

Chapter 7

CIVIL DEFENSE

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ARTICLE I. IN GENERAL

Section 01. Policy and purpose.

(a) Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hostile action, or from fire, flood, earthquake or other natural causes, and in order to insure that preparations of this City will be adequate to deal with such disasters, and generally to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of this City, it is hereby found and declared to be necessary to:

- (1) Establish a local Civil Defense Agency;
- (2) Provide for the exercise of necessary powers during civil defense emergencies; and
- (3) Provide for the rendering of mutual aid between this City and other political subdivisions of this state and of other states with respect to the carrying out of civil defense functions.

(b) It is further declared to be the purpose of this chapter and the policy of the City that all civil defense functions of this City be coordinated to the maximum extent practicable with the comparable functions of the Federal government, of this state and of other states and localities, and of private agencies of every type to the end that the most effective preparations and use may be made of the nation's manpower, resources and facilities for dealing with any disaster that may occur. (Ord. No. 172, Sec. 1, 8/5/65)

Section 02. Definitions.

As used in this chapter the following words and phrases shall have the meanings ascribed to them,

Civil Defense: Shall mean the preparation for and 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 caused by enemy attack, sabotage or other enemy hostile action, or from fire, flood, earthquake or other natural causes. These functions include, without limitation, firefighting services,

police services, medical and health services, rescue, engineering and air raid warning services, communications, radiological, chemical and other special weapons of defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to preparation for and carrying out of the foregoing functions.

Civil Defense Emergency: Shall mean an emergency declared by the governor under the Minnesota Statutes, Section 12.31, or where declared as hereinafter provided by the City because of any unprecedented or severe natural catastrophe.

Civil Defense Forces: Shall mean any personnel employed by the City and assigned by City Department heads for service and for specific activities in preparation for civil defense and any other volunteer or paid member of the local Civil Defense Agency engaged in carrying on civil defense functions in accordance with the provisions of this chapter or any rule or order issued pursuant thereto.

Committee: Shall mean the Civil Defense Advisory Committee.

Director: Shall mean the Director of the Civil Defense Agency of the City. (Ord. No. 172, Sec. 2, 8/5/65)

Section 03. Civil Defense, a governmental function.

All functions contained in this chapter and all other activities relating to civil defense are hereby declared to be governmental functions. (Ord. No. 172, Sec. 9, 8/5/65)

Section 04. Disclaimer of City's liability; effect of section.

(a) The City and, except in cases of willful misconduct, its officers, agents, employees or representatives engaged in any civil defense activities, while complying with or attempting to comply with the Minnesota Civil Defense Act of 1951 as amended, or with this chapter or any rule, regulation or order made thereunder, shall not be liable for the death of or any injury to persons or damage to property as a result of such activity.

(b) The provision of this section shall not affect the right of any person to receive the benefits to which he would otherwise be entitled under this chapter or under the workmen's compensation law, nor the right of any such person to receive any benefits or compensation under any Act of Congress. (Ord. No. 172, Sec. 8, 8/5/65)

Section 05. Federal and State regulations to control.

The provisions of this chapter and of all regulations made pursuant thereto shall be subject to all applicable and controlling provisions of Federal and State laws and of

regulations and orders issued thereunder, and shall be deemed to be suspended and inoperative so far as there is any conflicts therewith. (Ord. No. 172, Sec. 8, 8/5/65)

Section 06. Cooperation with Federal, State authorities and other agencies required.

Every officer and agency of the City shall cooperate with Federal and State authorities and with authorized agencies engaged in civil defense and emergency measures to the fullest possible extent consistent with the performance of their other duties. (Ord. No. 172, Sec. 8, 8/5/65)

Section 07. Agency created under Director's control; organization.

(a) There is hereby created within the City government a Civil Defense Agency, which shall be under the supervision and control of the Director of Civil Defense.

