

CHAPTER 9

Civil Defense and Disaster

Sec. 9-1	Definitions
Sec. 9-2	Purposes
Sec. 9-3	Expenditures for public protection
Sec. 9-4	Civil Defense Council created
Sec. 9-5	Composition, appointment of members, officers
Sec. 9-6	Meetings
Sec. 9-7	Powers and duties
Sec. 9-8	Director of Civil Defense appointment
Sec. 9-9	Powers generally
Sec. 9-10	Powers in event of disaster
Sec. 9-11	Civil defense organization; composition
Sec. 9-12	Establishment of organization, duties
Sec. 9-13	Unlawful acts; penalty
Sec. 9-14	Liability of property owners

Sec. 9-1. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(1) *Civil defense* shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters. It shall not include, nor does any provision of this Chapter apply to any condition relating to a labor controversy.

(2) *Disaster* shall mean actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity. (Ord. 375, §2)

Sec. 9-2. Purposes.

The declared purposes of this Chapter are to provide for the preparation and carrying out of plans, including mock or practice drills, for the civil defense of persons and property within the City in the event of a disaster, and to provide for the coordination of the civil defense and disaster functions of the City with all other public agencies and affected private persons, corporations and organizations. (Ord. 375, §1)

Sec. 9-3. Expenditures for public protection.

Any expenditures made in connection with such civil defense and disaster activities, including mutual-aid activities and mock or practice drills, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City. (Ord. 375, §1)

Sec. 9-4. Civil Defense Council created.

The City Civil Defense Council is hereby created. (Ord. 375, §2)

Sec. 9-5. Composition, appointment of members, officers.

The City Civil Defense Council created under the provision of the preceding Section shall consist of the following:

- (1) The Mayor, who shall be chairman.
- (2) The Director of Civil Defense, who shall be vice-chairman.
- (3) Such deputy directors and chiefs of operating civil defense and disaster departments, services or divisions as are provided for by resolution pursuant to this Chapter.
- (4) Such representatives of civic, business, labor, veterans, professional or other organizations having an official group or organization civil defense responsibility as may be appointed by the Mayor with the advice and consent of the City Council. (Ord. 375, §3)

Sec. 9-6. Meetings.

The Civil Defense Council shall meet upon call of the chairman of the Civil Defense Council, or in his or her absence from the City or inability to call such meeting, upon the call of the vice-chairman. (Ord. 375, §4)

Sec. 9-7. Powers and duties.

It shall be the duty of the City Civil Defense Council and it is hereby empowered to review and recommend for adoption by the City Council civil defense and mutual-aid plans and agreements and such ordinances, resolutions, rules and regulations as are necessary to implement such plans and agreements. (Ord. 375, §4)

Sec. 9-8. Director of Civil Defense appointment.

There is hereby created the office of Director of Civil Defense. Such officer shall be appointed by the Mayor with the advice and consent of the City Council. (Ord. 375, §5)

Sec. 9-9. Powers generally.

The Director of Civil Defense is hereby empowered:

- (1) To control and direct the effort of the civil defense organization of this City for the accomplishment of the purposes of this Chapter.
- (2) To direct coordination and cooperation between divisions, services and staff of the civil defense organization of the City and to resolve questions of authority and responsibility that may arise between them.
- (3) To represent the civil defense organization of the City in all dealings with public or private agencies pertaining to civil defense and disaster. (Ord. 375, §5)

Sec. 9-10. Powers in event of disaster.

In the event of disaster as provided in this Chapter, the Director of Civil Defense is hereby empowered:

- (1) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, that such rules and regulations must be confirmed at the earliest practicable time by the City Council.
- (2) To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people, and bind the City for the fair value thereof, and if required immediately, to commandeer the same for public use.
- (3) To require emergency services of any City officer or employee and to command the aid of as many citizens of this community as he or she thinks necessary in the execution of his or her duties. Such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered civil defense worker volunteers.

(4) To requisition necessary personnel or material of any City department or agency. (Ord. 375, §6)

Sec. 9-11. Civil defense organization; composition.

All officers and employees of the City, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provision of paragraph 9-10(3) above, be charged with duties incident to the protection of life and property in the City during such disaster, shall constitute the civil defense organization of the City. (Ord. 375, §7)

Sec. 9-12. Establishment of organization, duties.

The functions and duties of the civil defense organization shall be distributed among such divisions, services and special staff as the City Council shall prescribe by resolution. The City Council shall, concurrently with the adoption of this Chapter, adopt a resolution setting forth the form of organization, establishment and designation of divisions and services, the assignment of functions, duties and powers and the designation of officers and employees. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the federal government and the civil defense agency of the State. (Ord. 375, §8)

Sec. 9-13. Unlawful acts; penalty.

It shall be a misdemeanor for any person during a disaster:

(1) Willfully to obstruct, hinder or delay any member of the civil defense organization in the enforcement of any lawful rule or regulation issued pursuant to this Chapter or in the performance of any duty imposed upon him or her by virtue of this Chapter.

(2) To do any act forbidden by any lawful rules or regulations issued pursuant to this Chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy, to imperil the lives or property of inhabitants of the City, or to prevent, hinder or delay the defense or protection thereof.

(3) To wear, carry or display, without authority, any means of identification specified by the civil defense agency of the State. (Ord. 375, §9)

Sec. 9-14. Liability of property owners.

No person, his or her successors in interest, agent or employees, owning, maintaining or controlling any building or premises, who voluntarily and without compensation grants to the City a license or privilege or otherwise permits the City to inspect, designate and use the whole or any part of such building or premises for the purpose of sheltering persons during an actual impending, mock or practice attack, shall be subject to liability for injuries sustained by any person while in or upon the building or premises as a result of the condition of the building or premises or as a result of any act or omission in connection with the upkeep or maintenance thereof. Except liability shall incur for any willful act of misconduct by a person, his or her successor in interest, agent or employee owning, maintaining or controlling any building or premises when a person has entered or gone into or upon the building or

premises for the purpose of seeking refuge therein during destructive operations or attacks by enemies of the United States or during a mock or practice attack or test ordered by lawful authority. (Ord. 375, §11)