

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**2001 Legislative Session**

Bill No. CB-69-2001

Chapter No. 77

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Bailey and Wilson

Co-Sponsors \_\_\_\_\_

Date of Introduction October 23, 2001

**BILL**

1 AN ACT concerning

2 Civil Defense

3 For the purpose of amending the language in Subtitle 6 used to describe the office, personnel and  
4 activities of the agency known as the Office of Civil Defense and/or the Office of Emergency  
5 Preparedness, to be consistent with language used in State law; and generally relating to  
6 emergency management.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 6. CIVIL DEFENSE

9 Sections 6-101, 6-102, 6-103, 6-104, 6-106,  
10 6-107, 6-108, 6-109, 6-110, 6-113, 6-114,  
11 6-116, 6-117, 6-118, 6-119, 6-120, 6-121,  
12 6-122, 6-123, 6-124, 6-125, 6-126, 6-127,  
13 6-128, 6-129, 6-130, 6-131, 6-132, 6-133,  
14 6-134, 6-135 and 6-137,

15 The Prince George's County Code  
16 (1999 Edition, 2000 Supplement).

17 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
18 Maryland, that Sections 6-101, 6-102, 6-103, 6-104, 6-106, 6-107, 6-108, 6-109, 6-110, 6-113, 6-  
19 114, 6-116, 6-117, 6-118, 6-119, 6-120, 6-121, 6-122, 6-123, 6-124, 6-125, 6-126, 6-127, 6-128,  
20 6-129, 6-130, 6-131, 6-132, 6-133, 6-134, 6-135 and 6-137 of the Prince George's County Code  
21 be and the same are hereby repealed and reenacted with the following amendments:

**SUBTITLE 6. [CIVIL DEFENSE] EMERGENCY MANAGEMENT.**

**DIVISION 1. GENERAL PROVISIONS.**

**Sec. 6-101. Intent of Subtitle; scope.**

(a) The intent of this Subtitle is to provide for the preparation and carrying out of plans for the mitigation of, preparation for, response to and recovery from disasters and major emergencies for the [civil defense] emergency management of persons and property within the County in the event of an enemy attack, sabotage or other hostile action, or from fire, flood, earthquake, hurricane, or other natural causes, and to provide for the coordination of the [civil defense] emergency management functions of the County with all public agencies and their various departments, with other Counties, cities and political subdivisions, and with private agencies, organizations, persons and corporations of every type to insure the complete and efficient utilization of all facilities available to combat any disaster or emergency.

(b) The Office of [Civil Defense] Emergency Management created by this Subtitle shall be the coordinating agency for all activity of the [civil defense] emergency management program, and during a period of attack, terrorist act or natural disaster it will act as the instrument through which the County Executive may exercise the authority and discharge the responsibilities vested in him by this Subtitle.

(c) This Subtitle shall not relieve any County department of the normal responsibilities of authority ascribed to it, nor will it adversely affect the work of the American Red Cross or other volunteer agencies dedicated to disaster relief activities.

**Sec. 6-102. Definitions.**

(a) As used in this Subtitle:

(1) **Attack** shall mean a direct assault against the County by the forces of a hostile nation or the agents thereof, including assault by bombing, chemical or biological warfare, terrorist act or sabotage.

(2) **[Civil defense] Emergency management** shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces or other Federal agencies are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage or other hostile action, or by fire, flood or other causes. These functions include, but are not limited to, firefighting services, police services, medical and health services, communications, radiological, chemical and other special

1 weapons defense, evacuation of persons from stricken areas, emergency welfare service, civilian  
 2 aid service, emergency transportation, plant protection, temporary restoration of public utility  
 3 services, and other functions related to civilian protection, together with all other activities  
 4 necessary or incidental to the preparation for carrying out [of] the foregoing functions.

5 (3) **[Civil defense] Emergency management forces** shall mean the employees,  
 6 equipment and facilities of all County departments, boards, institutions and commissions suitable  
 7 for, or adaptable to, [civil defense] emergency management activity and designated by the  
 8 County Executive to participate in the [civil defense] emergency management activity. In  
 9 addition, it shall include all volunteer personnel, equipment and facilities contributed by, or  
 10 obtained from volunteer persons or agencies.

11 (4) **[Civil defense] Emergency management volunteer** shall mean any person duly  
 12 registered and appointed by the Director and assigned to participate in the [civil defense]  
 13 emergency management activity.