(b) The Civil Defense Agency shall be organized into such divisions and bureaus consistent with State and local Civil Defense Plans as the Director deems necessary to provide for the efficient performance of local defense functions during a civil defense emergency. (Ord. No. 172, Sec. 3, 8/5/65)

Section 08. Certain persons not to be employed, associated with agency.

No person shall be employed or associated in any capacity in the Civil Defense Agency who advocates or has advocated a change by force or violence in the constitutional form of government of the United State or in this State or the overthrow of any government in the United States, or who has been convicted of or is under indictment of information charging any subversive act against the United States. (Ord. No. 172, Sec. 5, 8/5/65)

Section 09. Agency appointees to take oath; form; who may administer.

(a) Each person who is appointed to serve in the civil defense agency shall, before entering upon his duties, take an oath in writing as prescribed by Minnesota Statutes, Section 12.43.

(b) Such oath may be given by any officer of the State Department of Civil Defense, local defense Director or Ground Observer Corps Supervisor. (Ord. No. 172, Sec. 5, 8/5/65)

Section 10. Agency participation in politics, labor disputes.

The Civil Defense Agency shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a legitimate labor dispute. (Ord. No. 172, Sec. 11, 8/5/65)

Section 11. Office of Director of Civil Defense created.

The office of Director of Civil Defense is hereby created.

Section 12. Appointment, removal of Director.

The Director of Civil Defense shall be appointed by the Mayor, with the consent and approval of the City Council, for any indefinite term and may be removed by the Mayor, with the consent and approval of the City Council, at any time. (Ord. No. 172, Sec. 3, 8/5/65)

Section 13. Director's general responsibility.

The Director of Civil Defense shall have the direct responsibility for the organization, administration and operation of the Civil Defense Agency, subject to the direction and control of the Mayor.

Section 14. Specific powers and duties of Director enumerated.

The Director of Civil Defense shall have the following powers and duties:

(a) Direct, coordinate operations of local forces. He shall direct and coordinate the general operations of all local civil defense forces during a civil defense emergency in conformity with controlling regulations and instructions of state civil defense authorities.

(b) Utilize resources. He shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the City to the maximum extent practicable.

(c) Coordinate activities. He shall coordinate the civil defense activities of the City to the end that they shall be consistent and fully integrated with the Civil Defense Plan of the Federal government and the State, and correlated with the Civil Defense Plans of other political subdivisions within the State.

(d) Make studies, surveys; prepare plan for use of resources. He shall make such studies and surveys of the manpower, industries, resources and facilities of the City as he deems necessary to determine their adequacy for civil defense and to plan for their most efficient use in time of a civil defense emergency,

(e) Prepare, submit comprehensive plan. He shall prepare a comprehensive general plan for the civil defense of the City and shall present such plan to the City Council for its approval.

(f) Establish, regulate control center and Auxiliary Control Center. He shall, consistent with the Civil Defense Plan, provide and equip at some suitable place in the City a control center and, if required by the State civil defense emergency a headquarters for the Director and coordination of civil defense forces. He shall arrange for representation at the control center by municipal departments and agencies, public

utilities and other agencies authorized by Federal or State authority to carry on civil defense activities during a civil defense emergency. He shall arrange for the installation at the control center of necessary facilities for communication with and between heads of civil defense divisions, the stations and operating units of municipal services and other agencies concerned with civil defense and for communication with other communities and control centers within the surrounding area and with the Federal and State agencies concerned.

(g) Require services, use of property. He may, when necessary to save life or property during the first thirty (30) days of a civil defense emergency, if the legislature is in session or the Governor has coupled his declaration of the emergency with a call for a special session of the legislature, require any person, except members of the Federal or State military forces and officers of the State or any other political subdivision, to perform such services for civil defense purposes as he directs, and he may commandeer, for the time being, any motor vehicle, tools, appliances or any property, subject to the owner's right to just compensation as provided by law.

