

**ANNEX U**

**LEGAL**

**City of Sherman, Texas**

January 5, 2007

# APPROVAL & IMPLEMENTATION

## Annex U

### Legal

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Doreen McGookey  
City Attorney

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Date

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J.J. Jones  
Fire Chief / EMC

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Date

# RECORD OF CHANGES

## Annex U

### Legal

<b>Change #</b>	<b>Date of Change</b>	<b>Entered By</b>	<b>Date Entered</b>
	01/17/2007	J Jones	01/17/2007

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# ANNEX U

## LEGAL

### I. AUTHORITY

- A. See Section I of the Basic Plan for general authorities.
- B. Texas Government Code, Chapter 791 (Interlocal Cooperation Contracts).
- C. Texas Local Government Code, Chapter 203 (Management and Preservation of Records).
- D. Texas Local Government Code, Chapter 240 (Miscellaneous Regulatory Powers of Counties).

### II. PURPOSE

The purpose of this annex is making provision for legal services during emergency situations or when such situations appear imminent and to provide guidance for invoking the emergency powers of government when necessary.

### III. EXPLANATION OF TERMS

EOC	Emergency Operating Center
FEMA	Federal Emergency Management Agency
TAC	Texas Administrative Code
TGC	Texas Government Code

### IV. SITUATION & ASSUMPTIONS

#### A. Situation

We are at risk from a number of hazards that could cause threaten public health and safety and personal and government property; see Section IV.A of the basic plan for a summary of these hazards. Legal issues requiring timely resolution may arise during pre-disaster hazard mitigation designed to lessen the effects of known hazards, during pre-disaster preparedness activities designed to enhance the local capability to respond to a disaster, during the actual response to a disaster, or during the post-disaster recovery process.

#### B. Assumptions

1. Local emergency preparedness plans and programs should have a sound legal basis.
2. In responding to major emergencies and disasters, local officials may be required to take extraordinary measures to protect public health and safety and preserve property and they will probably require timely advice regarding the legality of proposed measures.

3. Implementation of measures to protect public health and safety and preserve property during an emergency as recovery and mitigation activities undertaken after a disaster generally require issuance of appropriate legal documents, which should be prepared by competent legal service professionals.

## V. CONCEPT OF OPERATIONS

### A. General

1. Emergency Declaration.
  - a. Pursuant to Chapter 433, TGC, the Mayor or the City Council of the City of Sherman, Texas may request the Governor declare a state of emergency for a jurisdiction or a portion thereof. For purposes of this statute, an emergency exists in the following situations: riot or unlawful assembly by three or more persons acting together by use of force or violence, the existence of a clear and present danger of violence, or a natural or man-made disaster. The Governor may proclaim a state of emergency and issue directives to control and terminate the emergency and protect life and property. Directives issued by the Governor for a state of emergency expire 72 hours after issuance; however, the Governor may declare successive states of emergency. A sample request for an emergency declaration is provided in Appendix 1.
  - b. The emergency declaration process is generally not used for natural or man-made disasters because: (1) it requires action by the Governor to resolve local problems rather than facilitating action by local officials, (2) the Governor's directives require advance notice before they become effective, and (3) directives are of very limited duration – 72 hours. Hence, a disaster declaration may be more appropriate for responding to natural or technological emergencies. An emergency declaration may be appropriate for security-related incidents where local law enforcement resources are inadequate to handle the situation.
  - c. If the actions taken by the Governor after an initial emergency declaration do not resolve the emergency situation, the chief elected official or governing body may request that the emergency declaration be continued. And if the local emergency situation that was the basis for an emergency declaration is resolved before the Governor's directives expire, it is desirable to advise the Governor that the emergency declaration is no longer required.
2. Disaster Declaration
  - a. The Texas Disaster Act, Chapter 418, TGC, provides that the presiding officer of the governing body of a political subdivision (the county judge of a county or the mayor of a municipality) may declare a local state of disaster. A disaster declaration may be issued when a disaster has occurred or appears imminent. The disaster declaration process typically used by the Mayor of City Council to respond to or recover from a significant natural or man-made disaster. A sample disaster declaration is provided in Appendix 2. Copies of a disaster declaration should be filed with the Division of Emergency Management and the City Clerk.

- b. The Executive Order of the Governor Relating to Emergency Management provides that county judges and mayors may, when a state of disaster has been declared, exercise similar powers on an appropriate local scale as have been granted to the Governor in the Disaster Act. Among those powers is the authority suspend procedural laws and rules, use public and private resources to respond to the disaster, control the movement of people, restrict the sale and transportation of certain items, and take a number of other actions. Once a state of disaster is declared, a city or county may enact an emergency ordinance or order describing the specific emergency regulations that are to be put into effect during the disaster. A sample emergency powers ordinance is provided in Appendix 5.
- c. A disaster declaration may not be continued in force for more than seven days unless renewed by the City Council. A sample ordinance extending a disaster declaration is provided in Appendix 3. The City Council may terminate a state of disaster at any time; this approach is typically used when the threat that gave rise to the disaster declaration has subsided. Alternatively, the City Council may chose to simply let the declaration expire by taking no action to extend it. A sample ordinance terminating a disaster declaration is provided in Appendix 4.

## **B. Activities by Phases of Emergency Management**

### **1. Mitigation**

- a. Brief the elected officials and department heads on possible liabilities arising from disaster operations, procedures for invoking the emergency powers of government, and legal documents relating to emergency powers.
- b. Maintain current copies of existing disaster-related laws, regulations, and orders.
- c. Develop local procedures for invoking emergency powers.
- d. Prepare sample legal documents for approval by elected officials.

### **2. Preparedness**

- a. Ensure city emergency call-out rosters include the City Attorney, who should maintain current telephone numbers and addresses for the legal staff.
- b. Review plans and procedures.
- c. Review mutual aid agreements submitted to the jurisdiction for approval and prepare mutual aid agreements to be submitted to other jurisdictions for approval.

### **3. Response**

- a. Advise the Mayor and emergency services staff on legal implications of response activities.

- b. If required, prepare, have approved and signed, and disseminate legal documents declaring a disaster, terminating a disaster declaration, or invoking emergency powers.
4. Recovery
- a. Advise city officials on legal aspects of recovery operations.
  - b. Assist city officials in preparing emergency ordinances, permits, applications for state or federal assistance, grant applications, and, if necessary, litigation.

<b>VI. ORGANIZATION &amp; ASSIGNMENT OF RESPONSIBILITIES</b>
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**A. General.**

Overall responsibility for providing legal services to the Mayor, the City Council, department heads, and other local officials during an emergency rests with the City Attorney. The City Attorney will be assisted by his or her subordinates.

**B. Task Assignments**

1. Mayor

- a. Will take such actions that are legal and necessary to manage the disaster at hand.
- b. If the situation warrants, may declare a local state of disaster. Issuance of a local disaster declaration is advisable if an emergency situation has resulted in substantial damage to privately-owned or government property and state or federal assistance will be needed to recover from the incident. If a local disaster declaration is issued, it shall be given prompt and general publicity.
- c. If the situation warrants, may request the Governor to declare a state of emergency.
- d. If requesting state assistance to cope with a local disaster, should attach copies of any local disaster declaration that has been issued to the request for state assistance. See Annex J, Damage Assessment, for further information.

