



Village of Breedsville

82 E Main St. PO Box 152
Breedsville, MI 49027
(269) 427-9029

ORDINANCE 2021-12

VILLAGE OF BREEDSVILLE EMERGENCY MANAGEMENT ORDINANCE

An Ordinance to establish authority and procedures for managing emergencies occurring in the Village of Breedsville, Van Buren County, Michigan.

THE VILLAGE OF BREEDSVILLE, VAN BUREN COUNTY, MICHIGAN ORDAINS:

SECTION 1: TITLE

This ordinance shall hereafter be known and cited as the Village of Breedsville Emergency Management Ordinance.

SECTION 2: CHIEF EXECUTIVE OFFICER DESIGNATION

For purposes of this Ordinance and the Emergency Management Act, Public Act No. 390 of 1976, the Village Council President or the President's designee shall be deemed the Chief Executive Officer of the Village. The Village Clerk is hereby authorized and directed to prepare and execute support emergency operations plan to incorporate the Village into the county emergency management program consistent with Public Act No. 390 of 1976 (MCL 30.401 et seq.), and the emergency rules adopted pursuant to the Act.

SECTION 3: IMPLEMENTATION

The Village President shall appoint an emergency management coordinator for the Village to act for and at the direction of the Village President in the coordination of all matters pertaining to emergency management, disaster preparedness, and recovery assistance within the Village. The Village President shall appoint such other persons as are necessary to the implementation and management of the support emergency operations plan and shall designate the duties and responsibilities of each individual appointed to administer the plan.

SECTION 4. LOCAL STATE OF EMERGENCY

The Village Council President shall have the authority to declare a local state of emergency under the circumstances and in the manner provided by Section 10 of Public Act No. 390 of 1976 (MCL 30.410).

SECTION 5. LIMITATION OF AUTHORITY

Nothing herein nor in the support emergency operations plan adopted hereunder shall be construed to abridge or curtail the powers of the President, the Village Council, the Village Clerk, or other Village official or employee who is provided independent authority to deal with any emergency situation either by statute, ordinance, or common law.

SECTION 6. AUTHORITY OF PRESIDENT OR VILLAGE COUNCIL TO PROCLAIM

During times of great public crises, epidemic, pandemic, disaster, rioting, catastrophe, or similar public emergency within this Village, when public safety is imperiled, the President of the Village Council may, and are hereby authorized to, after consultation with the Chief of Police and the Fire Chief where appropriate, or their designated representatives, or those other officials who are then reasonably available, and any other department head deemed necessary to the consultation by the President or Village Council, proclaim a Village state of emergency and designate the Village or area or areas of the Village involved as being in a Village state of emergency. This is in addition to the authority of the President or Village Council to declare a local state of emergency pursuant to MCL 30.410.

SECTION 7. DETERMINATION TO BE IN WRITING

The determination that a Village state of emergency exists shall be made in writing by the President or Village Council and, where appropriate, shall be supported by written reports from the heads of those Village departments directly responsible for bringing the emergency under control. Such written determination and supporting reports shall be filed with the Village Clerk within a reasonable time after the Village state of emergency has been declared and shall be public records.

SECTION 8. PROMULGATION OF ORDERS, RULES, AND REGULATIONS

Following such proclamation or declaration, the President or Village may, and are hereby authorized to promulgate such reasonable orders, rules, and regulations in relation to the use of public property within the Village as the President or Village Council deem necessary to protect life and property or to bring the emergency situation within the Village or the affected area or areas of the Village under control. This authority includes, but is not limited to, the ability to:

- a. Limit the size and location of gatherings on public property.
- b. Declare that all meetings shall be conducted electronically or by telephone.
- c. The closure of streets, alleys, parks, or other public places.
- d. Regulate and/or prohibit pedestrian traffic, including the formation of lines on public streets, and
- e. Regulate the entry of persons into Village buildings and structures.

SECTION 9. APPLICABILITY

Such orders, rules, and regulations shall indicate the area or areas of the Village which are subject to the orders, rules, and regulations by clearly delineating the boundaries thereof. The time period during which the orders, rules, and regulations are in effect shall be explicitly stated. The location to be affected by the orders, rules, and regulations shall also be clearly designated.

SECTION 10. DURATION AND MODIFICATION AND EXTENSION BY COUNCIL

Orders of the President promulgated pursuant to this Ordinance shall not be continued or renewed for a period in excess of seven days except with the consent of the Village Council. The Village Council, at a general or special meeting, may by resolution amend, modify, or rescind such orders, rules, or regulations promulgated by the President or promulgated by the Village Council.

SECTION 11. PUBLICATION OF NOTICE

In the event orders, rules or regulations are promulgated or amended by the President or Village Council, reasonable notice of such orders, rules, regulations, amendments, modifications, or rescissions shall be given to the public by press releases, publication in a newspaper of general circulation in the Village, publication in a prominent place on the Village’s website and, to the extent feasible, any other means that will notify the public of the orders, rules, and regulations.

PASSED AND APPROVED by the Village Board of the Village of Breedsville on this 6th day of April 2021 Motion by L. Weniger Second by W. Yeager
Ayes: Trustees L. Weniger, W. Yeager, T. Weniger, President S. Rogusta
Nays: None, Absent: None

I further certify that said Ordinance No 2021-12 has been recorded in the Ordinance Book of the Village of Breedsville and that such recording has been authenticated by the signatures of the Village President, and Village Clerk.

Steven Rogusta, President

Linda Norton, Village Clerk

