Agenda
Committee of the Whole Meeting

City of Kalamazoo

Monday, March 15, 2021 5:00 PM

Electronic Meeting

A. CALL TO ORDER/ROLL CALL

B. COMMUNICATIONS

C. PUBLIC COMMENTS

D. SPECIAL AGENDA ITEMS

1. First reading of an ordinance, to be adopted as an emergency measure, to amend Chapter 12 of the Kalamazoo City Code to set forth Emergency Management protocols and permit the City Commission and other public bodies of the City which are subject to the Open Meetings Act to continue to meet by electronic means. **(Action: Motion to offer for first reading)**

E. COMMITTEE OF THE WHOLE

1. Review of Upcoming Agenda Items

F. WORK SESSION

1. Presentation on the Area-Wide Water Services Agreement

G. COMMISSIONER COMMENTS

H. ADJOURNMENT

Date: **3/15/2021**
Item: **D.1.**

City Commission Agenda Report

City of Kalamazoo

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: Clyde J. Robinson, City Attorney

DATE: March 15, 2021

SUBJECT: Emergency Management Ordinance

RECOMMENDATION:

It is recommended that the City Commission adopt as an emergency measure an amendment to Chapter 12 to set forth Emergency Management protocols and permit the City Commission and other public bodies of the City which are subject to the Open Meetings Act to continue to meet by electronic means.

BACKGROUND:

The current language of Chapter 12 "Civil Defense" is an anachronism reflective of the Cold War era of the 1950s and 60s. In 1976, the Legislature enacted the Emergency Management Act (EMA), MCL 30.401 et seq. whose terms the Michigan Supreme Court recently upheld. The EMA provides a framework for both State and local responses to emergencies and disasters, granting local officials the authority and abilities to do so.

As part of the ongoing effort of the Office of the City Attorney to review and update existing City ordinances, the need to amend Chapter 12 was apparent, and the recent experience in addressing the challenges created by the COVID-19 pandemic has only underscored the need to put in place the framework at the City level to address emergency situations.

While the Legislature acted in December to authorize public bodies to meet by remote electronic means in compliance with the Open Meetings Act, MCL 15.261 et seq., that authorization expires on March 30, 2021. To continue to meet by electronic means requires the declaration of a local state of emergency or state of disaster. While there are currently bills introduced in the Legislature to extend the current authorization for electronic meetings, there is no assurance that such bills will be approved and signed into law before March 31. Therefore, language, consistent with the Emergency Powers authorization in the City Charter is contained in the proposed ordinance to give it immediate effect and provide authority for the Mayor may issue a declaration of emergency so as to permit the City Commission and other public bodies of the

City subject to the OMA to meet electronically after March 30.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:

Safe Community- Creating a safe environment for living, working, and playing

Good Governance- Ensuring the City organization has the capacity and resources to effectively implement the community's Strategic Vision in a way that is sustainable over the long term.

Resolution of this matter addresses the City's commitment to Good Governance and a Safe Community by installing a framework to provi the creation of City operation plans to protect life and property in the event of an emergency or disaster.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and be practices, or resource limitations; the community will be made aware of the proje

This is an internal governance matter. However, similar ordinances adopted by the cities of Ann Arbor and Grand Rapids we used as templates and well as a model ordinance recommended by the Michigan State Police.

FISCAL IMPACT:

None.

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND AMENDING CHAPTER 12 BY RENAMING IT "EMERGENCY MANAGEMENT", PROVIDING FOR THE APPOINTMENT OF AN EMERGENCY MANAGEMENT COODINATOR, AND DECLARATION OF LOCAL STATES OF EMERGENCY AND DISASTER BY THE MAYOR

THE CITY OF KALAMAZOO ORDAINS:

Section 1. The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death and is easily spread from person to person. The COVOD-19 virus and its variants have resulted in the death of over 520,000 U.S. residents, 16,500 Michigan residents and 280 Kalamazoo County residents. The Michigan Director of Health and Human Services has the issued Emergency Orders governing public gatherings and requiring the use of face masks to arrest the spread of the COVID-19 virus and control the pandemic to protect the public health. The Michigan Legislature amended the Open Meetings Act, MCL 15.261 et seq. to permit public bodies to meet by electronic and telephonic means through March 30, 2021, but require the declaration of a local state of emergency or state of disaster to meet by electronic means after March 30, 2021. So as to permit the City Commission and other City of Kalamazoo public bodies which are subject to the requirements of the Open Meetings Act to meet and for members of those public bodies and the public to participate by electronic and telephonic means in order to protect the public health and safety, this ordinance is deemed an emergency measure and will be given immediate effect upon its introduction and adoption by a vote of 5 City Commissioners in accordance with Section 13 (a) of the City Charter.