2. City Attorney

- a. Advise city elected officials and department heads regarding the emergency powers of local government and necessary procedures for invoking measures to:
  - 1) suspend procedural laws and rules;
  - 2) establish curfews;
  - 3) restrict or deny access to a disaster area;
  - 4) control the movement of persons and occupancy of premises in a disaster area;
  - 5) implement wage, price, and rent controls;
  - 6) establish rationing for critical supplies; and of crucial resources
  - 7) limit or restrict use of water or other utilities;

- 8) use any publicly owned resource to respond to the disaster
  - 9) commandeer private property, subject to compensation requirements, to respond to the disaster; and
  - 10) remove debris from publicly or privately owned property
  - 11) restrict outdoor burning and use of fireworks.
  - 12) specify routes of ingress or egress
- b. Review and advise city officials on possible liabilities arising from disaster operations, including the exercising of any or all of the above powers.
  - c. Prepare and recommend legislation to implement the emergency powers that may be required during an emergency.
  - d. Advise city officials and department heads on record keeping requirements and other documentation necessary for the exercising of emergency powers.
  - e. Prepare and keep current this annex.
  - f. During an emergency, report instances of overcharging for emergency supplies, equipment, and repair materials to the Consumer Affairs section of the Office of the Attorney General.
3. City Clerk
- a. Publish required agenda of meetings.
  - b. Prepare a record of public meetings
  - c. Receive a copy of disaster declarations and documents extending or terminating a state of disaster.
  - d. Ensure proper protection of all records.

<b>VII. DIRECTION &amp; CONTROL</b>
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- A. General.** The City Attorney is responsible for providing legal services to the Mayor, City Council and department heads and for preparing all legal documents necessary for the conduct of emergency operations and the exercise of emergency powers. City Council and City Managers will exercise their usual supervisory responsibilities over legal personnel.
- B. Coordination.** The City Attorney will designate a person to coordinate with the Mayor and the EOC, if activated. The City Attorney will identify staff members to be called for emergency duty and will designate those responsible for contacting such staff members.
- C. Line of Succession.** The line of succession for legal services personnel will be:
  - 1. Doreen E. McGookey – City Attorney
    - If the City Attorney should not be able to hold office or is otherwise unavailable a temporary City Attorney will be chosen by the mayor and ratified by the City Council at its next meeting.

- D. **Support.** The City Attorney will cooperate with the legal officers of the political subdivisions in the affected area to set up procedures for providing legal services during the occurrence of an area wide disaster.

## VIII. READINESS LEVELS

### A. Readiness Level 4 – Normal Conditions

See the mitigation and preparedness activities in paragraphs V.B.1) and V.B.2) above.

### B. Readiness Level 3 - Increased Readiness

1. The City Attorney will review the potential emergency situation, determine staff availability, and review emergency tasks assigned in the emergency management plan and this annex.
2. The City Attorney will designate the personnel on call for emergency duty.

### C. Readiness Level 2 – High Readiness

1. Senior city officials and department heads will be briefed on the legal ramifications, if any, of the potential emergency situation.
2. The City Attorney will brief the legal staff on the potential emergency situation and plans to deal with it should it occur and ensure that on-call staff members are available by telephone and ready to report duty if called.

### D. Readiness Level 1 – Maximum Readiness

The designated on call legal services representative will proceed to the EOC if requested.

## IX. ADMINISTRATION & SUPPORT

- A. Maintenance of Records.** All records generated during an emergency will be collected and filed in an orderly manner so a record of events is preserved for use in determining response costs, settling claims, and updating emergency plans and procedures.
- B. Preservation of Records.** Vital legal records should be protected from the effects of disaster to the maximum extent feasible. Should records be damaged during an emergency situation, professional assistance in preserving and restoring those records should be obtained from a firm specializing in these tasks as soon as possible.
- C. Training.** Legal services personnel who will be participating in EOC operations shall receive training on the operating procedures for that facility.

## X. ANNEX DEVELOPMENT & MAINTENANCE

- A. **Development.** The City Attorney is responsible for developing and maintaining this annex.
- B. **Maintenance.** This annex will be reviewed annually and updated in accordance with the schedule outlined in Section X of the Basic Plan.

## XI. REFERENCES

- A. Division of Emergency Management *Local Emergency Management Planning Guide (DEM-10)*.
- B. FEMA *Guide for All-Hazard Emergency Operations Planning (SLG-101)*

**APPENDICES:**

Executive Orders:

Appendix A..... Request to Governor for Emergency Declaration  
Appendix B..... Declaring Local State of Disaster  
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Appendix M ..... Restricting and Limiting Access  
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**Appendix A:**

**The Honorable** \_\_\_\_\_  
Governor of Texas  
C/o State Coordinator  
Division of Emergency Management  
P.O. Box 4087  
Austin, Texas 78773-0001

**Date:** \_\_\_\_\_

Re: Request for Emergency Declaration

Dear Governor \_\_\_\_\_:

The City of Sherman, Texas, is facing significant threats of life, health and property due to:

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The potential impact of this threat is: \_\_\_\_\_

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I have determined that this incident(s) is of such severity and magnitude that an effective response is beyond the capability of the City to control. Pursuant to §433.001 of the Texas Government Code, I am requesting that you declare a state of emergency for Sherman, Texas and issue appropriate directives to deal with the emergency, including:

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Furthermore, I am asking that successive proclamations be issued and remain in affect until the threat of loss of life, injury, or damaged property is contained.

A timely response to this request would be appreciated  
CITY OF SHERMAN, TEXAS

*BY:* \_\_\_\_\_  
*MAYOR*

**Appendix B:**

**Executive Order**

**Emergency Declaration of Disaster**

**WHEREAS**, the City of Sherman, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, has suffered widespread or severe damage, injury, or loss of life of property ( or there is imminent threat of same) resulting from:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ; and

**WHEREAS**, the mayor of the City of Sherman, Texas, has determined the extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE MAYOR OF THE CITY OF SHERMAN, TEXAS:**

1. That a local state of disaster is hereby declared for the City of Sherman, Texas, pursuant §418.108(a) of the Texas Government Code. That due to this disaster an emergency situation exists.
2. That, pursuant to §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 Sherman, Texas.
3. That, pursuant to §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 Clerk.
4. That, Pursuant to §418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City emergency management plan.
5. That this order shall take affect immediately from and after its issuance.

