

ORDINANCE NO. 2021-019

AN ORDINANCE OF THE CITY OF HITCHCOCK, TEXAS DECLARING A STATE OF DISASTER AND EMERGENCY IN THE CITY OF HITCHCOCK RELATED TO THE THREAT POSED BY TROPICAL STORM NICHOLAS TO THE CITY OF HITCHCOCK; EXTENDING THE STATE OF EMERGENCY ORDERED BY MAYOR ARMACOST; PROVIDING FOR A PENALTY IN THE AMOUNT OF \$2,000, OR THE MAXIMUM AMOUNT PROVIDED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Hitchcock on the 13th day of September 2021, was under threat of imminent disaster, injury, loss of life or property resulting from flooding, severe weather conditions caused by Tropical Storm Nicholas; and

WHEREAS, the Mayor of Hitchcock has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property from Tropical Storm Nicholas; and

WHEREAS, the Mayor of the City of Hitchcock, Texas declared a local state of disaster in response to severe weather threats due to Tropical Storm Nicholas on September 13, 2021, due to imminent threat from Tropical Storm Nicholas, and

WHEREAS, in accordance with Texas Government Code Section 418.108 (b), the declaration of local state disaster may not be continued or renewed for a period of more than seven (7) days except with the consent of the City Council of the City of Hitchcock; and

WHEREAS, the Mayor and the City Council of the City of Hitchcock hereby determine that extraordinary measures must be taken to prevent and alleviate the suffering of people and continues to face imminent threat of widespread or sever damage, injury, and loss of life and property resulting from Tropical Storm Nicholas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HITCHCOCK, TEXAS, as follows:

Section 1. The finding and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. The City Council of the City of Hitchcock, Texas, pursuant to Texas Government Code, § 418.108(b), hereby consents to continuing the local state of disaster and emergency in the City of Hitchcock, Texas as a result of Tropical Storm Nicholas.

Section 3. The Declaration of a Local State of Disaster and Emergency Related to Tropical Storm Nicholas dated September 13, 2021, is ratified by the City Council.

Section 4. This ordinance hereby continues the Local State of Disaster and Emergency for

sixty (60) days from the date of its adoption, provided however that the local state of disaster and emergency may be terminated before the expiration of sixty days by subsequent order of the Mayor, and may be continued or renewed beyond sixty (60) days from its date of issuance only with the consent of the City Council of the City of Hitchcock, Texas;

Section 5. The Mayor, and the Emergency Manager Coordinator are hereby authorized to provide, or cause to be provided, all arrangements, provisions, and means necessary and proper to effect the coordination of relief and aid programs, and property restoration and rehabilitation programs, for the protection, preservation, and improvement of life and property within the City during the State of Emergency.

Section 6. It is hereby declared to be the intention of the City Commission of the City of Hitchcock that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Commission without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 7. Any person who knowingly fails to comply with a rule or order issued in conjunction with or by authority of a disaster declaration or an emergency operations plan issued or adopted under Chapter 418 of the Texas Government Code shall be punished by a fine not to exceed \$2,000.00.

Section 9. This Ordinance shall be effective immediately upon the passage, approval and publication as required by law.

PASSED AND APPROVED this the 20th day of September 2021.



Christopher E. Armacost, Mayor
City of Hitchcock

ATTEST:



Ruth Ann Sorrell, City Secretary
City of Hitchcock

APPROVED AS TO FORM:



Kyle L. Dickson, City Attorney
City of Hitchcock



**CITY OF HITCHCOCK, TEXAS
DECLARATION OF LOCAL STATE OF DISASTER**

WHEREAS, the City of Hitchcock on the 13th day of September 2021, is under threat of imminent disaster, injury, loss of life or property resulting from flooding, severe weather conditions caused by Tropical Storm Nicholas; and

WHEREAS, Governor Abbot on the 12th day of September 2021 in response to severe weather threats along the Gulf Coast due to Tropical Storm Nicholas orders the Texas State Operations Center (SOC) to increase its readiness on the 13th day of September 2021 so that "it is prepared to assist local officials in their response to Tropical Storm Nicholas; and

WHEREAS, the County Judge of Galveston County has determined that extraordinary measures must be taken to alleviate the suffering of the people and to protect or rehabilitate property and for other disaster mitigation, response, or recovery; and

WHEREAS, on September 13, 2021, the Governor of the State of Texas issued a proclamation certifying that Tropical Storm Nicholas poses an imminent threat of disaster in the state and declaring a state of disaster for certain counties in Texas; and

WHEREAS, the City of Hitchcock Texas, has determined that Tropical Storm Nicholas poses a threat of imminent disaster, including property damage, injury and loss of life due to flooding, life-threatening storm surge, damaging winds, and heavy rainfall and that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property.

NOW THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF HITCHCOCK, TEXAS:

SECTION 1. That a local state of disaster is hereby declared for the City of Hitchcock, Texas, pursuant to Section 418.108(a) of the Texas Government Code.

SECTION 2. That pursuant to Section 418.108(b) of the Texas Government Code the state of disaster shall continue for a period of not more than seven (7) days from the date of this declaration, unless continued or renewed by the City Council of the City of Hitchcock, Texas.

SECTION 3. That pursuant to Section 418.108(c) of the Texas Government Code this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 4. That pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City of Hitchcock, Texas, emergency management plan, and authorizes the furnishing of aid and assistance under the declaration; and

SECTION 5. In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this declaration commits an offense, punishable by a fine up to \$1,000.00 or confinement in jail for a term that does not exceed 180 days.

SECTION 6. That this declaration hereby authorizes the use of all lawfully available enforcement tools.

SECTION 7. That this declaration shall take effect immediately from and after its issuance.

DECLARED this 13th day of September 2021.



Christopher Armacost, Mayor
City of Hitchcock, Texas