14 (5) **[Civil] Emergency** shall mean:

15 (A) A riot or unlawful assembly characterized by the use of actual force or  
 16 violence or a threat to use force if accompanied by immediate power to execute by two (2) or  
 17 more persons acting together without authority of law.

18 (B) Any man-made calamity within the County resulting in the death or injury of  
 19 persons or the destruction of property to such an extent that extraordinary measures must be  
 20 taken to protect the public health, safety and welfare.

21 (C) Natural disasters, as defined below.

22 (6) **Curfew** shall mean a prohibition against a person walking, running, standing or  
 23 motoring upon any alley, street, highway, public property or vacant premises within the County,  
 24 excepting persons officially designated to duty relating to the civil emergency and those persons  
 25 who are in public places by reason of their employment or a private emergency involving health,  
 26 safety or protection of property.

27 (7) **Director** shall mean the Director of the Office of [Civil Defense] Emergency  
 28 Management [appointed by the County Executive (or Governor )], as executive head of the  
 29 Office of [Civil Defense] Emergency Management, or a Deputy Director duly appointed and  
 30 acting for the Director in accordance with the provisions of this Subtitle.

(8) **Natural disaster** shall mean any condition seriously affecting or threatening public health, welfare or security as a result of severe fire, explosion, flood, tornado, hurricane or similar natural or accidental cause and which is beyond the control of public or private agencies ordinarily responsible for the control or relief of such conditions. This does not include riots, strikes, insurrection or civil disturbances.

(9) **Volunteer** shall mean contributing service, equipment or facilities to the [Civil Defense Organization] Office of Emergency Management without remuneration or without formal agreement or contract of hire.

**Sec. 6-103. [Civil defense regulations; authority] Powers of County Council.**

[(a) The Council is authorized, directed and empowered, whenever a state of war exists between the United States and any foreign country or nation, to:

(1) Promulgate rules, regulations, ordinances, and orders for the purpose of enacting and enforcing civilian defense regulation and other related matters in the County, at such times, and for such periods of time, as it may deem desirable;

(2) Enact blackout regulations;

(3) Regulate and prohibit the movement of vehicle traffic on the highways during such periods; and

(4) Take such other measures as it may deem necessary for the adequate protection of persons and property in the County.] If, by reason of any military or warlike catastrophe, there are conditions of serious human suffering, death, personal injury, and property damage, or any of these conditions, in the County; and the Governor of Maryland for this reason officially has proclaimed part or all of the County to be within an emergency area, actual or threatened, the County Council has such authority as set forth by Section 35 of Article 16A of the Annotated Code of Maryland as amended for time to time.

**Sec. 6-104. Emergency power and authority of County Executive over [civil defense] emergency management.**

(a) The County Executive may exercise the emergency power and authority as specified in this Subtitle.

(b) Under the following circumstances, the County Executive may assemble and utilize the [civil defense] emergency management forces and may prescribe the manner and condition of their use:

(1) Whenever, on the basis of information received from authoritative sources, the County Executive feels that an attack in the County or an [civil] emergency is impending or imminent;

(2) During any period of attack or emergency in the County, and thereafter so long as the County Executive deems it necessary.

(c) During any period when attack or emergency in the County is imminent or when the County has been subjected to attack or [civil] emergency, the County Executive may promulgate such reasonable regulations as he deems necessary to protect life and property and preserve critical resources. Such regulations may include, but shall not be limited to, the following:

(1) Regulations prohibiting or restricting the movement of vehicles in order to facilitate the mass movement of persons from critical areas of the County;

(2) Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to attack or [civil] emergency;

(3) Regulations designed to lessen the hazards to property and citizens from attack or [civil] emergency.

(d) The County Executive shall order [civil defense] emergency management forces to the aid of other communities in accordance with the Statutes of the State. The County Executive may request the State, or political subdivisions of the State, to send aid to the County in case of natural disaster or in case of disaster resulting from attack or [civil] emergency when conditions in the County are beyond the control of the local [defense] emergency management forces.