**ORDERED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**CITY OF SHERMAN, TEXAS**

**BY:** \_\_\_\_\_  
**MAYOR**

**Appendix C:**

**EXECUTIVE ORDER**

**AN ORDER AUTHORIZING USE OF ANY PUBLICLY OR PRIVATELY OWNED RESOURCE NECESSITATED BY REASON OF DISASTER DAMAGE AND DESTRUCTION FROM \_\_\_\_\_; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A PENALTY FOR VIOLATION; AND PROVIDING THAT THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY.**

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, the City of Sherman, Texas, suffered severe disaster damage and destruction from: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ : and

**WHEREAS**, pursuant to the powers authorized by the Emergency Management laws of the State of Texas and the Code of Ordinances of the City of Sherman, Texas, I, \_\_\_\_\_, as the Mayor of the City of Sherman, Texas, have declared a local state of disaster in the City of Sherman, Texas, and

**WHEREAS**, the need exists to use all resources possible to maintain safety of residents and to aid law enforcement and safety operations in the affected area; and

**WHEREAS**, maximization of the efficiency of safety operations may depend upon use of private or public resources not owned by the City of Sherman;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE MAYOR OF THE OF SHERMAN, TEXAS:**

**SECTION 1.** That any authorized personnel of the City of Sherman shall have the right to use any publicly or privately owned resource, with or without payment to the owner, for use in safety operations or law enforcement.

**SECTION 2.** That it shall be unlawful for any person or entity to limit or deny access to any authorized personnel of the City of Sherman to use a resource owned by the person or entity.

**SECTION 3.** That any person or entity who shall violate any provision of this Order adopted under the emergency management plan shall be deemed guilty of a Class A misdemeanor and, upon conviction, shall be fined in accordance with state law.

**SECTION 4.** That it is hereby declared this Order shall be effective immediately and shall supersede and override all existing Ordinances, Orders, Rules and Regulations, insofar as the latter may be inconsistent there with.

**SECTION 5.** That this Order shall be given prompt and general publicity and shall be filed promptly with the City Clerk.

**SECTION 6.** That this Order shall become effective immediately and shall be in effect for a period of seven (7) days and may not be continued or renewed except by or with the consent of the City Council.

**ORDERED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**CITY OF SHERMAN, TEXAS**

*BY:* \_\_\_\_\_  
*MAYOR*

**Appendix D:**

**EXECUTIVE ORDER**

**AN ORDER RESTRICTING AND LIMITING ACCESS TO AFFECTED AREAS AND SPECIFYING ROUTES OF INGRESS AND EGRESS NECESSITATED BY REASON OF DISASTER DAMAGE AND DESTRUCTION FROM \_\_\_\_\_; PROVIDING FOR FINDING OF FACT; PROVIDING FOR A PENALTY FOR VIOLATION; AND PROVIDING THAT THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY.**

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, the City of Sherman, Texas, suffered severe disaster damage and destruction from: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ : and

**WHEREAS**, pursuant to the powers authorized by the Emergency Management laws of the State of Texas and the Code of Ordinances of the City of Sherman, Texas, I, \_\_\_\_\_, as the Mayor of the City of Sherman, Texas, have declared a local state of disaster in the City of Sherman, Texas, and

**WHEREAS**, access to an affected area may be hazardous to the safety of an individual and impede law enforcement and safety operations in the affected area; and

**WHEREAS**, specifying ingress and egress to affected areas shall aid in law enforcement and safety operations;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE MAYOR OF THE OF SHERMAN, TEXAS:**

**SECTION 1.** That the following areas shall be designated as affected areas and access shall be denied to all persons, except for authorized personnel: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**SECTION 2.** That the following areas shall be designated as affected areas and access shall be limited to persons who reside in the affected areas and authorized personnel:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**SECTION 3.** That the following areas shall be designated as affected areas and ingress and egress shall be limited to the routes specified as to all persons, except for authorized personnel: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**SECTION 4.** That it shall be unlawful for any person, without proper authority, to be found in an affected area with limited or denied access.

**SECTION 5.** That any person or entity who shall violate any provision of this Order adopted under the emergency management plan shall be deemed guilty of a Class A misdemeanor and, upon conviction, shall be inconsistent therewith.

**SECTION 6.** That it is here by declared this Order shall be effective immediately and shall supersede and override all existing Ordinances, Orders, Rules and Regulations, insofar as the latter may be inconsistent therewith.

**SECTION 7.** That this Order shall be given prompt and general publicity and shall be filed promptly with the City Clerk.

**SECTION 8.** That this Order shall become effective immediately and shall be in effect for a period of seven (7) days and may not be continued or renewed except by or with the consent of the City Council.

**ORDERED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**CITY OF SHERMAN, TEXAS**

**BY:** \_\_\_\_\_  
**MAYOR**

**Appendix E:**

**EXECUTIVE ORDER**

**AN ORDER SETTING A CURFEW BETWEEN THE HOURS OF \_\_\_\_\_ P.M. AND \_\_\_\_\_ A.M. NECESSITATED BY REASON OF DISASTER DAMAGE AND DETRUCTION FROM \_\_\_\_\_; PROVIDING FOR PARTIAL OR TOTAL LIFTING OF THE CURFEW BY ORDER OF THE MAYOR; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A PENALTY FOR VIOLATION; AND PROVIDING THAT THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY.**

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, the City of Sherman, Texas, suffered severe disaster damage and destruction from: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ : and

**WHEREAS**, pursuant to the powers authorized by the Emergency Management laws of the State of Texas and the Code of Ordinances of the City of Sherman, Texas, I, \_\_\_\_\_, as the Mayor of the City of Sherman, Texas, have declared a local state of disaster in the City of Sherman, Texas, and

**WHEREAS**, many businesses and residences are open and exposed to vandalism and the natural elements, thus necessitating immediate protection against further loss;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE MAYOR OF THE OF SHERMAN, TEXAS:**

**SECTION 1.** That it shall be unlawful for any person, without proper authority, to be upon the public streets or rights-of-way within the City of Sherman between the hours of \_\_\_\_\_ p.m. and \_\_\_\_\_ a.m. the next morning.

**SECTION 2.** That this curfew and the hours of this curfew may be altered, changed, or lifted by order of the Mayor at any time, but said curfew shall remain in effect until such order is made.

**SECTION 3.** That any person who shall violate any provision of the Order adopted under the emergency management plan shall be deemed guilty of a Class A misdemeanor and, upon conviction, shall be fined accordance with state law.

**SECTION 4.** That it is hereby declared this Order shall be effective immediately and shall supersede and override all existing Ordinances, Orders, Rules and Regulations, insofar as the latter may be inconsistent there with.

**SECTION 5.** That this Order shall be given prompt and general publicity and shall be filed promptly with the City Clerk.

**SECTION 6.** That this Order shall become effective immediately and shall be in effect for a period of seven (7) days and may not be continued or renewed except by or with the consent of the City Council.

