee.

Sec. 1.503 Standards of Conduct

In order to more fully effectuate the policy declared in Section 1.501 hereof, to assure that all city officials act and conduct themselves both inside and outside the city's service so as to give no occasion for distrust of their integrity, and to avoid even the appearance of impropriety by any city official, the following standards of conduct are adopted.

(a) Grant of Special Consideration. No city official shall grant any special consideration, treatment, or advantage to any citizen, individual, business organization, or group beyond that which is normally available to every other citizen, individual, business organization, or group. This shall not prevent special considerations authorized and

* **State Law reference**-Regulation of conflicts of interests of officers of municipalities, V.T.C.A., Local Government Code, Sec. 171.001, et. seq.

- (6) A local public official is considered to have a substantial interest if a person related to the official in the first degree by consanguinity (blood) or affinity (marriage) has a substantial interest. (See V.T.C.A., Local Government Code, Section 171.002(c).)
 - (7) The provisions of Section 171.001 et seq., are in addition to any other provisions or municipal ordinances defining and prohibiting conflicts of interest.
- (b) Bribery. It is unlawful for a city official to accept or agree to accept:
- (1) any benefit as consideration for a decision, opinion, recommendation, vote, or other exercise of discretion as a public servant, or
 - (2) any benefit as consideration for a decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding, or
 - (3) any benefit as consideration for a violation of a duty imposed by law on a public servant. (See V.T.C.A., Local Government Code, Section 36.02, Penal Code.)
- (c) Gifts to Public Servants.
- (1) It is unlawful for a city official to solicit, accept, or agree to accept any benefit from a person the official knows is subject to regulation, inspection, or investigation by the official of the city. (See V.T.C.A., Local Government Code, Section 36.08(a), Penal Code.)
 - (2) In the event of litigation involving the city, it is unlawful for any city official to solicit, accept, or agree to accept any benefit from a person against whom the official knows litigation is pending or contemplated by the official or the city. (See V.T.C.A., Local Government Code, Section 36.08(c), Penal Code.)
 - (3) It is unlawful for a city official who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government to solicit, accept, or agree to accept any benefit from a person the official knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of her or his discretion. (See V.T.C.A., Local Government Code, Section 36.08(d), Penal Code.)
 - (4) It is unlawful for a city official who has judicial or administrative authority, is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision, to solicit, accept, or agree to accept any benefit from a person the official knows is

interested in or likely to become interested in any matter before the official or tribunal. (See V.T.C.A., Local Government Code, Section 36.08(e), Penal Code.)

(5) Exceptions to Gifts to Public Servants. The provisions of Section 36.08, Penal Code, described above, do not apply to:

- (A) fees prescribed by law to be received by the public official or any other benefit to which the official is lawfully entitled and for which the official has given legitimate consideration;
- (B) gifts or other benefits conferred on account of kinship or personal, professional, or business relationships independent of the official's status with the city;
- (C) certain honorariums in consideration of legitimate services;
- (D) benefits consisting of food, lodging, transportation, or entertainment accepted as a guest and reported as required by law; or
- (E) benefits for which statements must be filed pursuant to Section 251.011 and Section 251.012, Texas Election Code, if the benefit and source of any benefit exceeding fifty dollars (\$50.00) is reported and the benefit is used solely to defray expenses which accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the city. (See V.T.C.A., Local Government Code, Section 36.10, Penal Code.)

(d) Tampering with Governmental Records. It is unlawful for any person to knowingly make a false entry in, or false alteration of, a governmental record, or to make, present, or use any record, document, or thing with knowledge of its falsity with the intent that it be taken as a genuine governmental record, or to intentionally destroy, conceal, remove, or otherwise impair the verity, legibility, or availability of a governmental record. (See V.T.C.A., Local Government Code, Section 37.10, Penal Code.)

(e) Impersonating Public Servant. It is unlawful for any person to impersonate a city official with intent to induce another to submit to his or her pretended official authority or to rely on his or her pretended official acts. (See V.T.C.A., Local Government Code, Section 37.11, Penal Code.)