\* \* \* \* \*

(f) Whenever the County Executive finds that any condition in the County has attained, or threatens to attain, the proportions of a natural disaster, [he] the County Executive may assemble and utilize [civil defense] emergency management forces and may prescribe the manner and conditions of their use. The County Executive, when [he deems it] deemed in the public interest, may send [civil defense] emergency management forces of the County to the aid of other communities stricken by natural disaster when such disaster is affecting the health, welfare or security of the stricken community; provided, that after the County Council convenes, the further continuance of any such natural disaster relief and the period thereof, shall be subject to the action of the County Council.

(g) The County Executive may make regulations permitting the conduct of practice air raid alerts or tests of the [Civil Defense] Emergency Management Organization. Such regulations shall be filed with the County Council and shall be binding upon the [civil defense] emergency management forces [when they have been approved by resolution of the Council].

**Sec. 6-106. Expenditures for [civil defense] emergency management.**

[(a) The Council shall appropriate from time to time, such money as may be necessary for the carrying out the provisions of this Subtitle.

(b) No person shall expend any public funds in carrying out any civil defense activity authorized by this Subtitle without prior approval of the Council.]

[(c)] No person shall have the right to bind the [Council] County by contract, agreement or otherwise, without prior and specific approval of the [Council] County.

**Sec. 6-107. Utilization of existing services and facilities.**

In carrying out the provisions of this Subtitle, the County Executive is authorized to utilize the services, equipment, supplies and facilities of the existing departments, bureaus, offices, commissions, committees, authorities and agencies of the County to the maximum extent practicable. The officers, agents, employees and personnel of all such departments, bureaus, offices, commissions, committees, authorities and agencies of the County shall cooperate with and extend all services and facilities to the County Executive, the [Civil Defense Organization] Office of Emergency Management and to the Director.

**Sec. 6-108. Liability of County and agents.**

(a) Neither the County nor any of its agencies, agents or representatives engaged in any [civil defense] emergency management activities, while complying with or attempting to comply with the rules and regulations promulgated pursuant to the provisions of this Subtitle, except in cases of willful misconduct, shall be liable for the death or injury to any person or damage to any property, as a result of such activity.

\* \* \* \* \*

**Sec. 6-109. Accept service, grant or loan.**

Whenever the Federal government or the State or any agency or officer thereof, or any person offers to the County or to the [Civil Defense Organization] Office of Emergency Management any services, equipment, supplies, materials or funds by way of gift, grant or loan for purposes of [civil defense] emergency management and [civil] disaster relief, the County, acting through the County Executive may authorize any officer of the County, or the Director or

any [deputy director] Deputy Director of the [Civil Defense Organization, ]Office of Emergency Management as the case may be, to receive such services, equipment, supplies, materials or funds on behalf of the County, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. Such acceptance, however, shall not create any liability on the part of the County, [Civil Defense Organization] Office of Emergency Management or any officer, agent or employee thereof for failure to comply with the terms of such offer and the rules and regulations, if any, of the agency making the offer.

**Sec. 6-110. Coordination of programs; mutual aid agreements.**

(a) All [civil defense] emergency management and disaster relief functions of the County shall be coordinated to the maximum extent possible with comparable functions of the State, Federal and local governments, including their various departments and agencies, and with private agencies of every type, to the end that the most effective preparation and use can be made of the County's manpower, resources and facilities for dealing with any disaster or emergency that may occur.

(b) The Director of the [Civil Defense Organization] Office of Emergency Management may, subject to the approval of the County Executive and County Council, develop, cause to be developed, or enter into mutual aid agreements for reciprocal [civil defense] emergency management aid and assistance in case of a disaster too great to be dealt with unassisted. The agreements shall be consistent with the Washington Metropolitan Area and State [civil defense] emergency management plans and programs. In case of emergency it shall be the duty of each local organization for [civil defense] emergency management to render assistance in accordance with the mutual aid agreements.

(c) The Director of [Civil Defense Organization] the Office of Emergency Management may, subject to the approval of the Governor, enter into mutual agreements with [Civil Defense] Emergency Management agencies or organizations in other States for reciprocal [Civil Defense] emergency aid and assistance in case of a disaster too great to be dealt with unassisted.

**Sec. 6-113. Unauthorized display of [civil defense] emergency management insignia.**

(a) No person shall display any identifying [civil defense] emergency management insignia for any purpose other than that for which it was intended, or under circumstances not authorized by the Director of the Office of [Civil Defense] Emergency Management.