**ORDERED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**CITY OF SHERMAN, TEXAS**

**BY:** \_\_\_\_\_  
**MAYOR**

Appendix F:

**EXECUTIVE ORDER**

**AN ORDER AUTHORIZING REMOVAL OF DEBRIS FROM ANY PUBLICLY OR PRIVATELY OWNED PROPERTY NECESSITATED BY REASON OF DISASTER DAMAGE AND DESTRUCTION FROM \_\_\_\_\_; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A PENALTY FOR VIOLATION; AND PROVIDING THAT THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY.**

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, the City of Sherman, Texas, suffered severe disaster damage and destruction from: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ : and

**WHEREAS**, pursuant to the powers authorized by the Emergency Management laws of the State of Texas and the Code of Ordinances of the City of Sherman, Texas, I, \_\_\_\_\_, as the Mayor of the City of Sherman, Texas, have declared a local state of disaster in the City of Sherman, Texas, and

**WHEREAS**, the need exists to remove debris from publicly and privately owned property to aid law enforcement and safety operations in the affected area; and

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE MAYOR OF THE OF SHERMAN, TEXAS:**

**SECTION 1.** That any authorized personnel of the City of Sherman shall have the right to remove debris from any publicly or privately owned land and water, with or without permission of the owner, to aid in safety operations or law enforcement.

**SECTION 2.** That it shall be unlawful for any person or entity to limit or deny access to any authorized personnel of the City of Sherman to remove debris from property owned by the person or entity.

**SECTION 3.** That any person or entity who shall violate any provision of this Order adopted under the emergency management plan shall be deemed guilty of a Class A misdemeanor and, upon conviction, shall be fined in accordance with state law.

**SECTION 4.** That it is hereby declared this Order shall be effective immediately and shall supersede and override all existing Ordinances, Orders, Rules and Regulations, insofar as the latter may be inconsistent there with.

**SECTION 5.** That this Order shall be given prompt and general publicity and shall be filed promptly with the City Clerk.

**SECTION 6.** That this Order shall become effective immediately and shall be in effect for a period of seven (7) days and may not be continued or renewed except by or with the consent of the City Council.

**ORDERED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**CITY OF SHERMAN, TEXAS**

**BY:** \_\_\_\_\_  
**MAYOR**

Appendix G:

**EXECUTIVE ORDER**

**AN ORDER DESIGNATING BURN AND DISPOSAL SITES FOR DEBRIS NECESSITATED BY REASON OF DISASTER DAMAGE AND DESTRUCTION FROM \_\_\_\_\_; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A PENALTY FOR VIOLATION; AND PROVIDING THAT THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY.**

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, the City of Sherman, Texas, suffered severe disaster damage and destruction from: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ : and

**WHEREAS**, pursuant to the powers authorized by the Emergency Management laws of the State of Texas and the Code of Ordinances of the City of Sherman, Texas, I, \_\_\_\_\_, as the Mayor of the City of Sherman, Texas, have declared a local state of disaster in the City of Sherman, Texas, and

**WHEREAS**, the need exists to remove and dispose of debris from the affected area; and

**WHEREAS**, to better safe guard public health and welfare, burn and disposal sites need to be designated for proper and safe disposal of said debris;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE MAYOR OF THE OF SHERMAN, TEXAS:**

**SECTION 1.** That the City of Sherman shall hereby designate the following areas as burn and disposal sites: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**SECTION 2.** That it shall be unlawful for any person or entity to use any site which has not been designated herein as a burn and disposal site.

**SECTION 3.** That any person or entity who shall violate any provision of this Order adopted under the emergency management plan shall be deemed guilty of a Class A misdemeanor and, upon conviction, shall be fined in accordance with state law.

**SECTION 4.** That it is hereby declared this Order shall be effective immediately and shall supersede and override all existing Ordinances, Orders, Rules and Regulations, insofar as the latter may be inconsistent there with.

**SECTION 5.** That this Order shall be given prompt and general publicity and shall be filed promptly with the City Clerk.

**SECTION 6.** That this Order shall become effective immediately and shall be in effect for a period of seven (7) days and may not be continued or renewed except by or with the consent of the City Council.

**ORDERED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**CITY OF SHERMAN, TEXAS**

**BY:** \_\_\_\_\_  
**MAYOR**

Appendix H:

**EXECUTIVE ORDER**

**AN ORDER FREEZING PRICES CHARGED TO CONSUMER BY VENDORS, MERCHANTS, AND OTHER PERSONS SELLING, OR OFFERING TO SELL, EITHER RETAIL OR WHOLESALE, LEASE, OR RENT ANY GOODS OR SERVICES TO THE GENERAL PUBLIC WITHIN CITY LIMITS OF THE CITY OF SHERMAN, TEXAS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A PENALTY FOR VIOLATION; AND PROVIDING THAT THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY.**

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, the City of Sherman, Texas, suffered severe disaster damage and destruction from: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ : and

**WHEREAS**, pursuant to the powers authorized by the Emergency Management laws of the State of Texas and the Code of Ordinances of the City of Sherman, Texas, I, \_\_\_\_\_, as the Mayor of the City of Sherman, Texas, have declared a local state of disaster in the City of Sherman, Texas, and

**WHEREAS**, during the time of tragedy and disaster, indiscriminate vendors, merchants, landlords, or other persons selling, of offering sale, either retail or wholesale, lease, rent, or otherwise providing goods or services to the general public for compensation or consideration may attempt to increase prices and rates above and beyond any reasonable price or rate; and

**WHEREAS**, the increased prices or rates are, or would be, unreasonable and would not be in the best public interest;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE MAYOR OF THE OF SHERMAN, TEXAS:**

**SECTION 1.** That it shall be unlawful for any vendor, merchant, landlord, or other person selling or offering to sell, whether retail or wholesale, goods or services at a rate or price in excess of those rates or prices prevailing in the City of Sherman, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**SECTION 2.** That it shall be unlawful for any vendor, merchant, landlord, or other person or persons to lease as lessor, rent, or otherwise provide real property, including but not limited to apartments, condominiums, duplexes, fourplexes, or any other dwelling intended for human habitation, at a rate, price or term in excess of those rates, prices or terms which were in effect on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**SECTION 3.** That any person or entity who shall violate any provision of this Order adopted under the emergency management plan shall be deemed guilty of a Class A misdemeanor and, upon conviction, shall be fined in accordance with state law.

**SECTION 4.** That it is hereby declared this Order shall be effective immediately and shall supersede and override all existing Ordinances, Orders, Rules and Regulations, insofar as the latter may be inconsistent there with.

**SECTION 5.** That this Order shall be given prompt and general publicity and shall be filed promptly with the City Clerk.

**SECTION 6.** That this Order shall become effective immediately and shall be in effect for a period of seven (7) days and may not be continued or renewed except by or with the consent of the City Council.