(h) Institute training, information program; conduct practice exercises. He shall, in accordance with the State and City Civil Defense Plan, institute such training programs and public information programs and shall take all other preparatory steps, including the partial or full mobilization of civil defense forces in advance of actual disaster, as may be necessary to the prompt and effective operation of the City Civil Defense Plan in time of a civil defense emergency. He may, from time to time, conduct such practice air raid alerts or other civil defense exercises as he may deem necessary.

(i) Recruit, train, dismiss volunteers. He shall, in cooperation with existing City departments and agencies affected, organize, recruit and train air raid wardens, auxiliary police, auxiliary firemen, emergency medical personnel and any other personnel that may be required on a volunteer basis to carry out the civil defense plans of the City and the State. The Director may dismiss any civil defense volunteer at any time and require him to surrender any equipment and identification furnished by the City.

(j) Provide, equip emergency facilities and conveyances. He shall, consistent with the Civil Defense Plan, provide and equip emergency hospitals, casualty stations, ambulances, canteens, evacuation centers and other facilities or conveyances for the care of injured or homeless persons.

(k) Carry out governor's orders, rules, regulations. He shall carry out all orders, rules and regulations issued by the Governor with reference to civil defense.

(l) Represent City. He shall, with the consent of the Mayor, represent the City in any regional or state organization for civil defense.

(m) Develop mutual aid agreements. He shall develop proposed mutual aid agreements with other political subdivisions within or outside the State for reciprocal civil

defense aid and assistance in a civil defense emergency too great to be dealt with unassisted, and he shall present such agreements to the City Council for its action.

(n) Submit annual report. He shall, as soon as possible after the end of each fiscal year, prepare and present to the City Council for the information of the Council and the public, a comprehensive report of the activities of the civil defense agency during the year. (Ord. No. 172, Sec. 4, 7, 8/5/65)

Section 15. Compensation and expenses of director.

The City Council shall fix and determine the salary to be paid to the Civil Defense Director and provide for the payment of all necessary expenses, including payment of salaries necessary for instructors for courses to train personnel to fulfill Federal, State or local civil defense requirements. (Ord. No. 172, Sec. 3, 8/5/65)

Section 16. Volunteer Insignia, Identification.

(a) Each civil defense volunteer shall be provided with such suitable insignia or other identification as may be required by the Director.

(b) Such identification shall be in a form and style approved by the Federal government.

(c) No volunteer shall exercise any authority over the persons or property of others without his identification.

(d) No person except any authorized volunteer shall use the identification of a volunteer or otherwise represent himself to be an authorized volunteer. (Ord. No. 172, Sec. 5, 8/5/65)

Section 17. When volunteers may be called into service.

Civil defense volunteers shall be called into service only in case of a civil defense emergency or a natural disaster for which the regular municipal forces are inadequate or for necessary training and preparation for such emergencies. (Ord. No. 172, Sec. 5, 8/5/65)

Section 18. When volunteers may carry firearms.

No civil defense volunteer shall carry any firearm while on duty except on written order of the Chief of the Police Department. (Ord. No. 172, Sec. 5, 8/5/65)

Section 19. Compensation of volunteers.

All civil defense volunteers shall serve without compensation. (Ord. No. 172, Sec. 5, 8/5/65)

Section 20. Applicability of personnel procedures to volunteers.

Personnel procedures of the City applicable to regular employees shall not apply to volunteer civil defense workers but shall apply to paid employees of the civil defense agency. (Ord. No. 172, Sec. 5, 8/5/65)

Section 21. Special policemen.

(a) The Mayor may appoint any qualified person holding a position in any agency created under Federal or State authority for civil defense purposes as a special policeman of the City.

(b) A special policeman shall have such powers and duties within the City incident to the functions of his position, not exceeding those of a regular policeman of the City, as may be prescribed in the appointment.

(c) Every such special policeman shall be subject to the supervision and control of the Chief of Police and such other police officers of the City as the Chief may designate. (Ord. No. 172, Sec. 8, 8/5/65)

Section 22. City department, agency heads to be governed by Director.