(b) No person shall wear or display in any manner any insignia, sign or device purported to be a [civil defense] emergency management insignia, except when such insignia has been duly issued by the Office of [Civil Defense] Emergency Management and is displayed in accordance with regulations established by the Director of the Office of [Civil Defense] Emergency Management.

**Sec. 6-114. Interfering with [Civil Defense] Emergency Management Organization and regulations.**

No person shall willfully obstruct, hinder or delay any member of the [Civil Defense Organization] Office of Emergency Management in the enforcement of any rule or regulation issued pursuant to this Subtitle, or violate any of the rules or regulations issued pursuant to the authority contained in this Subtitle.

**DIVISION 2. CIVIL DEFENSE ORGANIZATION.**

**Sec. 6-116. [Civil Defense] Emergency Management Organization; composition.**

(a) The [Civil Defense] Emergency Management Organization shall consist of the following:

(1) An Office of [Civil Defense] Emergency Management within the executive body of the County government. There shall be an Executive Head of [Civil Defense] the Office of Emergency Management, known as the Director of [Civil Defense] Emergency Management, and such assistants and other persons as are deemed necessary to the proper function of the Organization.

(2) The members of the [Civil Defense] Emergency Management Council.

(3) The employees, equipment and facilities of all County departments, boards, institutions and commissions suitable for, or adaptable to, [civil defense] emergency management and designated by the County Executive to participate in the [civil defense] emergency management activity. Duties assigned to a County department shall be analogous to the normal duties of the department.

(4) Volunteer persons and agencies offering service to the Organization.

**Sec. 6-117. [Civil Defense] Emergency Management rules and regulations; enforcement, inspection.**

The [Civil Defense] Emergency Management Organization shall establish, and its officers shall execute and enforce, such order, rules and regulations as may be made by the County



Executive or the Director of [Civil Defense] Emergency Management under the provisions of this Subtitle. Such Organization shall have available for inspection at its office all such orders, rules and regulations.

**Sec. 6-118. [Civil Defense] Emergency Management Organization; Director; appointment.**

(a) The Office of the Director of [Civil Defense] Emergency Management is hereby created.

(b) [The County Executive, with the consent of the Council, shall appoint the Director, who shall serve at the pleasure of the County Executive and Council.] The Director shall be appointed by the Governor pursuant to the provisions of Article 16A, Section 7 of the Annotated Code of Maryland, upon the recommendation of the County Executive.

(c) Prior to submission to the Governor, the County Executive shall secure the concurrence of the County Council with his recommendation in the manner set forth in Section 322 of the Charter.

(d) The Director shall serve at the pleasure of the County Executive and the County Council.

(e) The Director shall be a qualified and competent person experienced in public safety, disaster relief, or similar activities.

[(e)] (f) The Director shall perform the duties imposed upon him by this Chapter and all other duties as delegated by the County Executive.

**Sec. 6-119. Director of [Civil Defense] Emergency Management; powers and duties.**

(a) The Director of [Civil Defense] Emergency Management shall be responsible for and have general direction and control over the [Civil Defense] Emergency Management Organization.

(b) The Director is authorized and empowered:

(1) In accordance with the plan and program for [civil defense] emergency management for the County, to procure or cause to be procured supplies and equipment, to institute or cause to be instituted training programs and public information programs, drills, tabletops, functional and full scale exercises, and to take or cause to be taken all other preparatory steps, including the partial or full mobilization of [civil defense] emergency management organizations in advance of actual war, disaster or emergency to insure the

1 furnishing of adequately trained and equipped forces of [civil defense] emergency management  
2 personnel in time of need.

3 (2) To make or cause to be made, such studies and surveys of the industries,  
4 resources and facilities in this County and surrounding political subdivisions as may be  
5 necessary to ascertain the capabilities of the County for [civil defense] emergency management  
6 and to plan for the most efficient emergency use thereof.

7 (3) To coordinate the recruitment of volunteer personnel and agencies to augment the  
8 personnel and facilities of the County for [civil defense] emergency management purposes.

9 (4) To conduct public practice alerts to insure the efficient operation of the [Civil  
10 Defense] Emergency Management Organization and to familiarize the citizens with [civil  
11 defense] emergency management regulations and procedures. The Director shall notify the  
12 County Council in writing prior to any such practice alerts and embody therein the regulations  
13 and procedures pertaining thereto.