**ORDERED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**CITY OF SHERMAN, TEXAS**

**BY:** \_\_\_\_\_ **MAYOR**

Appendix I:

**EXECUTIVE ORDER**

**AN ORDER IMPOSING MANDATORY RATIONING OF CRITICAL RESOURCES NECESSITATED BY REASON OF DISASTER DAMAGE AND DESTRUCTION FROM \_\_\_\_\_; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A PENALTY FOR VIOLATION; AND PROVIDING THAT THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY.**

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, the City of Sherman, Texas, suffered severe disaster damage and destruction from: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ : and

**WHEREAS**, pursuant to the powers authorized by the Emergency Management laws of the State of Texas and the Code of Ordinances of the City of Sherman, Texas, I, \_\_\_\_\_, as the Mayor of the City of Sherman, Texas, have declared a local state of disaster in the City of Sherman, Texas; and

**WHEREAS**, the scarcity of threat of scarcity of critical resources necessitates immediate protection against further unnecessary loss of resources;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE MAYOR OF THE OF SHERMAN, TEXAS:**

**SECTION 1.** That it shall be mandatory, absent proper authorization from the City of Sherman, for every person or entity to conserve and ration all critical resources. Critical resources shall include but are not limited to the following: water, fuel of any kind, batteries, utilities, and food items.

**SECTION 2.** That it shall be unlawful for any person or entity, without proper authorization, to fail to ration such critical resources as mandated by the City of Sherman, Texas.

**SECTION 3.** That any person or entity who shall violate any provision of this Order adopted under the emergency management plan shall be deemed guilty of a Class A misdemeanor and, upon conviction, shall be fined in accordance with state law.

**SECTION 4.** That it is hereby declared this Order shall be effective immediately and shall supersede and override all existing Ordinances, Orders, Rules and Regulations, insofar as the latter may be inconsistent there with.

**SECTION 5.** That this Order shall be given prompt and general publicity and shall be filed promptly with the City Clerk.

**SECTION 6.** That this Order shall become effective immediately and shall be in effect for a period of seven (7) days and may not be continued or renewed except by or with the consent of the City Council.

**ORDERED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**CITY OF SHERMAN, TEXAS**

**BY:** \_\_\_\_\_  
**MAYOR**

Appendix J:

**EXECUTIVE ORDER**

**AN ORDER REGULATING THE SALE, TRANSFER, OR DISTRIBUTION OF UTILITIES, FLAMMABLE PRODUCTS, EXPLOSIVES OR ALCOHOL; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A PENALTY FOR VIOLATION; AND PROVIDING THAT THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY.**

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, the City of Sherman, Texas, suffered severe disaster damage and destruction from: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ : and

**WHEREAS**, pursuant to the powers authorized by the Emergency Management laws of the State of Texas and the Code of Ordinances of the City of Sherman, Texas, I, \_\_\_\_\_, as the Mayor of the City of Sherman, Texas, have declared a local state of disaster in the City of Sherman, Texas, and

**WHEREAS**, many residencies and businesses are open and exposed to vandalism, theft, and destruction;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE MAYOR OF THE OF SHERMAN, TEXAS:**

**SECTION 1.** That the following rules and regulations are mandatory for every person or entity for the following activities and for the following areas:

(1) UTILITIES:

All utility services shall be discontinued in the following area(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) FLAMMABLE PRODUCTS:

(A) A person shall not sell, transfer, distribute, or give away gasoline or other flammable or combustible products in the following area(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
(b) All gasoline stations shall be closed in the following area(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) EXPLOSIVES:

(a) A person shall not sell, transfer, distribute, barter, loan, or give away arms, ammunition, dynamite, or other explosives in the following area(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) All establishments where arms, ammunition, dynamite, or other explosives are sold shall be closed in the following area(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(4) ALCOHOLIC BEVERAGES:

(a) A person shall not sell, transfer, or distribute beer, wine, liquor, or other alcoholic beverages of any kind in the following area(s): \_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) Subsection (a) shall not apply to the sale of medicine that contains alcohol.

**SECTION 2.** That any person or entity who shall violate any provision of this Order adopted under the emergency management plan shall be deemed guilty of a Class A misdemeanor and, upon conviction, shall be fined in accordance with state law.

**SECTION 3.** That it is hereby declared this Order shall be effective immediately and shall supersede and override all existing Ordinances, Orders, Rules and Regulations, insofar as the latter may be inconsistent there with.

**SECTION 4.** That this Order shall be given prompt and general publicity and shall be filed promptly with the City Clerk.

**SECTION 5.** That this Order shall become effective immediately and shall be in effect for a period of seven (7) days and may not be continued or renewed except by or with the consent of the City Council.

**ORDERED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**CITY OF SHERMAN, TEXAS**

**BY:** \_\_\_\_\_  
**MAYOR**

Appendix K:

**EXECUTIVE ORDINANCE NO. \_\_\_\_\_**

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXTENDING THE LOCAL STATE OF DISASTER IN THE CITY OF SHERMAN, TEXAS, NECESSITATED BY REASON OF DISASTER DAMAGE AND DESTRUCTION FROM**

\_\_\_\_\_  
\_\_\_\_\_; **PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A PENALTY FOR VIOLATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, the City of Sherman, Texas, suffered severe disaster damage and destruction from: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_, creating continuing emergency conditions; and

**WHEREAS**, pursuant to the powers authorized by the Emergency Management laws of the State of Texas and the Code of Ordinances of the City of Sherman, Texas, the Mayor by Order declared a local state of disaster in the City of Sherman, Texas, and

**WHEREAS**, said Order shall be in effect for a period of seven (7) days and may only be continued or renewed with the consent of the city council;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE MAYOR OF THE OF SHERMAN, TEXAS:**

**SECTION 1.** That the City Council of the City of Sherman, Texas, states that emergency conditions continue to exist and hereby consents that the local state of disaster is hereby continued for ninety-one (91) days unless repealed or reenacted for the following area(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**SECTION 2.** That any person or entity who shall violate any provision of this Order adopted under the emergency management plan shall be deemed guilty of a Class A misdemeanor and, upon conviction, shall be fined in accordance with state law.

**SECTION 3.** That is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by the final judgment or degree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, because the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph, or section.

**SECTION 4.** That all ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 5.** That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become affective from and after its passage and adoption, pursuant to Article II, Section 11(e) of the City Charter, and shall expire ninety-one (91) days after adoption unless sooner repealed or reenacted.

**SECTION 6.** That it is hereby officially found and determined that the meeting at which this ordinance is passed is opened to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

**PASSED AND APPROVED:**

**INTRODUCED, PASSED AND ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**CITY OF SHERMAN, TEXAS**

**BY:** \_\_\_\_\_  
**MAYOR**

**ATTEST:**

**BY:** \_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM AND CONTENT:**

**BY:** \_\_\_\_\_  
**CITY ATTORNEY**

Appendix L

EXECUTIVE ORDINANCE NO. \_\_\_\_\_

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING USE OF ANY PUBLICLY OR PRIVATELY OWNED RESOURCE NECESSITATED BY REASON OF DISASTER DAMAGE AND DESTRUCTION FROM

\_\_\_\_\_; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A PENALTY FOR VIOLATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, the City of Sherman, Texas, suffered severe disaster damage and destruction from: \_\_\_\_\_

\_\_\_\_\_, creating continuing emergency conditions; and

WHEREAS, the need exists to use all resources possible to maintain safety of residents and to aid law enforcement and safety operations in the affected area; and

WHEREAS, maximization of the efficiency of safety operations may depend upon use of private or public resources not owned by the City of Sherman, Texas;

NOW, THEREFORE, BE IT HEREBY ORDERED BY THE MAYOR OF THE OF SHERMAN, TEXAS:

**SECTION 1.** That the City Council of the City of Sherman, Texas, states that emergency conditions continue to exist and that any authorized personnel of the city of Sherman, Texas, shall have the right to use any publicly or privately owned resource, with or without payment to owner, for use in safety operations or law enforcement.