The heads of City departments and agencies shall be governed by the Civil Defense Director's orders in respect to local civil defense emergencies. (Ord. No. 172, Sec. 4, 8/5/65)

Section 23. Responsibility for administration, command of emergency personnel.

Where emergency personnel is recruited to augment a regular City department or agency for civil defense emergencies as authorized in Section 14 of this chapter, the department or agency affected shall be responsible for the administration and command of such personnel. (Ord. No. 172, Sec. 4, 8/5/65)

Section 24. City department, agency heads responsible for planning, programming.

The head of each department and agency in the City, in cooperation with and under the direction of the Director of Civil Defense, shall be responsible for the planning and programming of such civil defense activities as will involve utilization of the facilities of his department or agency. (Ord. No. 172, Sec. 4, 8/5/65)

Section 25. City department, agency personnel and officers to cooperate, render services, facilities.

The officers and personnel of all departments and agencies of the City shall, to the maximum extent practicable, cooperate with and extend such services and facilities to the local Civil Defense Agency and to the Governor upon request. (Ord. No. 172, Sec. 4, 8/5/65)

Section 26. Performance of comprehensive plan required; modification of plan.

(a) When the City Council has approved the Director's comprehensive general plan for the civil defense of the City by resolution, it shall be the duty of all municipal agencies and all civil defense forces of the City to perform the duties and functions assigned by the plan as approved.

(b) The plan may be modified by resolution from time to time. (Ord. No. 172, Sec. 4, 8/5/65)

Section 27. Mutual aid agreements generally.

(a) Mutual aid agreements with other political subdivisions within or outside the State for reciprocal civil defense aid and assistance in civil defense emergencies shall be consistent with the State Civil Defense Plan and during a civil defense emergency, it shall be the duty of the Civil Defense Agency and civil defense forces to render assistance in accordance with the provisions of such mutual aid arrangements.

(b) Any mutual aid arrangement with a political subdivision of another State shall be subject to the approval of the Governor. (Ord. No. 172, Sec. 4, 8/5/65)

Section 28. Emergency regulations.

(a) Whenever necessary to meet a civil defense emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the Governor or the Council, the Mayor may by proclamation promulgate regulations, consistent with applicable Federal or State laws or regulations respecting: Protection against air raids; the sounding of air raid alarms; the conduct of persons and the use of property during alarms; the repair, maintenance and safeguarding of essential public services; emergency health, fire and safety regulations-, trial drills or practice periods, required for preliminary training; and all other matters which are required to protect public safety, health and welfare in civil defense emergencies. No regulation governing observation of enemy aircraft, air attack, alarms or illumination during air attacks shall be adopted or take effect unless approved by the State Director of Civil Defense.

(b) Every proclamation of emergency regulations shall be in writing and signed by the Mayor, shall be dated, shall refer to the particular civil defense emergency to which it pertains, it so limited, and shall be filed in the office of the Recorder, where a copy shall be kept posted and available for public inspection during business hours.

Notice of the existence of such regulations and their availability for inspection at the Recorder's office shall be conspicuously posted at the front of the City Hall or other headquarters of the City and at such other places in the affected area as the Mayor shall designate in the proclamation. Thereupon the regulations shall take effect immediately or at such later time as may be specified in the proclamation. By similar proclamation, the Mayor may notify or rescind any such regulations,

(c) The Council may rescind any such regulations by resolution at any time, and if not sooner rescinded, all such regulations shall expire at the end of thirty (30) days after their effective date or at the end of the civil defense emergency to which they relate, whichever occurs first.

(d) Any ordinance, rule or regulation inconsistent with any emergency regulations promulgated by the Mayor shall be suspended during the period of time and to the extent that such conflict exists. (Ord. No. 172, Sec. 6, 8/5/65)

Section 29. Special powers of City during emergency.

