

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>June 23, 2008</u>
Requested By: <u>Jeff Suggs</u>
Department: <u>Emergency Management</u>
Report: <input type="checkbox"/> Resolution: <input type="checkbox"/> Ordinance: <input checked="" type="checkbox"/>

<b><u>Budget</u></b>
Source of Funds: _____
Account Number: _____
Amount Budgeted: _____
Amount Requested: _____
Budgeted Item: YES NO

Exhibits: Ordinance

Exhibits: \_\_\_\_\_

Exhibits \_\_\_\_\_

### SUMMARY & RECOMMENDATION

This is an ordinance requiring hotel and motels to post standardized shelter in place information in all rooms.

The recent Hotel construction has become a challenge at communicating to visitors what alarms mean and steps they need to take should a chemical emergency arise. The LEPC and Emergency Management office has tried to work with the Hotel owners and managers to help guide them in the protection of their guests. We are falling short in this area and need to take more action to communicate to visitors about their current surroundings and what to do in an emergency.

After doing much research it has been found that no other city or county across America has such a requirement. We would be the first at taking such a proactive step in protecting visitors in our City.

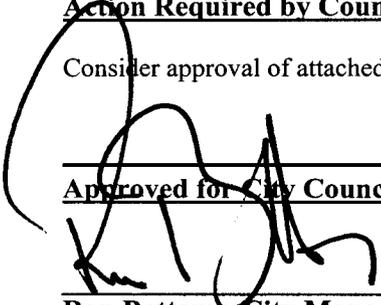
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**Action Required by Council:**

Consider approval of attached ordinance.

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**Approved for City Council Agenda**

  
\_\_\_\_\_  
Ron Bottoms, City Manager

Date

6/18/08

ORDINANCE NO. 2008 3085

AN ORDINANCE AMENDING CHAPTER 34 "ENVIRONMENT" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY ADDING NEW DIVISION 3 "SHELTER IN PLACE"; ADDING NEW SECTION 34-65 "POSTING OF SHELTER IN PLACE NOTICES IN HOTEL AND MOTEL ROOMS"; ADDING SECTION 34-66 "PENALTIES FOR VIOLATION OF DIVISION", AND AMENDING APPENDIX-B "FINES"; PROVIDING A PENALTY OF \$500 FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; CONTAINING AN OPEN MEETINGS CLAUSE; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

**Section 1.** That Chapter 34 "Environment", of the Code of Ordinances of the City of La Porte, Texas is hereby amended by amending Article II "Air Pollution", Division 2 "Smoking", Secs. 34-60-34-90, "Reserved", which said section shall read as follows:

"Secs. 34-60--34-64. Reserved."

**Section 2.** That Chapter 34 "Environment" of the Code of Ordinances of the City of La Porte, Texas is hereby amended by adding new Division 3 "Shelter in Place Regulations", to Article II "Air Pollution", which said Division shall read as follows:

**"DIVISION 3. SHELTER IN PLACE REGULATIONS**

**Sec. 34-65. Posting of Shelter in Place Notices in Hotel and Motel Rooms.**

Every person owning, operating, managing or controlling any hotel, as that term is defined in Section 66-121 of this Code, shall post or display in a conspicuous place on the inside of the door of every private quarter made available to the public in such facility, a written notice containing Shelter in Place emergency procedure guidelines, as are promulgated by the La Porte Local Emergency Planning Committee. Shelter in Place emergency procedure guidelines shall be made available in the Office of Emergency Management of the City of La Porte.

**Sec. 34-66. Penalty for violation of division.**

(a) A person who violates any provision of this division shall be guilty of a class C misdemeanor and upon conviction shall be fined an amount not exceeding \$500.00.

(b) Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined in this division, during the prosecution of such offenses in any criminal proceeding.

**Secs. 34-67-34-90. Reserved."**

**Section 3.** That Appendix-B "Fines", Chapter 34 "Environment", Article II. "Air Pollution", of the Code of Ordinances of the City of La Porte, Texas is hereby amended by adding Division 3 "Shelter in Place Regulations", which shall read as follows:

...

Division 3. "Shelter in Place Regulations"

(a) Fine for violation of division 3, Shelter in Place Regulations	...	\$500
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...

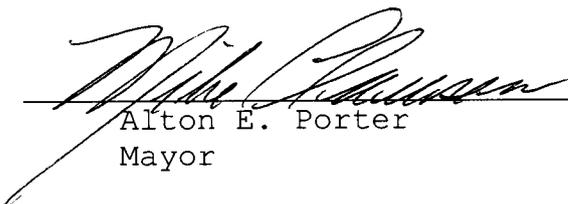
**Section 4. Open Meetings.** The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 5. Severability.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

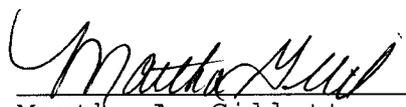
**Section 6. Effective Date.** This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by

causing the caption hereof to be published in the official newspaper of the City of La Porte at least twice within ten (10) days after the passage of this ordinance, in accordance with the provisions of Chapter 52, Texas Local Government Code, and the City of La Porte Charter.

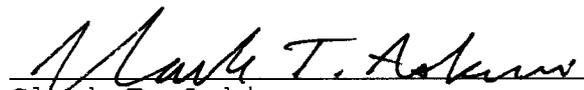
**PASSED AND APPROVED** on the first reading on the 23rd day of June 2008.

By:   
Alton E. Porter  
Mayor

ATTEST:

  
Martha A. Gillett  
City Secretary

APPROVED:

  
Clark T. Askins  
Assistant City Attorney