**SECTION 2.** That it shall be unlawful for any person or entity to limit or deny access to any personnel of the City of Sherman, Texas, to use a resource owned by the person or entity.

**SECTION 3.** That any person or entity who shall violate any provision of this Ordinance adopted under the emergency management plan shall be deemed guilty of a Class A misdemeanor and, upon conviction, shall be fined in accordance with state law.

**SECTION 4.** That is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by the final judgment or degree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, because the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph, or section.

**SECTION 5.** That all ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 6.** That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become affective from and after its passage and adoption, pursuant to Article II, Section 11(e) of the City Charter, and shall expire ninety-one (91) days after adoption unless sooner repealed or reenacted.

**SECTION 7.** That it is hereby officially found and determined that the meeting at which this ordinance is passed is opened to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

**PASSED AND APPROVED:**

**INTRODUCED, PASSED AND ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**CITY OF SHERMAN, TEXAS**

**BY:** \_\_\_\_\_  
**MAYOR**

**ATTEST:**

**BY:** \_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM AND CONTENT:**

**BY:** \_\_\_\_\_  
**CITY ATTORNEY**

Appendix M:

**EXECUTIVE ORDINANCE NO. \_\_\_\_\_**

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RESTRICTING AND LIMITING ACCESS TO AFFECTED AREAS AND SPECIFYING ROUTES ON INGRESS AND REGRESS NECESSITATED BY REASON OF DISASTER DAMAGE AND DESTRUCTION**

**FROM \_\_\_\_\_; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A PENALTY FOR VIOLATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, the City of Sherman, Texas, suffered severe disaster damage and destruction from: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_, creating continuing emergency conditions; and

**WHEREAS**, access to an affected area may be hazardous to the safety of an individual and impede law enforcement and safety operations in the affected area; and

**WHEREAS**, specifying ingress and egress to affected areas shall aid in law enforcement and safety operations;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE MAYOR OF THE OF SHERMAN, TEXAS:**

**SECTION 1.** That the City Council of the City of Sherman, Texas, states that emergency conditions continue to exist.

**SECTION 2.** That the following areas shall be designated as affected areas and access shall be denied to all persons, except for authorized personnel: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**SECTION 3.** That the following areas shall be designated as affected areas and access shall be limited to persons who reside in the affected areas and authorized personnel:

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**SECTION 4.** That the following areas shall be designated as affected areas and ingress and egress shall be limited to the routes specified as to all persons, except for authorized personnel: \_\_\_\_\_

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**SECTION 5.** That it shall be unlawful for any person, without proper authority, to be found in an affected area with limited or denied access.

**SECTION 6.** That any person or entity who shall violate any provision of this Ordinance adopted under the emergency management plan shall be deemed guilty of a Class A misdemeanor and, upon conviction, shall be fined in accordance with state law.

**SECTION 7.** That is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by the final judgment or degree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, because the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph, or section.

**SECTION 8.** That all ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 9.** That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become affective from and after its passage and adoption, pursuant to Article II, Section 11(e) of the City Charter, and shall expire ninety-one (91) days after adoption unless sooner repealed or reenacted.

**SECTION 10.** That it is hereby officially found and determined that the meeting at which this ordinance is passed is opened to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

**PASSED AND APPROVED:**

**INTRODUCED, PASSED AND ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**CITY OF SHERMAN, TEXAS**

**BY:** \_\_\_\_\_  
**MAYOR**

**ATTEST:**

**BY:** \_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM AND CONTENT:**

**BY:** \_\_\_\_\_  
**CITY ATTORNEY**

Appendix N:

**EXECUTIVE ORDINANCE NO. \_\_\_\_\_**

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, SETTING A CURFEW BETWEEN THE HOURS OF \_\_\_\_\_ P.M. AND \_\_\_\_\_ A.M. NECESSITATED BY REASON OF DISASTER DAMAGE AND DESTRUCTION FROM \_\_\_\_\_; PROVIDING FOR PARTIAL OR TOTAL LIFTING OF THE CURFEW BY ORDER OF THE MAYOR; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A PENALTY FOR VIOLATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, the City of Sherman, Texas, suffered severe disaster damage and destruction from: \_\_\_\_\_

\_\_\_\_\_, and many business and residencies are open and exposed to vandalism and the natural elements, thus necessitating immediate protection against further loss, creating continuing emergency conditions; and

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE MAYOR OF THE OF SHERMAN, TEXAS:**

**SECTION 1.** That the City Council of Sherman, Texas, states that emergency conditions continue to exist and that it shall be unlawful for any person, without proper authority, to be upon the public streets or right-of-way within the City of Sherman, Texas, between the hours of \_\_\_\_\_ p.m. and \_\_\_\_\_ a.m. the next morning.

**SECTION 2.** That this curfew and the hours of this curfew mat be altered, changed or lifted by order of the Mayor at any time, but said curfew shall remain in effect until such order is made.

**SECTION 3.** That any person or entity who shall violate any provision of this Ordinance adopted under the emergency management plan shall be deemed guilty of a Class A misdemeanor and, upon conviction, shall be fined in accordance with state law.

**SECTION 4.** That is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid

by the final judgment or degree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, because the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph, or section.

**SECTION 5.** That all ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 6.** That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become affective from and after its passage and adoption, pursuant to Article II, Section 11(e) of the City Charter, and shall expire ninety-one (91) days after adoption unless sooner repealed or reenacted.

**SECTION 7.** That it is hereby officially found and determined that the meeting at which this ordinance is passed is opened to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

**PASSED AND APPROVED:**

**INTRODUCED, PASSED AND ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**CITY OF SHERMAN, TEXAS**

**BY:** \_\_\_\_\_  
**MAYOR**

**ATTEST:**

**BY:** \_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM AND CONTENT:**

**BY:** \_\_\_\_\_  
**CITY ATTORNEY**

Appendix O:

**EXECUTIVE ORDINANCE NO. \_\_\_\_\_**

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING REMOVAL OF DEBRIS FROM ANY PUBLICLY OR PRIVATELY OWNED PROPERTY NECESSITATED BY REASON OF DISASTER DAMAGE AND DESTRUCTION FROM \_\_\_\_\_**

**\_\_\_\_\_ ; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A PENALTY FOR VIOLATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, the City of Sherman, Texas, suffered severe disaster damage and destruction from: \_\_\_\_\_

\_\_\_\_\_, and many business and residencies are open and exposed to vandalism and the natural elements, thus necessitating immediate protection against further loss, creating continuing emergency conditions; and

**WHEREAS**, the need exists to remove debris from publicly or privately owned property to aid law enforcement and safety operations in the affected area;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE MAYOR OF THE OF SHERMAN, TEXAS:**

**SECTION 1.** That the City Council of Sherman, Texas, states that emergency conditions continue to exist and that any authorized personnel of the City of Sherman shall have the right to remove debris from any publicly or privately owned land or water, with or without permission of owner, to aid in safety operations or law enforcement.