14 (5) To coordinate the activity of all public and private agencies comprising the [Civil  
15 Defense] Emergency Management Organization, including coordination of planning and [of]  
16 purchasing of [civil defense] emergency management equipment and supplies for the County.

17 (6) To negotiate with owners or persons in control of buildings or other property for  
18 the use of such buildings for [civil defense] emergency management purposes and designating  
19 suitable buildings as public shelters.

20 (7) To assume such authority and conduct such activity as the County Executive may  
21 direct to promote and execute the [civil defense] emergency management plan.

22 (8) The Director shall [make a quarterly written report to the Council] forward to the  
23 County Council, the written reports which are provided to the applicable State agencies relating  
24 to the progress of the [civil defense] emergency management program and of the regulations and  
25 procedures adopted for the protection of the public. [The Council may print such report, or any  
26 part thereof, in its proceedings.]

27 (9) To make, amend, and rescind the necessary orders, rules, and regulations within  
28 the limits of the authority conferred upon [him] the Director, and with due consideration to the  
29 plans of the State and the Federal government, as well as plans of other political subdivisions for  
30 [civil defense] emergency management.

(10) Upon the declaration by the County Executive, or by the County Council of a state of emergency or the termination thereof, to issue all necessary proclamations as to the existence thereof, and the immediate operational effectiveness of the [civil defense] emergency management plan.

**Sec. 6-120. Director of [Civil Defense] Emergency Management; compensation.**

[The County Executive shall, with the approval of the Council, fix the compensation, if any, of the Director of Civil Defense.] The compensation of the Director of Emergency Management shall be fixed in accordance with the Executive Pay Plan.

**Sec. 6-121. Director of [Civil Defense] Emergency Management; removal.**

The Director of [Civil Defense] Emergency Management shall be subject to removal from office by the County Executive and County Council for incompetency, neglect of duty or malfeasance in office.

**Sec. 6-122. Assistants and employees of [Civil Defense] Emergency Management Organization; appointment; duties; compensation.**

The Director of [Civil Defense] Emergency Management shall, in accordance with the provisions of the laws relating to civil service, appoint the assistants and other employees of [Civil Defense] Emergency Management Organization, prescribe their duties[and, with the approval of the Council, fix their compensation, if any]. The compensation of these employees shall be fixed in accordance with the County's salary and classification plans.

**Sec. 6-123. Cooperate and comply with orders of Director; notify of attack, natural disaster or civil emergency.**

(a) All officers and employees of the departments, commissions, boards, institutions and other agencies of the County government designated by the County Executive as [civil defense] emergency management forces shall cooperate with the Director in the formulation of the [civil defense] emergency management plan, and shall comply with the orders of the Director of [Civil Defense] Emergency Management when such orders are issued pursuant to the provisions of this Subtitle.

(b) All such [civil defense] emergency management forces shall apprise the Director of conditions in the County resulting from attack, natural disaster or civil emergency, and shall notify the Director of any condition threatening to reach the proportions of a natural disaster.

(c) Failure to notify the Director of [Civil Defense] Emergency Management as required in Subsection (b) of this Section shall not prevent the Director from exercising any authority assigned to him in this Subtitle or delegated to him by the County Executive.

**Sec. 6-124. Auxiliary and special police.**

During the existence of a state of war, the [Council] County Executive shall have the authority to appoint the necessary number of auxiliary or special police, with such qualifications and with such powers and authorities as may be prescribed by regulation.

**DIVISION 3. CIVIL DEFENSE ORGANIZATION MEMBERS.**

**Sec. 6-125. Appointment of [civil defense] emergency management volunteers.**

(a) The Director may at any time appoint or authorize the appointment of volunteer citizens to augment the personnel of any County activity in time of [civil defense] emergency management emergency. Such volunteer citizens shall be enrolled as [civil defense] emergency management volunteers in cooperation with the heads of the County departments affected, and shall be subject to the rules and regulations set forth by the Director of such volunteers.

(b) The Director may also appoint volunteer citizens to form the personnel of an [civil defense] emergency management service for which the County has no counterpart, or to temporarily augment personnel of the County engaged in [civil defense] emergency management activity.