During a civil defense emergency the City shall be empowered, through its governing body acting within or without the corporate limits of the City, to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. The City may exercise such powers in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities, prescribed by law pertaining to the performance of public work, entering into contracts, incurring obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, for example, but not limited to publication of ordinances and resolutions, publication of calls for bids, provisions of civil service laws and rules, provisions relating to low bids and requirements for budgets. (Ord. No. 172, Sec. 6, 8/5/65)

Section 30. Fund created; deposits, expenditures regulated; applicability of City's financial procedures.

(a) There is hereby established in the City treasury a special fund to be known as the "Civil Defense Fund."

(b) The proceeds of taxes levied for civil defence, moneys transferred from other funds, gifts and other revenues of the civil defense agency shall be placed in the fund. Expenditures from the fund shall be made for the operation and maintenance of the Civil Defense Agency and other expenditures for civil defense.

(c) Regular accounting, disbursement, purchasing, budgeting and other financial procedures of the City shall apply to the Civil Defense Fund insofar as practicable; but budgeting requirements and other financial procedures shall not apply to expenditures from the fund in any case when their application will present compliance

with terms and conditions of a Federal or State grant of money or property for civil defense purposes. (Ord. No. 172, Sec. 7, 8/5/65)

Section 31. Prohibited Illumination a nuisance; abatement authorized.

(a) Any illumination within the City contrary to the provisions of this chapter or any other ordinance pertaining to civil defense or of any regulation adopted thereunder or of any Federal or State law, regulation or order shall be deemed a public nuisance.

(b) Any regular or auxiliary policeman may abate such nuisance summarily or may take any other action necessary to enforce such provisions, including entry on private property and the use of whatever reasonable force is necessary. (Ord. No. 172, Sec. 10, 8/5/65)

Sections 32 through 42. Reserved.

ARTICLE II. EMERGENCY DETERMINATION BOARD

Section 43. Established.

There is hereby established an Emergency Determination Board for the City. (Ord. No. 172, Sec. 3, 8/5/65)

Section 44. Composition of Board.

The Board created by this article shall consist of the Mayor, the City Administrator and the City Engineer. (Ord. No. 172, Sec. 3, 8/5/65)

Section 45. Power to declare existence of emergency.

Whenever, in the judgment of any two (2) or more members of the Board created by this article, any unprecedented or severe natural catastrophe or disaster shall warrant it, an emergency may be declared and the provisions of this chapter may be invoked. (Ord. No. 172, Sec. 3, 8/5/65)

Section 46. City Council to ratify declaration.

Notwithstanding the provisions of Section 45 of this chapter, there shall be called a regular meeting or special meeting of the City Council within three (3) days after the declaration of an emergency for the ratification of such emergency declaration, and if such emergency declaration shall be disapproved at this or any subsequent City Council meeting, it shall, terminate forthwith. (Ord. No. 172, Sec. 3, 8/5/65)

Sections 47 through 57. Reserved.

ARTICLE III. CIVIL DEFENSE ADVISORY COMMITTEE

Section 58. Created.

There is hereby created with the Civil Defense Agency a Civil Defense Advisory Committee. (Ord. No. 172, Sec. 3, 8/5/65)

Section 59. Appointment of members; terms of office.

Members of the committee shall be appointed by the Mayor to represent City departments and other groups concerned with civil defense and shall hold office at the pleasure of the Mayor. (Ord. No. 172, Sec. 3, 8/5/65)

Section 60. Mayor to be Chairman; Director to be Secretary.

The Mayor shall be Chairman of the committee, and the Director shall be the Secretary of the committee. (Ord. No. 172, Sec. 3, 8/5/65)

Section 61. Duty.

The committee shall advise the Director and the City Council on all matters pertaining to civil defense. (Ord. No. 172, Sec. 3, 8/5/65)

Section 62. Compensation of members.

Each member of the committee shall serve without compensation. (Ord. No. 172, Sec. 3, 8/5/65)