**SECTION 2.** That it shall be unlawful for any person or entity to limit or deny access to any authorized personnel of the City of Sherman to remove debris from property owned by the person or entity.

**SECTION 3.** That any person or entity who shall violate any provision of this Ordinance adopted under the emergency management plan shall be deemed guilty of a Class A misdemeanor and, upon conviction, shall be fined in accordance with state law.

**SECTION 4.** That is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by the final judgment or degree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, because the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph, or section.

**SECTION 5.** That all ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 6.** That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become affective from and after its passage and adoption, pursuant to Article II, Section 11(e) of the City Charter, and shall expire ninety-one (91) days after adoption unless sooner repealed or reenacted.

**SECTION 7.** That it is hereby officially found and determined that the meeting at which this ordinance is passed is opened to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

**PASSED AND APPROVED:**

**INTRODUCED, PASSED AND ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**CITY OF SHERMAN, TEXAS**

**BY:** \_\_\_\_\_  
**MAYOR**

**ATTEST:**

**BY:** \_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM AND CONTENT:**

**BY:** \_\_\_\_\_  
**CITY ATTORNEY**

Appendix P:

**EXECUTIVE ORDINANCE NO. \_\_\_\_\_**

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DESIGNATING BURN AND DISPOSAL SITES FOR DEBRIS NECESSITATED BY REASON OF DISASTER DAMAGE AND DESTRUCTION FROM \_\_\_\_\_**

**\_\_\_\_\_ ; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A PENALTY FOR VIOLATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, the City of Sherman, Texas, suffered severe disaster damage and destruction from: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_, creating continuing emergency conditions; and

**WHEREAS**, the need exists to remove and dispose of debris from the affected area; and

**WHEREAS**, to better safe guard public health and welfare, burn and disposal sites need to be designated for proper and safe disposal of said debris;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE MAYOR OF THE OF SHERMAN, TEXAS:**

**SECTION 1.** That the City Council of Sherman, Texas, states that emergency conditions continue to exist and does hereby designate the following areas as burn and disposal sites: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**SECTION 2.** That it shall be unlawful for any person or entity to use any site which has not been designated herein as a burn and disposal site.

**SECTION 3.** That any person or entity who shall violate any provision of this Ordinance adopted under the emergency management plan shall be deemed guilty of a Class A misdemeanor and, upon conviction, shall be fined in accordance with state law.

**SECTION 4.** That is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by the final judgment or degree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, because the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph, or section.

**SECTION 5.** That all ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 6.** That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become affective from and after its passage and adoption, pursuant to Article II, Section 11(e) of the City Charter, and shall expire ninety-one (91) days after adoption unless sooner repealed or reenacted.

**SECTION 7.** That it is hereby officially found and determined that the meeting at which this ordinance is passed is opened to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

**PASSED AND APPROVED:**

**INTRODUCED, PASSED AND ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**CITY OF SHERMAN, TEXAS**

**BY:** \_\_\_\_\_  
**MAYOR**

**ATTEST:**

**BY:** \_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM AND CONTENT:**

**BY:** \_\_\_\_\_  
**CITY ATTORNEY**

**Appendix Q:**

**EXECUTIVE ORDINANCE NO. \_\_\_\_\_**

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, FREEZING PRICES CHARGED TO CONSUMER BY VENDORS, MERCHANTS, AND OTHER PERSONS SELLING, OR OFFERING TO SELL, EITHER RETAIL OR WHOLESALE, LEASE, OR RENT ANY GOODS OR SERVICES TO THE GENERAL PUBLIC WITHIN CITY LIMITS OF THE CITY OF SHERMAN, TEXAS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A PENALTY FOR VIOLATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, the City of Sherman, Texas, suffered severe disaster damage and destruction from: \_\_\_\_\_

\_\_\_\_\_, and the general public has suffered severe loss of property, goods and services; and

**WHEREAS**, during the time of tragedy and disaster, indiscriminate vendors, merchants, landlords, or other persons selling, or offering sale, either retail or wholesale, lease, rent, or otherwise providing goods or services to the general public for compensation or consideration may attempt to increase prices and rates above and beyond any reasonable price or rate; and

**WHEREAS**, the increased prices or rates are, or would be, unreasonable and would not be in the best public interest;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE MAYOR OF THE OF SHERMAN, TEXAS:**

**SECTION 1.** That the City Council of Sherman, Texas, states that emergency conditions continue to exist in the City of Sherman.

**SECTION 2.** That it shall be unlawful for any vendor, merchant, landlord, or other person selling or offering to sell, whether retail or wholesale, goods or services at a rate or price in excess of those rates or prices prevailing in the City of Sherman, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**SECTION 3.** That it shall be unlawful for any vendor, merchant, landlord, or other person or persons to lease as lessor, rent, or otherwise provide real property, including but

not limited to apartments, condominiums, duplexes, fourplexes, or any other dwelling intended for human habitation, at a rate, price or term in excess of those rates, prices or terms which were in effect on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**SECTION 4.** That any person or entity who shall violate any provision of this Ordinance adopted under the emergency management plan shall be deemed guilty of a Class A misdemeanor and, upon conviction, shall be fined in accordance with state law.

**SECTION 5.** That is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by the final judgment or degree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, because the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph, or section.

**SECTION 6.** That all ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 7.** That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become affective from and after its passage and adoption, pursuant to Article II, Section 11(e) of the City Charter, and shall expire ninety-one (91) days after adoption unless sooner repealed or reenacted.

**SECTION 8.** That it is hereby officially found and determined that the meeting at which this ordinance is passed is opened to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

**PASSED AND APPROVED:**  
**INTRODUCED, PASSED AND ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**CITY OF SHERMAN, TEXAS**  
**BY:** \_\_\_\_\_  
**MAYOR**

**ATTEST:**

**BY:** \_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM AND CONTENT:**

**BY:** \_\_\_\_\_  
**CITY ATTORNEY**

**APPENDIX R:**

**EXECUTIVE ORDINANCE NO. \_\_\_\_\_**

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, IMPOSING MANDATORY RATIONING OF CRITICAL RESOURCES NECESSITATED BY REASON OF DISASTER DAMAGE AND DESTRUCTION FROM \_**

**\_\_\_\_\_;**  
**PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A PENALTY FOR VIOLATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, the City of Sherman, Texas, suffered severe disaster damage and destruction from: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_, and critical resources are in short supply, creating continuing emergency conditions; and

**WHEREAS**, the scarcity of threat of scarcity of critical resources necessitates immediate protection against further unnecessary loss of resources;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE MAYOR OF THE OF SHERMAN, TEXAS:**

**SECTION 1.** That the City Council of Sherman, Texas, states that emergency conditions continue to exist and that it shall be mandatory, absent proper authorization from the City of Sherman, for every person or entity to conserve and ration all critical resources. Critical resources shall include but are not limited to the following: water, fuel of any kind, batteries, utilities, and food items

**SECTION 2.** That it shall be unlawful for any person or entity, without proper authorization, to fail to ration such critical resources as mandated by the City of Sherman, Texas.