Section 2. Chapter 12 "Civil Defense" of the Kalamazoo City Code is renamed "Emergency Management" and amended to read as follows:

"Article I
In General

§12-1 **Purpose and Intent**

It is the intent and purpose of this chapter to provide the policy and organization for the complete and efficient utilization of all municipal resources for the mitigation, preparedness, response and recovery from natural and human-made disasters and emergencies, within the City of Kalamazoo, to establish an office for this purpose; and the exercise the authority and discharge the responsibilities vested in City elected and appointed officials by this chapter and the Emergency Management Act, No. 390, Public Acts of 1976, as amended, and related federal and state laws.

§12-2 **Coordinating Agency; Other Agencies**

A. The City of Kalamazoo Office of Emergency Management will be the coordinating agency responsible for City -wide emergency preparedness; it will provide the means through which the City Manager, Mayor and City Commission may exercise the authority and discharge the responsibilities vested in them by this Chapter and Emergency Management Act.

B. This Chapter does not relieve any elected officials or City departments of the normal responsibilities or authority given by general law or local ordinance, nor will it affect the work of the American Red Cross or other volunteer agencies organized for relief in a disaster.

§ 12-3 **Definitions.**

As used in this chapter, the following words shall have the meanings ascribed to them in this section:

ACT

The Michigan Emergency Management Act, Act No. 390 of the Public Acts of 1976, as amended.

ATTACK

Any attack or series or attacks by a foreign or domestic enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner, by sabotage or by the use of bombs, missiles, shellfire or atomic, radiological, chemical, bacteriological or biological means or other weapons or processes.

CHIEF EXECUTIVE OFFICIAL

The Mayor or the successor designated by the City Charter, or otherwise provided for in this chapter.

CITY

The City of Kalamazoo, Michigan.

CIVIL DEFENSE

The preparation for, and the execution of, all emergency functions, other than functions for which the military forces are primarily responsible. Civil defense shall include protection against, and minimization of damage and injury resulting from, natural disaster, foreign or domestic enemy attack, sabotage, or other hostile action.

DISASTER

An occurrence or threat of widespread or severe damage, injury, or loss of life or property

resulting from a natural or human-made cause, including but not limited to, fire, flood, snowstorm, ice or wind storm, tornado, wave action, oil spill, water contamination requiring emergency action to avert danger or damage, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous material incident, epidemic, air contamination, blight, drought, infestation, explosion, or hostile military or paramilitary action, or similar occurrences resulting from terrorist activities, riots, or civil disorders.

DISTRICT COORDINATOR

The Michigan Department of State Police District Emergency Services Coordinator or his/her authorized representative who serves as the liaison between local emergency management programs and the Michigan State Police, Emergency Management Division and Homeland Security Division in all matters pertaining to the mitigation, preparedness, response and recovery of emergency and disaster situations.

EMERGENCY

Any occasion or instance in which the Mayor determines that assistance is needed to supplement local efforts and capabilities to save lives, protect property and the public health and safety, to lessen or avert the threat of, or respond to, a disaster in the City .

EMERGENCY MANAGEMENT COORDINATOR

The person appointed pursuant to this Chapter to coordinate all matters pertaining to the coordination of all emergency services, disaster or emergency planning, response, and recovery activities within the City of Kalamazoo.

EMERGENCY MANAGEMENT FORCE

All agencies of the state, county and municipal government, private and volunteer personnel, public officers and employees, and all other persons or groups of persons having duties or responsibilities as identified in the Emergency Operations Plan or those called into duty or working at the direction of a party identified in the Plan to perform a specific disaster or emergency related task during a local state of emergency or disaster under the Emergency Management Act pursuant to this chapter.