**Sec. 6-126. Oath required of [civil defense] emergency management workers.**

Each person serving as a member of the [Civil Defense] Emergency Management Council, or as an officer, employee or volunteer in any capacity in the [Civil Defense] Emergency Management Organization shall, prior to assuming his duties, take an oath which shall be substantially as follows:

I, \_\_\_\_\_ do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of this State against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate the overthrow of the Government of the United States or of this State by force or violence; and that during such time as I am a member of the [Civil Defense] Emergency Management Organization I will not advocate nor become a member or an affiliate

of any organization, group or combination of persons or of any political party that advocates the overthrow of the Government of the United States or of this State by force or violence.

**Sec. 6-127. Reimbursement for expenses.**

The members of the [Civil Defense] Emergency Management Organization and the Director may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties with the approval and consent of the County Council, excepting that in cases of emergency, the County Executive may direct reimbursement of members of the [Civil Defense] Emergency Management Organization from [civil defense] emergency management funds made available by the County Council.

**Sec. 6-128. Political activities prohibited.**

(a) The [Civil Defense] Emergency Management Organization established under this Division, shall not participate in or be employed directly or indirectly in any political activity or for any political purpose.

(b) No person shall be employed or directly associated with the [Civil Defense] Emergency Management Organization in any capacity who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or of this State, or of this County, or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States.

(c) All County employees may participate or refrain from participating in partisan political activity. County employees shall not engage in partisan political activity during their hours of employment.

**Sec. 6-129. Rights, privileges and immunities of County employees assigned to [civil defense] emergency management forces.**

County employees assigned to duty as part of the [civil defense] emergency management forces pursuant to the provisions of this Subtitle shall retain all of the rights, privileges and immunities of County employees, and shall receive compensation incident to their employment.

**Sec. 6-130. Limit of liability for compensation for injuries or death of [civil defense] emergency management volunteers.**

The County assumes no liability for injury or death of [civil defense] emergency management volunteers in the performance of their duty as such volunteers, except that which is

imposed by State law or by this Code or other ordinance or resolution of the County Council; provided, however, that [civil defense] emergency management volunteers assigned to duty during a period of natural disaster in the County shall be eligible for the benefits of the State Workmen's Compensation law at a rate of compensation commensurate with that of persons performing similar work under conditions of regular employment.

#### **DIVISION 4. CIVIL DEFENSE COUNCIL.**

##### **Sec. 6-131. [Civil Defense] Emergency Management Council; composition.**

(a) There is hereby created [a Civil Defense] an Emergency Management Council which shall be composed of seven (7) members, as follows:

(1) **Director.** The Director of the [Civil Defense] Emergency Management Organization shall also serve as the Director of the [Civil Defense] Emergency Management Council.

(2) **Assistant Director.** The Assistant Director shall be appointed by the Director.

(3) **Representatives.** The Director shall [from time to time] appoint five (5) members [as he sees fit from among the] who are residents of the County to serve on the [Civil Defense] Emergency Management Council. The representatives shall serve without compensation and at the pleasure of the Director.

##### **Sec. 6-132. [Evacuation Plans] Reserved**

[During the existence of a state of war involving the United States, the Council, subject to the approval of the necessary State or Federal authorities, is authorized to prepare for the evacuation from the County, or any part thereof, all persons they determine necessary for public safety. For this purpose the County Executive shall negotiate with the proper authorities of any State of the United States, the District of Columbia, or any subdivision thereof, to provide for the reception, housing, maintenance, and care of evacuees. The Council shall prepare all necessary plans for the conduct of such evacuation, and may, when in their judgement the public interest or the safety of such persons creates the necessity therefor, order and compel, subject to the approval of the Secretary of Defense, and any such persons designated by the Secretary of Defense, the evacuation from the County of any such persons to such place as they may designate. In the event of such evacuation, the Council is authorized and empowered to obligate the County for the payment of all necessary costs, and to make such regulations and rules as it may deem necessary to carry out the provisions of this Subtitle. For the purpose of compelling evacuation,

the Council may authorize custody by the authorized special police of any person, which custody shall be effective until the point of destination has been reached.]

**Sec. 6-133. [Civil Defense] Emergency Management Council; powers and duties.**

The [Civil Defense] Emergency Management Council shall act as an advisory and planning group. The [Civil Defense] Emergency Management Council shall recommend for adoption an [Civil Defense] Emergency Management Plan for the County and all measures, contracts, mutual aid plans and agreements which are deemed necessary for the implementation of [a civil defense] an emergency management plan. The [Civil Defense] Emergency Management Council shall make a continuing study of the need for amendments and improvements in the [Civil Defense] Emergency Management Plan.