(f) Misuse of Official Information. It is unlawful for a city official, in reliance on information to which he or she has access as a result of his or her office and which has not been made public, to acquire or aid another in acquiring a pecuniary interest in any property, transaction, or enterprise that may be affected by the information or to speculate

granted by the city council for the purpose of creating incentives necessary to secure or retain employees.

(b) Appearances on Behalf of Private Interests. No city official shall represent or appear on behalf of private interests of others before any agency of the city, or any city board, commission, committee, or city council concerning any case, project, or matter over which the official exercises discretionary authority, nor shall a city official represent any private interest of others in any action or proceeding involving the city, nor voluntarily participate on behalf of others in any litigation to which the city is a party.

(c) Appearances by Past Officials. No city official, holding a position which involves decision-making, advisory, or supervisory responsibility, shall, within twelve (12) months following the end of service with the city, represent or appear on behalf of private interests of others before the city or any agency thereof concerning any case, project, or matter over which the official has exercised discretionary authority.

(d) Securing Special Privileges. No city official shall use his or her official position to secure special privilege or exemption for himself, herself, or others.

(e) Gifts. No city official shall accept or solicit any gift or favor that could reasonably tend to influence that individual in the discharge of official duties or that the official knows or should know has been offered with the intent to influence or reward official conduct.

(f) Disclosure or Use of Confidential Information. No city official shall disclose any confidential information gained by reason of the office or employment with the city, concerning any property, operation, policy, or affair of the city, or use such confidential information to advance any personal interest, financial or otherwise, of such official or others.

(g) Incompatible Outside Activities. No city official shall engage in any outside activity which will conflict with, or be incompatible with, the city office or employment.

(h) Incompatible Employment. No city official shall accept outside employment which is incompatible with the full and proper discharge of his or her duties and responsibilities with the city, or which might impair his or her independent judgment in the performance of his or her public duty.

(i) Use of City Property for Personal Use. No city official shall use city supplies, equipment, vehicles, or facilities for any purpose other than the conduct of official city business, unless otherwise specifically provided for by law, ordinance, or city policy.

Sec. 1.504 State Laws Governing Conduct**(a) Conflicts of Interest.**

- (1) Pursuant to Section 171.001 et seq., Texas Local Government Code, a local public official having a substantial interest in a business entity or piece of real property must file, before any vote or decision is made on any matter affecting the business entity or real property, an affidavit stating the nature and extent of the interest. The official must file the affidavit with the city secretary, and is required to abstain from any further participation in the matter if:
 - (A) the proposed action would have a special economic effect on the business entity that is distinguishable from the effect on the public, or
 - (B) it is reasonably foreseeable that the action would have a special economic effect on the value of the real property which is distinguishable from its effect on the public

An exception to the abstention rule is provided in cases where a majority of members of the governing body are likewise required to and do file affidavits.

- (2) A substantial interest in a business entity exists when the official:
 - (A) owns ten percent (10%) or more of the voting stock or shares of the business entity, or
 - (B) owns ten percent (10%) or more or five thousand dollars (\$5,000.00) or more of the fair market value of the business entity, or
 - (C) has received from the business entity funds which exceed ten percent (10%) of the official's gross income for the prior year.
- (3) A substantial interest in real property exists when the official has an equitable or legal interest in such property which has a fair market value of two thousand five hundred dollars (\$2,500.00) or more.
- (4) A local public official means a member of the city council or other official of the city, paid or unpaid, who exercises responsibilities which are more than advisory only. A business entity means any entity recognized by law.
- (5) It is an offense for a local public official to act as a surety for a business entity that is contracting with the city, or to act as a surety on any official bond required of an officer of the city. (See V.T.C.A., Local Government Code, Section 171.003.)

or aid another in speculating on the basis of the information. (See V.T.C.A., Local Government Code, Section 39.03, Penal Code.)