EMERGENCY MANAGEMENT PROGRAM

A program established to coordinate mitigation, preparedness, response and recovery activities for all emergency or disaster situations, and including civil defense, within the City. Such a program has an appointed Emergency Management Coordinator and meets the program standards and requirements established by the Department of State Police, Emergency Management and Homeland Security Division.

EMERGENCY OPERATIONS PLAN or PLAN

Any plan developed and maintained by the City for the purpose of providing necessary support personnel and materials for guiding the local response to an emergency or disaster situation and coordinating disaster response and recovery within the City through the Emergency Management Force.

GOVERNOR'S STATE OF DISASTER

An executive order or proclamation by the Governor that implements the disaster response and recovery aspects of the Michigan Emergency Management Plan and applicable local plans of the county or municipal programs affected.

GOVERNOR'S STATE OF EMERGENCY

An executive order or proclamation by the Governor that implements the emergency response and recovery aspects of the Michigan Emergency Management Plan and applicable local plans of the county or municipal programs affected.

LOCAL STATE OF EMERGENCY OR DISASTER

A declaration by the Mayor pursuant to the Act and this chapter, which implements the appropriate emergency or disaster response and recovery measures of the City and authorizes certain actions as described in this chapter and applicable Emergency Operations Plan.

VITAL RECORDS

Those records that contain information needed to continue the effective functioning of the City and for the protection of the rights and interests of persons under emergency conditions in the event of an emergency or disaster situation.

VOLUNTEER

Any person duly appointed or assigned by the City to participate in emergency management related activities and registered with the Emergency Management Coordinator as a member of the Emergency Management Force. The individual or entity agrees to contribute services, equipment, or facilities for disaster purposes without enumeration or without a formal agreement or contract for hire.

§12-4 **Disaster and Emergency Incident Management**

The City of Kalamazoo adopts the National Incident Management Standard (NIMS) for disaster and emergency incident management.

Article II
Emergency Management Services

§ 12-5 **City Manager; powers and duties**

A. The City Manager is fully authorized and directed to create an organization to prepare for community disasters utilizing existing agencies within the City. The City Manager, as the Chief Administrative Officer of the City, shall be responsible for the direction of the Emergency Management Forces of the City working with the Emergency Management Coordinator. In the absence of an appointed Emergency Management Coordinator, the City Manager is recognized as the Coordinator.

B. The City Manager, working with the Emergency Management Coordinator, shall be responsible for the organization, administration and operation of disaster and emergency services and Emergency Management Forces. The powers and duties of the City Manager shall include the following:

(1) Relieve any City employees of normal duties and designate employees, equipment, and facilities of all or any portion of City departments, boards, commissions and institutions suitable for or adaptable to emergency service activities, which may be utilized in case of emergency or disaster.
(2) Provide for the appointment, of other persons who shall be necessary to implement the Emergency Management Program. Those persons appointed shall act at the direction of the Emergency Management Coordinator and may be designated as assistant emergency management coordinators and shall assume, in the time and manner specified in their appointing resolution, the duties of the Emergency Management Coordinator.
(3) Enter, with the approval of the City Commission into mutual aid agreements or compacts with other eligible municipalities or counties, which agreements or compacts shall be limited to the exchange of personnel, equipment, and other resources in times of emergency or disaster. The Mayor is responsible for activating these mutual aid agreements.
(4) For a period of up to 7 days, send emergency management forces of the City to the aid of other communities stricken by disaster as provided by mutual aid agreements when he/she deems it in the public interest, provided that after the City Commission convenes, the continuance of any such emergency or Emergency Management and the period thereof shall be subject to the action of City Commission.
(5) For a period of up to 7 days, appropriate and expend funds make contracts, obtain and distribute equipment, materials, and supplies for emergency or disaster purposes, and undertake any action necessary to provide for the health and safety of persons and property, including emergency assistance to the victims of an emergency or disaster.
(6) When obtaining formal approvals would result in delay of emergency and/or relief activity, until the City Commission convenes, waive procedures and formalities otherwise required pertaining to the performance of public works, entering into contracts, the incurring of obligations, the employment of temporary workers, the

rental of equipment, the purchase and distribution of supplies, materials and facilities and expenditures of existing funds; provided that the City Commission may also waive any otherwise applicable procedures and formalities.