**DIVISION 5. DECLARATION OF EMERGENCY.**

**Sec. 6-134. Declaration of emergency.**

Whenever, in the judgment of the County Executive [a civil], an emergency exists [he] the County Executive shall issue a written proclamation of the existence of the emergency and issue such rules and regulations as [he deems] deemed necessary to control the situation.

**Sec. 6-135. Proclamation; orders and regulations.**

(a) After proclamation of [civil] an emergency, the County Executive may order a general curfew applicable to such geographical areas of the County or to the County as a whole, as [he deems] deemed advisable, and applicable during such hours as [he deems] deemed necessary in the interest of the public safety and welfare.

(b) After proclamation of [a civil] an emergency, the County Executive may also, in the interest of public safety and welfare, make any or all of the following orders:

- (1) Order the closing of all retail liquor stores;
- (2) Order the closing of all taverns;
- (3) Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor and/or beer is permitted;
- (4) Order the discontinuance of the sale of beer and/or liquor;
- (5) Order the discontinuance of selling, distributing or giving away gasoline or other flammable or combustible liquids or products in any container other than a gasoline tank properly affixed to a motor vehicle;

1 (6) Order the closing of gasoline stations and other establishments, the chief activity  
2 of which is the sale, distribution, or dispensing of flammable or combustible liquids or products;

3 (7) Order the discontinuance of selling, distributing, dispensing or giving away of any  
4 firearms or ammunition of any character whatsoever;

5 (8) Order the closing of any or all establishments or portions thereof, the chief  
6 activity of which is the sale, distribution, dispensing, or giving away of firearms and/or  
7 ammunition;

8 (9) Order that no person shall carry, possess or use any club, brick or gasoline filled  
9 bottle or container with a fuse type wick inserted in the neck, or gasoline or petroleum base fire-  
10 bomb or other incendiary missile or weapon;

11 (10) Order if deemed necessary, the closing of any and all business, commercial and  
12 industrial establishments;

13 (11) Call upon regular and auxiliary law enforcement agencies and organizations  
14 within or without the County to assist in preserving and keeping the peace;

15 (12) Designate any public street, thoroughfare, or vehicle parking area closed to motor  
16 vehicle and pedestrian traffic; and

17 (13) Issue such other orders as are imminently necessary for the protection of life and  
18 property.

19 (c) During the existence of a state of war involving the United States, the County  
20 Executive, subject to the approval of the necessary State or Federal authorities, is authorized to  
21 prepare for the evacuation from the County, or any part thereof, all persons they determine  
22 necessary for public safety. For this purpose the County Executive shall negotiate with the  
23 proper authorities of any State of the United States, the District of Columbia, or any subdivision  
24 thereof, to provide for the reception, housing, maintenance, and care of evacuees. The Director  
25 of the Emergency Management Organization shall prepare all necessary plans for the conduct of  
26 such evacuation. When the public interest or the safety of such persons creates the necessity the  
27 County Executive may order and compel, subject to the approval of the Secretary of Defense,  
28 and any such persons designated by the Secretary of Defense, the evacuation from the County of  
29 any such persons to such place as the County Executive may designate. For the purpose of  
30 compelling evacuation, the County Executive may authorize custody by the authorized special



1 police of any person, which custody shall be effective until the point of destination has been  
2 reached.

3 **Sec. 6-137. Assistance from Governor or State agencies.**

4 County Executive or his successor may inform the Governor of the State, or his duly  
5 authorized agent, that a disaster is threatened or has occurred and may request the Governor to  
6 declare a portion or all of the County as [a civil defense] an emergency management or disaster  
7 area. [He] The County Executive shall be authorized to request the Governor to declare the  
8 County in a state of emergency pursuant to Section 6A, Article 16A, Annotated Code of  
9 Maryland, and to request the assistance of the State Police, or request the Governor to call for a  
10 State militia to restore the peace and order of the County.

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
calendar days after it becomes law.

Adopted this 19th day of November, 2001

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Ronald V. Russell  
Chairman

ATTEST:

\_\_\_\_\_  
Joyce T. Sweeney  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Wayne K. Curry  
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.