(g) Disrupting Meeting or Procession. It is unlawful for any person, with intent to prevent or disrupt a lawful meeting, to obstruct or interfere with the meeting by physical action or verbal utterance. (See V.T.C.A., Local Government Code, Section 42.05, Penal Code.)

(h) Official Oppression. It is unlawful for a city official to intentionally subject another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he or she knows is unlawful, to intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his or her conduct is unlawful, or to intentionally subject another to sexual harassment. (See V.T.C.A., Local Government Code, Section 39.02, Penal Code.)

(i) Official Misconduct. It is unlawful for a city official, with intent to obtain a benefit or with intent to harm another, to intentionally or knowingly violate a law relating to his or her office of employment or to misapply any thing of value belonging to the government that has come into his or her custody or possession by virtue of his or her office of employment. (See V.T.C.A., Local Government Code, Section 39.01, Penal Code.)

(j) Nepotism.

(1) It is unlawful for any city official to appoint, or vote for the appointment, to any office, employment or duty, of any person related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to the person so appointing or so voting, or to any other member of a board or governing body to which the person so voting or appointing may be a member, when the salary, fees, or compensation of such appointee is to be paid out of public funds. An exception is provided for person who have been continuously employed in such office, employment, or duty for the following periods prior to the election or appointment, as applicable, of the officer of member related to such employee in the prohibited degree:

(A) at least thirty (30) days, if the officer or member is appointed, or

(B) at least six (6) months, if the officer or member is elected.

(2) When a person is allowed to continue in an office, position, or duty because of an exception above, the officer who is related to such person in the prohibited degree shall not participate in the deliberation or voting upon the appointment, reappointment, employment, confirmation, reemployment, change in status, compensation, or dismissal of such person, if such action applies only to such

person and is not taken with respect to a bona fide class or category of employees. (See V.T.C.S., Art. 5996a.)

(k) Disclosure of Interest in Property. It is unlawful for a city official, or a person elected, appointed, or employed as a city official but for which office such person has not yet qualified, to fail to make public disclosure of any legal or equitable interest she or he may have in property which is acquired with public funds, provided such official has actual notice of the acquisition or intended acquisition. The public disclosure required is the filing of an affidavit with the county clerks of all counties in which the property is located and wherein the official resides at least ten (10) days prior to the acquisition. (See V.T.C.S., Art. 6259-9e.)

Sec. 1.505 Violations and Penalties

(a) Any person violating any standard contained in Section 1.503 above shall be deemed guilty of a misdemeanor and, upon conviction thereof shall be fined in accordance with the general penalty provision found in Section 1.106 of this code. Each day of violation shall constitute a separate offense.

(b) Penalties for violations of conduct described in Section 1.504 above are as set forth in the applicable statutory provision.

(c) Nothing in this code of ethics is intended to nor shall it have the effect of superseding, diminishing, or changing the applicability of any other statute or rule relating to public office or public officeholders.

(Ordinance adopting Code)

ARTICLE 1.600 CITY ELECTIONS*

All elections pertaining to municipal affairs shall be governed by and conducted in accordance with the election laws of the State of Texas, specifically, V.T.C.A., Election Code. (Ordinance adopting Code)

* State Law reference-Elections, generally, V.T.C.A., Election Code.

ARTICLE 1.700 TAXATION

Sec. 1.701 Payment of Ad Valorem Taxes

The ad valorem taxes levied by the governing body of the City of Ladonia, Texas, each year shall become due and payable in accordance with the provisions of V.T.C.A., Property Tax Code. (Ordinance adopting Code)

Sec. 1.702 Collection of Delinquent Taxes; Penalties *

(a) Ad valorem taxes levied by the City of Ladonia that remain delinquent on July 1, 1992; and future taxes levied and thereafter remaining delinquent on July 1 of the year in which they become delinquent, shall incur an additional penalty as provided for in the Texas Property Tax Code.

(b) A tax lien shall attach to the property on which the tax is imposed to secure payment of the penalty provided for above.