(7) Following a declaration of a local state of emergency, establish an incident command system; activate the City Emergency Operations Plan and/or other applicable emergency procedures for the City on the advice of emergency management services officials and/or the Emergency Management Coordinator.

(8) Notify the public and recommend in-place, evacuation, or other protective measures.

(9) Employ temporary workers and volunteers.

(10) If a state of disaster or emergency is declared by the Governor, assign and make available for duty the employees, property, or equipment of the City within or without the physical limits of the City as requested by the Governor or the director of the state police in accordance with the Act.

(11) Authorize other emergency activities as provided for in the Act.

C. The City Manager shall review for adequacy and effectiveness the Emergency Operations Plan as the Plan relates to the municipality once every two years. With the assistance of the Emergency Management Coordinator he\she shall make recommendations and any changes to the Plan which may be needed. After this review and incorporation of necessary changes, the City Commission by resolution shall certify the Plan to be current and adequate for the City for the ensuing two years.

D. The City Manager is authorized to exercise the powers granted to the Mayor in § 12-10 either in the absence or inability of the Mayor, where delay in the exercise of such powers would be contrary to the public interest, provided only that a majority of members of the City Commission are absent or unable to convene in order to declare a local state of emergency.

§ 12-6 **Appointment and general powers and duties of Emergency Management Coordinator.**

A. The City Manager may appoint an Emergency Management Coordinator, who shall is an individual with the experience and training necessary to plan and coordinate the emergency activities required to respond to a disaster and who serves at the pleasure of the City Manager. In addition to acting for, and at the direction of, the City Manager, the Emergency Management Coordinator will also act for, and at the direction of, the Mayor as permitted by the Act.

B. The Emergency Management Coordinator shall be responsible, at the direction of the City Manager, for the administration, planning, coordination, and operation of all emergency preparedness activities in the City. He or she shall maintain liaison with the County, State, and Federal authorities, the authorities of adjacent and nearby political subdivisions and other interested agencies, both public and private, so as to ensure the most effective emergency operations.

C. The Emergency Management Coordinator's duties shall include, but not be limited to, the following:

(1) Development of the City of Kalamazoo Emergency Operations Plan, which is consistent in content with the Michigan Emergency Operations Plan, and any other appropriate disaster plans, for the immediate use of all of the facilities, equipment, manpower, and other resources of the City for the purpose of minimizing or preventing damage to persons or property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and general welfare.

(2) Oversee the implementation of all functions necessary during an emergency or disaster in accordance with the Emergency Operations Plan.

(3) Coordinate the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the City for emergency purposes.

(4) Through public information programs, educate the population as to actions necessary and required for the protection of persons and property in case of a disaster.

(5) Conduct practice alerts and exercises to ensure the efficient operation of the City 's emergency organization, and to familiarize residents of the City with emergency regulations, procedures and operations.

(6) Coordinate the activity of the Emergency Management Force and all other public and private agencies engaged in any emergency or Emergency Management programs.

(7) Negotiate with owners or persons in control of buildings or other property for the use of such buildings or property for emergency or Emergency Management purposes, and designating suitable buildings as public shelters.

(8) Establish and maintain administrative control over a local radiological defense program, to include emergency preparations for both peacetime radiation incidents and international wartime disasters; and

(9) Coordinate City emergency preparedness activities with the County of Kalamazoo, other municipalities located therein, and adjacent counties, and develop mutual aid arrangements with such other jurisdictions.

D. The Emergency Management Coordinator may enlist volunteer citizens to form the personnel of an emergency service for which the City has no counterpart, or to temporarily augment personnel of the City engaged in emergency activities, if and when this becomes necessary. The Coordinator shall maintain formal records of all such volunteers and may issue proper insignia and papers to civil defense personnel.

E. All officers and employees of Departments, Commissions, Boards, Institutions and other Agencies of City government designated by the City Manager as Emergency Management Forces shall cooperate with the Emergency Management Coordinator in the formulation of the Emergency Operations Plan, and they shall assist the Coordinator in all matters pursuant to the provisions of this Chapter.