**SECTION 3.** That any person or entity who shall violate any provision of this Ordinance adopted under the emergency management plan shall be deemed guilty of a Class A misdemeanor and, upon conviction, shall be fined in accordance with state law.

**SECTION 4.** That is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid

by the final judgment or degree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, because the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph, or section.

**SECTION 5.** That all ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 6.** That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become affective from and after its passage and adoption, pursuant to Article II, Section 11(e) of the City Charter, and shall expire ninety-one (91) days after adoption unless sooner repealed or reenacted.

**SECTION 7.** That it is hereby officially found and determined that the meeting at which this ordinance is passed is opened to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

**PASSED AND APPROVED:**

**INTRODUCED, PASSED AND ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**CITY OF SHERMAN, TEXAS**

**BY:** \_\_\_\_\_  
**MAYOR**

**ATTEST:**

**BY:** \_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM AND CONTENT:**

**BY:** \_\_\_\_\_  
**CITY ATTORNEY**

Appendix S:

**EXECUTIVE ORDINANCE NO. \_\_\_\_\_**

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REGULATING THE SALE, TRANSFER, OR DISTRIBUTION OF UTILITIES, FLAMMABLE PRODUCTS, EXPLOSIVES OR ALCOHOL; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A PENALTY FOR VIOLATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, the City of Sherman, Texas, suffered severe disaster damage and destruction from: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_, and the general public has suffered severe loss of property, goods and services; and

**WHEREAS**, the use of utilities in these damaged areas may cause additional damage and destruction, and the sale of flammable products, explosives, and alcohol may exacerbate the situation;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE MAYOR OF THE OF SHERMAN, TEXAS:**

**SECTION 1.** That the City Council of Sherman, Texas, finds and determines that a disaster continues to exist in the City of Sherman, Texas, creating continuing emergency conditions, necessitating that the following rules and regulations are mandatory for every person or entity for the following activities and for the following areas:

(5) UTILITIES:

All utility services shall be discontinued in the following area(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(6) FLAMMABLE PRODUCTS:

(A) A person shall not sell, transfer, distribute, or give away gasoline or other flammable or combustible products in the following area(s):

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(b) All gasoline stations shall be closed in the following area(s): \_\_\_\_\_

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(7) EXPLOSIVES:

(a) A person shall not sell, transfer, distribute, barter, loan, or give away arms, ammunition, dynamite, or other explosives in the following area(s):

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(b) All establishments where arms, ammunition, dynamite, or other explosives are sold shall be closed in the following area(s): \_\_\_\_\_

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(8) ALCOHOLIC BEVERAGES:

(a) A person shall not sell, transfer, or distribute beer, wine, liquor, or other alcoholic beverages of any kind in the following area(s): \_\_\_\_\_

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(b) Subsection (a) shall not apply to the sale of medicine that contains alcohol.

**SECTION 2.** That any person or entity who shall violate any provision of this Ordinance adopted under the emergency management plan shall be deemed guilty of a Class A misdemeanor and, upon conviction, shall be fined in accordance with state law.

**SECTION 3.** That is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by the final judgment or degree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, because the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph, or section.

**SECTION 4.** That all ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 5.** That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become affective from and after its passage and adoption, pursuant to Article II, Section 11(e) of the City Charter, and shall expire ninety-one (91) days after adoption unless sooner repealed or reenacted.

**SECTION 6.** That it is hereby officially found and determined that the meeting at which this ordinance is passed is opened to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

**PASSED AND APPROVED:**

**INTRODUCED, PASSED AND ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**CITY OF SHERMAN, TEXAS**

**BY:** \_\_\_\_\_  
**MAYOR**

**ATTEST:**

**BY:** \_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM AND CONTENT:**

**BY:** \_\_\_\_\_  
**CITY ATTORNEY**

Appendix T:

**ORDINANCE NO.**\_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DECLARING AN END TO THE LOCAL STATE OF DISASTER AND EMERGENCY; REPEALING ALL EMERGENCY ORDINANCES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, the Mayor, pursuant to the Texas Government Code, Chapter 418 (the “Texas Disaster Act”), issued an executive order declaring a local state of disaster and emergency, and the City Council, by an emergency ordinance, continued the local state of disaster and emergency for the City of Sherman, Texas, resulting from: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ; and

**WHEREAS**, The conditions necessitating the declaration of a local state of disaster and emergency have ceased to exist; and

**WHEREAS**, the Texas Disaster Act provides that a local state of disaster may be terminated by the governing body of the political subdivision or by executive order of the Mayor;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE MAYOR OF THE OF SHERMAN, TEXAS:**

**SECTION 1.** That the City Council, as the governing body of the City of Sherman, Texas, hereby terminates the local state of disaster and emergency described in the preamble above.

**SECTION 2.** That all emergency ordinances enacted as a result of the declaration of disaster and emergency are hereby repealed, specifically but not limited to Emergency Ordinance Nos. \_\_\_\_\_.

**SECTION 3.** That it is hereby officially found and determined that the meeting at which this ordinance is passed is opened to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

**PASSED AND APPROVED:**

**INTRODUCED, PASSED AND ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**CITY OF SHERMAN, TEXAS**

**BY:** \_\_\_\_\_  
**MAYOR**

**ATTEST:**

**BY:** \_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM AND  
CONTENT:**

**BY:** \_\_\_\_\_  
**CITY ATTORNEY**

Appendix U:

**DISASTER HOLD HARMLESS AGREEMENT**

**THE STATE OF TEXAS §**

**§**

**KNOW ALL MEN BY THESE PRESENTS:**

**I. COUNTY OF GRAYSON §**

**§**

**THAT** I/we, \_\_\_\_\_, the owner or occupant of the property commonly identified as: \_\_\_\_\_

\_\_\_\_\_, do hereby request the **CITY OF SHERMAN, TEXAS**, to remove debris from the above described property and, in consideration of its doing so, do hereby release and hold harmless the **CITY OF SHERMAN, TEXAS**, its employees, agents contractors, subcontractors, and volunteers from any and all liability for any damage of any type whatsoever, either to the above described property or to persons situated thereon, and hereby release, discharge, and waive any and all action, either legal or equitable, which might arise out of the above described property.

**EXECUTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**WITNESSES:**

\_\_\_\_\_

\_\_\_\_\_

**(OWNER)**

**OR**

\_\_\_\_\_

\_\_\_\_\_

**(OCCUPANT)**

**TELEPHONE NO.** \_\_\_\_\_



