

**VILLAGE OF LOS RANCHOS DE ALBUQUERQUE  
ORDINANCE NO. 215**

**AN ORDINANCE ESTABLISHING AN EMERGENCY MANAGEMENT PROGRAM; ACKNOWLEDGING THE EMERGENCY MANAGEMENT DIRECTOR; IDENTIFYING THE EMERGENCY MANAGEMENT ORGANIZATION; AUTHORIZING APPOINTMENT OF AN EMERGENCY MANAGEMENT COORDINATOR; PROVIDING DUTIES AND RESPONSIBILITIES; GRANTING NECESSARY POWERS TO COPE WITH THREATS TO LIFE AND PROPERTY; AUTHORIZING COOPERATIVE AND MUTUAL AID AGREEMENTS; AND FOR RELATED PURPOSES.**

**WHEREAS**, the Board of Trustees of the Village of Los Ranchos de Albuquerque finds that the identification of potential hazards and the prevention or mitigation of their effects must be an on-going concern of the Village if the lives and property of the populace are to be protected; and

**WHEREAS**, the Board of Trustees hereby declares that the preparation of an Emergency Operation Plan, and the means for its implementation, for the protection of lives and property in the Village of Los Ranchos de Albuquerque from natural or man-caused emergencies, disasters or threat thereof is immediately essential; and

**WHEREAS**, the Board of Trustees further finds that in times of disasters which may imperil the safety of the inhabitants of the Village, or their property, it becomes necessary to effectuate and place into operation the preconceived plans and preparations with a minimum of delay; and

**WHEREAS**, the Board of Trustees finds, therefore, that the preparation, and implementation of such plans are now imperative;

**NOW THEREFORE, BE IT ORDAINED** by the Board of Trustees, the Governing Body of the Village of Los Ranchos de Albuquerque, New Mexico:

**SECTION 1. ORGANIZATION**

There exists an Emergency Management Director of the Village of Los Ranchos de Albuquerque, which shall be held by the Mayor in accordance with the All Hazard Emergency Management Act [NMSA 12-10-10].

- a) The Mayor shall be responsible for the emergency management program within the Village of Los Ranchos de Albuquerque and for carrying out the duties and responsibilities set forth in this ordinance. He/she may delegate authority for execution but responsibility shall remain with the Mayor.

- b) An Emergency Management Coordinator may be appointed by and serve at the pleasure of the Mayor;
- c) The Emergency Management Organization shall consist of the officers and employees of the Village as well as organized citizen and volunteer groups and private sector partners so designated by the Mayor in the Emergency Operations Plan. The functions and duties of this Emergency Management Organization shall be distributed among such officers, employees, and representatives in accordance with the terms of the Emergency Operations Plan.

## **SECTION 2. MAYOR – POWERS AND DUTIES**

The duties and responsibilities of the Mayor shall include the following:

- a) Survey actual or potential hazards that threaten life and property within the Village and identify and require or recommend the implementation of measures that would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.
- b) Supervise the development of an Emergency Operations Plan, and recommend for adoption by the Board of Trustees all mutual aid arrangements deemed necessary for the implementation of such plan.
- c) Declare a local state of emergency or disaster. The declaration may not be continued or renewed for a period in excess of 7 days except by consent of the Board of Trustees. Any order or proclamation declaring, continuing, or terminating a local state of emergency or disaster shall be given prompt and general publicity and shall be filed promptly with the Village Clerk.
- d) Issue necessary proclamations, regulations, or directives which are necessary for carrying out the purposes of this ordinance. 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 emergency or disaster prevent or impede, promptly filed with the Village Clerk.
- e) Direct and control the operations of the Emergency Management Organization as well as the training of Emergency Management personnel.
- f) Determine all questions of authority and responsibility that may arise within the Emergency Management Organization of the Village.
- g) Maintain liaison with other municipal, county, regional, district, state, or federal emergency management organizations.