Article III

Continuity in Government

§12-10 **Mayor & City Commission; powers and duties.**

A. When circumstances within the City indicate that the occurrence or threat of occurrence of widespread of severe damage injury or loss of life or property from a natural or human-made cause is imminent or exists in the City, the Mayor may declare a local state of emergency as permitted by the Act. Such a declaration shall be promptly communicated to the Department of State Police, Emergency Management and Homeland Security Division by the Emergency Management Coordinator unless circumstances attendant upon the disaster prevent or impede its prompt filing. Under a declaration of a local state of emergency, the Mayor may issue directives as to travel restrictions on roads within the City jurisdiction. This power shall not be continued or renewed for a period in excess of 7 days except with the consent of the City Commission.

B. If a disaster or emergency occurs that has not yet been declared to be a state of disaster or a state of emergency by the Governor, the City Commission delegates to the Mayor, the authority to determine if the situation is beyond the control of the City after consultation with the City Manager. If the disaster or emergency is considered to be beyond the City 's control, the Mayor may request the Governor to declare that a state of disaster or state of emergency exists in the municipality in accordance with the Act and request state assistance. The Emergency Management Coordinator shall immediately contact the District Coordinator. The District Coordinator, in conjunction with the Emergency Management Coordinator shall assess the nature and scope of the disaster or emergency, and they shall recommend the state personnel, services, and equipment that will be required for its prevention, mitigation, or relief. This provision shall not be construed to restrain the Governor from exercising on his/her own initiative any of the powers set forth in the Act.

C. If the Mayor invokes the authority and emergency powers as specified by this chapter, as soon as reasonably expedient, he/she shall convene the City Commission for one or more emergency meeting(s) in accordance with the Open Meetings Act to perform its normal legislative and administrative duties as the situation demands. The City Commission shall have the power to terminate the local state of emergency. Nothing in this chapter shall be construed as abridging or curtailing the powers of the City Commission unless specifically provided in this section.

D. The City Commission may:

(1) Make, amend, and/or rescind ordinances or rules necessary for emergency management purposes and supplementary to a rule, or order, or directive issued by the Governor or a state agency. Any ordinance or rule change under authority of this subsection shall be temporary and upon the Governor's declaration that a state of disaster or state of emergency is terminated, shall no longer be in effect. Emergency

ordinances may be passed with a single reading, without notice, and shall take immediate effect. Any enactment, amendment or recission of an ordinance or rule under authority of this subsection can only be done during a state of disaster or state of emergency, and shall be done only with the approval of City Commission, unless it is not possible to convene the City Commission within the time necessary to undertake action to mitigate the disaster.

(2) Establish procedures for the succession of government during emergencies or disasters when officials are unavailable for exercising the powers and discharging the duties of their respective office.

(3) Establish a contingency fund pursuant to the Emergency Management Act, Public Act 390, as amended, for the purpose of paying the Emergency Management force, purchase of supplies and services, repair costs, or other needs required specifically for the mitigation of the effects of, or in response to, the emergency or disaster.

§ 12-11 **City Manager; powers and authority.**

During a period of declared disaster or local emergency, the City Manager acting through the Emergency Management Coordinator, and with the advice and consent of the City Commission, shall have the authority:

A. To assemble and utilize the Emergency Management Forces in accordance with the City of Kalamazoo Emergency Operations Plan and prescribe the manner and conditions of the use of such Emergency Management Forces.

B. To appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for disaster purposes.

C. To provide for the health and safety of persons and property, including emergency assistance to the victims of a disaster.

D. To direct and coordinate the development of disaster plans and programs in accordance with the policies and plans established by the appropriate Federal and State agencies and this Chapter.

E. To appoint, employ, remove or provide, with or without compensation, rescue teams, auxiliary fire and police personnel, and other disaster workers.

F. To assign and make available for duty the employees, property or equipment of the City relating to fire-fighting; engineering; rescue; health, medical and related services; law enforcement; transportation; construction; and similar items or service for Emergency Management purposes within or without the physical limits of the City , as ordered by the Governor or the Director of the State Police.

§ 12-12 **Suspension of Commission quorum and vote requirements in event of disaster**

A. In the event of a disaster or emergency, quorum requirements for the City Commission shall be suspended, and where the affirmative vote of a specified proportion of members, for approval of an ordinance, resolution or other action, would otherwise be required, the same proportion of those voting thereon shall be sufficient.

B. In the event of foreign attack upon the State of Michigan, the City Commission shall have the authority to waive the procedures and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of permanent and temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution with or without compensation of supplies, materials and facilities, and the appropriation and expenditure of public funds.