(Ordinance adopting Code)

(c) Whenever any accounts for delinquent property taxes owed to the city are given to its tax attorney for collection, on or after July 1 of the year they become delinquent, the city shall be entitled to, and shall collect, an additional penalty of fifteen percent (15%) of the delinquent taxes and penalty (including any interest owed) due on each delinquent property at the time of collection, either before or after the suit and foreclosure sale, as provided by Section 33.07 of the Texas Property Tax Code.

(d) In addition to the collection expenses provided for in subsection (c) above, whenever a delinquent tax suit is filed, the city shall be entitled to recover reasonable expenses, subject to the approval of the court; that are incurred by the city in determining the name, identity, and location of necessary parties and in procuring necessary legal descriptions of the property on which a delinquent tax is due, as provided by Section 33.48(a)(3) of the Texas Property Tax Code.

(Ordinance 514 adopted 5/9/83)

* State Law reference--Additional penalty for collection costs, V.T.C.A., Tax Code, Sec. 33.07.

ARTICLE 1.800 EMERGENCY MANAGEMENT PROCEDURES

Sec. 1.801 Organization

There exists the office of emergency management director of the City of Ladonia, which shall be held by the mayor in accordance with state law.

(a) An emergency management coordinator may be appointed by and serve at the pleasure of the director.

(b) The director shall be responsible for a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in this article. He/she may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the director.

(c) The operational emergency management organization of the City of Ladonia shall consist of the officers and employees of the city so designated by the director in the management plan, as well as organized volunteer groups, whose assistance is requested by the director. 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.

Sec. 1.802 Emergency Management Director - Powers and Duties

The duties and responsibilities of the emergency management director shall include the following:

(a) Conduct an on-going survey of actual or potential hazards which threaten life and property within the City and an on-going 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.

(b) Supervision of the development and approval of an emergency management plan for the City of Ladonia, and shall recommend for adoption by the city council all mutual aid arrangements deemed necessary for the implementation of such plan.

(c) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of seven (7) days except by or with the consent of the city council. 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 city secretary.

(d) Issuance of necessary proclamations, regulations or directives which are necessary for carrying out the purposes of this section. 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 city secretary.

(e) Direction and control of the operations of the Ladonia emergency management organization as well as the training of emergency management personnel.

(f) Determination of all questions of authority and responsibility that may arise within the emergency management organization of the city.

(g) Maintenance of liaison with other municipal, county, district, state, regional or federal emergency management organizations.

(h) Marshaling of all necessary personnel, equipment or supplies from any department of the city to aid in the carrying out of the provisions of the emergency management plan.

(i) 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 Harris County, in which said city is located, for the county-wide coordination of emergency management efforts.

(j) 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.

(k) Authorizing of agreements, after approval by the city's attorney, for use of private property for public shelter and other purposes.

(l) Survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for herein.

(m) Other requirements as specified in Texas Government Code (Texas Government Code Chapter 418 as amended).

Sec. 1.803 Emergency Management Plan

A comprehensive emergency management plan shall be developed and maintained in a current state. The plan shall set forth the form of the organization, establish and designate divisions and functions, assign responsibilities, tasks, duties, and powers, and designate officers and employees to carry out the provisions of this article. As provided by state law, the plan shall follow the standards and criteria established by the State Division of Emergency Management of the State of Texas. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the State Division of Emergency Management. When approved, 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.

Sec. 1.804 Interjurisdictional Program*

The mayor is hereby authorized to join with the County Judge of Fannin County and the mayors of the other cities in said county in the formation of an Emergency Management Council for Fannin County and shall have the authority to cooperate in the preparation of 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 said program may affect the City of Ladonia.

Sec. 1.805 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.

Sec. 1.806 Liability

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 of Ladonia, the agents and representatives of said 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 article shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the City of Ladonia a license of privilege, or otherwise permits the city to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack or natural or man-made disaster shall, together with his or her 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.

Sec. 1.807 Commitment of 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

* State Law reference--Local and interjurisdictional emergency management, V.T.C.A., Government Code, Sec. 418.101 et seq.