- h) Marshal all necessary personnel, equipment, or supplies from any Department of the Village to aid in the carrying out of the provisions of the Emergency Operations Plan.
- i) Supervise the drafting and execution of mutual aid agreements, in cooperation with representatives of the State and other local political subdivisions of the State, and the drafting and execution, of any agreements with the County of Bernalillo, and other municipalities within Bernalillo County, for the county-wide coordination of emergency management efforts.
- j) Supervise, and authorize 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 Village.
- k) Authorize agreements for use of private property for public shelter and other emergency purposes.
- l) Survey the availability of existing personnel, equipment, supplies, and services which could be used during an emergency or disaster.

### **SECTION 3. EMERGENCY OPERATIONS PLAN**

An Emergency Operation Plan shall be developed and maintained. As provided by State law, the plan shall follow the standards and criteria established by the New Mexico Department of Homeland Security and 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 Operation Plan shall be considered supplementary to this ordinance and have the effect of law during the time of a disaster.

### **SECTION 4. OVERRIDE**

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

### **SECTION 5. LIABILITY**

This ordinance is an exercise by the Village of its governmental function for the protection of health, safety and welfare and neither the Village of Los Ranchos de Albuquerque, the agents and representatives, 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 ordinance 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 grant to the Village a license of privilege, or otherwise permit the Village to inspect, designate, and use the whole or any part or parts of such real estate or premises for sheltering persons or for other emergency purposes during an actual, impending, or practice natural or man-caused emergency or disaster shall, together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person.

#### **SECTION 6. COMMITMENT OF FUNDS**

No person shall expend public funds to carry out an Emergency Management activity without prior approval by the Board of Trustees, nor shall any person bind the Village by contract, agreement, or otherwise without prior and specific approval of the Board of Trustees. In the event of a declared emergency or disaster, the Mayor may expend and commit public funds of the Village when deemed prudent and necessary for the protection of health, safety and welfare.

#### **SECTION 7. OFFENSES; PENALTIES**

- a) It shall be unlawful for any person to obstruct, hinder, or delay any member of the Emergency Management Organization in the enforcement of any rule or regulation issued pursuant to this Ordinance.
- b) It shall likewise be unlawful for any person to wear, carry, or display any emblem, insignia, or any other means of identification as a member of the Emergency Management organization of the Village of Los Ranchos de Albuquerque, unless authority to do so has been granted to such person by the proper officials.
- c) Violations of the provisions of this section may be punishable by fine.

#### **SECTION 8. LIMITATIONS**

This ordinance shall not be construed so as to conflict with any State or Federal statute or with any emergency order, rule, or regulation.

#### **SECTION 9. REPEALER**

All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

**SECTION 10. SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, phrase, or part hereof is for any reason declared unconstitutional or invalid, the validity of the remaining portions hereof shall not be affected since it is the expressed intent of the Board to pass each section, subsection, paragraph, clause, phrase and every part thereof separately and independently of every other part.

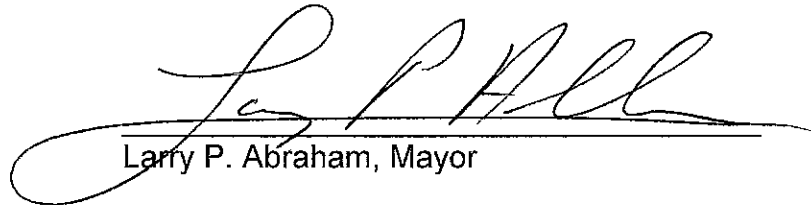
**SECTION 11. COMPILING CLAUSE**

This Ordinance shall be incorporated in and complied as a part of the Municipal Code of Los Ranchos de Albuquerque.

**SECTION 12. EFFECTIVE DATE, REPEAL, AND PUBLICATION**

This Ordinance shall take effect and be in full force five days after its publication.

**APPROVED AND ADOPTED** by the Governing Body of the Village of Los Ranchos de Albuquerque this 9th day of April, 2008.

  
Larry P. Abraham, Mayor

ATTEST:

  
Annabelle Silvas, Clerk