§12-13 **Electronic or Telephonic Meetings of the City Commission**

The City Commission, pursuant to the authority granted by the Open Meetings Act, establish the following procedures to accommodate the absence of any member of the public body due to a statewide or local state of emergency or state of disaster declared pursuant to law by the Governor or this chapter that would risk the personal health or safety of members of the public or the public body if the meeting were held in person:

A. Procedures by which the absent member may participate in, and vote on, business before the public body, including, but not limited to, procedures that provide for both of the following:

   (1) Two-way communication.
   (2) For each member of the public body attending the meeting remotely, a public announcement at the outset of the meeting by that member, to be included in the meeting minutes, that the member is in fact attending the meeting remotely. If the member is attending the meeting remotely for a purpose other than for military duty, the member's announcement must further identify specifically the member's physical location by stating the county, city, township, or village and state from which he or she is attending the meeting remotely.

B. Procedures by which the public is provided notice of the absence of the member and information about how to contact that member sufficiently in advance of a meeting of the public body to provide input on any business that will come before the public body.

§ 12-14 **Emergency rules and regulations supersede conflicting ordinances and resolutions.**

When a state of emergency or state of disaster is in effect, the orders, rules and regulations promulgated pursuant to this chapter shall supersede all existing ordinances and resolutions, which are inconsistent therewith.

Article IV

Other Provisions

§ 12-15 **Rights of Emergency Management Force**

In accordance with the act, personnel of the Emergency Management force while on duty shall have the following rights:

A. If they are employees of the municipality, or other governmental agency regardless of where serving, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment.

B. If they are not employees of the municipality, or other governmental agency be entitled to the same rights and immunities as are provided for by law.

§12-16 **Liability**

A. As provided for in the Act and this chapter, the City or the agents or representatives of the City, shall not be liable for personal injury or property damage sustained by the Emergency Management Force. In addition, any member of the Emergency Management Force engaged in Emergency Management activity shall not be liable in a civil action for damages resulting from an act of omission arising out of and in the course of the person's good faith rendering of that activity, unless the person's act or omission was the result of that person's gross negligence or willful misconduct. The right of a person to receive benefits or compensation to which he or she may otherwise be entitled to under the worker's compensation law, any pension law, or act of Congress will not be affected as a result of said activity.

B. The City when engaged in emergency or disaster relief activity, inclusive of training for or responding to an actual, impending, mock, or practice disaster or emergency, is not liable for the death of or injury to a person or persons, or for damage to property, as a result of that activity. The employees, agents, or representatives of the City and nongovernmental Emergency Management Force workers or private or volunteer personnel engaged in emergency or disaster relief activity are immune from tort liability to the extent provided under Section 7 of Public Act 170 of 1964, as amended.

C. As provided for in the Act, 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 part of such real estate or premises for the purpose of sheltering persons or for any other disaster related function during a declared local state of emergency or during an authorized practice disaster exercise, shall 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. Provided however, a person owning or controlling real estate or other premises who has gratuitously granted the use of the real estate or other premises for the purposes states in the provision is legally obligated to make known to a licensee of any hidden dangers or safety hazards that are known to the owner or occupant of the real estate or premises that might possibly result in the

death or injury or loss of property to a person using the real estate or premises.

§ 12-16 **Interfering with or impersonation of civil defense personnel; disobeying emergency rules.**

A. It shall be unlawful for any person to obstruct, hinder or delay the emergency management personnel or disobey any lawful command, rule or regulations made pursuant to this chapter.

B. It shall be unlawful for any person to wear, carry or display any emblem or insignia or other means of identification as a member of the Emergency Management Force, unless authority to do so has been granted to such person by the proper officials.

C. A violation of this section is a misdemeanor whose penalty is $500 or 90 days in jail or both.

Section 3. **Severability.**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. **Effective Date.**

Pursuant to Section 13(a) of the City Charter, this ordinance, by affirmative vote by 5 members of the City Commission, shall take immediate effect.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on March 15, 2021. Public notice was given and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267,1976). Minutes of the meeting will be available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the Mayor and City Clerk as required by the Charter of said City.

_____ _____

David F. Anderson, Mayor Scott A. Borling, City Clerk