

SUGGESTED MODEL FORM FOR ORDINANCE

ORDINANCE NO. 101 B

AN ORDINANCE CREATING AND ESTABLISHING A CIVIL DEFENSE AND PROVIDING FOR A DIRECTOR THEREOF; GRANTING CERTAIN POWERS: DESCRIBING THE DUTIES THEREOF, AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Cotter, ARKANSAS:

SECTION 1. 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: (1) to create a City Civil Defense Agency; (2) to provide for the rendering of mutual aid to other cities within the State of Arkansas, and those adjoining states, and to cooperate with the State Government with respect to carrying out Civil Defense functions.

(b) It is further declared to be the purpose of this ordinance, and the policy of this City, that all Civil Defense functions of this City be coordinated to the maximum extent with the comparable functions of the State Government including its various departments and agencies, of other cities and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of this City's manpower, resources, and facilities for dealing with any disaster that may occur.

(c) It is further declared to be the purpose of this ordinance, and the policy of this City, to organize its Civil Defense organization in conformity with the Arkansas Civil Defense plan as directed by Act 321 of 1953, which is cited as "The Arkansas Civil Defense Act of 1953."

SECTION 2. DEFINITIONS

As used in this ordinance: (a) "Civil Defense" shall mean Basic Plan

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 caused by enemy attack, sabotage, or other hostile action, or by fire, flood, earthquake, or other natural causes. These functions include, without limitation, fire fighting services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical, and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services (civilian war aid), 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 the preparation for and carrying out of the foregoing functions.

SECTION 3. POWERS OF THE MAYOR

The Mayor of the city shall be responsible for and have general direction and control of the Civil Defense of this city. In addition to the powers and duties the Mayor now has, he shall have such additional powers granted and conferred by this ordinance not inconsistent with other ordinances of this city.

SECTION 4. DIRECTOR OF CIVIL DEFENSE

The Mayor, with the consent of the City Council, is hereby authorized to appoint a Director of Civil Defense, who shall perform such duties as are imposed upon him by this ordinance, and as are delegated to him by the Mayor when not contrary to other ordinances of this city.

SECTION 5. DUTY OF DIRECTOR

The Director shall coordinate the activities of all organizations for Civil Defense within this city and shall maintain liaison with and cooperate with the Civil Defense agencies and organizations within the state and with the State Government.

SECTION 6. ADVISORY COUNCIL

There is hereby created a Civil Defense Advisory Council consisting of _____ citizens (Insert number needed. It is suggested that this number be kept to a minimum consistent with well-rounded advice on all services and

functions. Otherwise an unwieldy body might result.) appointed by the Mayor, who shall advise the Mayor and the Director on all matters pertaining to Civil Defense. The Mayor shall serve as chairman of the Council, and the members thereof shall serve without compensation.

SECTION 7. DUTIES

(a) In performing his duties under this ordinance, the Mayor, or the Director of Civil Defense when such authority is delegated to him by the Mayor, is authorized to cooperate with the State Government, with other cities and counties, and with private agencies in all matters pertaining to the Civil Defense of this city and of the State.

(b) In performing his duties under this ordinance, and to effect its policy and purpose, the Mayor is further authorized and empowered:

(1) To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this ordinance within the limits of the authority conferred upon him herein, with due consideration of the plans of the State Government.

(2) To prepare a comprehensive plan and program for the Civil Defense of this city, such plan and program to be integrated into and coordinated with the Civil Defense plans of the State Government, and of other cities and counties within the State to the fullest extent.

(3) In accordance with such plan and program for the Civil Defense of this city, to institute training programs and public information programs, and to take all other preparatory steps including the partial or full mobilization of the Civil Defense organization, in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of Civil Defense personnel in time of need.

(4) To make such studies and surveys of the industries, resources, and facilities in this city as may be necessary to ascertain the capabilities of the city for Civil Defense, and

to plan for the most efficient emergency use thereof.

(5) On behalf of this city, to enter into mutual aid arrangements with other cities and counties within this state, for reciprocal Civil Defense aid and assistance in case of disaster too great to be dealt with unassisted. Such mutual aid arrangements may be made subject to the approval of the Governor, or of the State Director of Civil Defense.

(6) To delegate any administrative authority vested in him under this ordinance, and to provide for the sub-delegation of any such authority.

(7) To cooperate with the Governor and the Arkansas Office of Civil Defense and other appropriate State Offices and agencies, and with the officials and agencies of other cities and counties within the State, pertaining to the Civil Defense of the State, including the direction or control of (a) blackouts and practice blackouts, air-raid drills, mobilization of Civil Defense forces, and other tests and exercises; (b) warnings and signals for drills or attacks, and the mechanical devices to be used in connection therewith; (c) the effective screening or extinguishing of all lights and lighting devices and appliances; (d) shutting off water mains, gas mains, electrical power connections and the suspension of all other utility services; (e) the conduct of civilians, and the movement and cessation of movement of pedestrians and vehicular traffic during, prior, and subsequent to drills or attack; (f) public meetings or gatherings; and (g) the evacuation and reception of the civilian population.

SECTION 8. MUTUAL AID ARRANGEMENTS

(a) The Director of the organization for Civil Defense may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal Civil Defense aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the State Civil Defense plan and program, and in time of emergency it shall be the duty of each local organization for Civil Defense to render assistance in accordance with the provisions of such mutual aid arrangements.

(b) The Director of the organization for Civil Defense may, subject to the approval of the Governor, enter into mutual aid arrangements with Civil Defense agencies or organizations in other states for reciprocal Civil Defense aid and assistance in case of disaster too great to be dealt with unassisted.

SECTION 9. APPROPRIATIONS AND AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS AND LOANS

(a) Whenever the State Government or any agency or officer thereof shall offer to this city, services, equipment, supplies materials, or funds by way of gifts, grant or loan, for purposes of Civil Defense, the city, acting through the Mayor, may accept such offer and upon such acceptance, the Mayor may authorize any officer of the city to receive such services, equipment, supplies, materials, or funds, on behalf of this city, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

(b) Whenever any person, firm, or corporation shall offer to this city services, equipment, supplies, materials, or funds by way of gift, grant or loan, for purposes of Civil Defense, the city, acting through the Mayor, may accept such offer, and upon such acceptance the Mayor of the city may authorize any officer of the city to receive such services, equipment, supplies, materials, or funds on behalf of the city, and subject to the terms of the offer.

SECTION 10. UTILIZATION OF EXISTING SERVICES AND FACILITIES

In carrying out the provisions of this ordinance, the Mayor is directed to utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the city, to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the Mayor, and to the Civil Defense organizations of the city upon request.

SECTION 11. POLITICAL ACTIVITY PROHIBITED

No organization for Civil Defense established under the authority of this ordinance shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes.

SECTION 12. CIVIL DEFENSE PERSONNEL

(a) No person shall be employed or associated in any capacity in the Civil Defense organization of this city, established under this ordinance, who advocates or has advocated a change by force or violence in the constitutional form of the Government of the United States or of this state, or of this city, or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in this organization for Civil Defense shall, before entering upon his duties, take an oath in writing, before a person authorized to administer oaths in this state, which oath shall be substantially as follows:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of ARKANSAS, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocated the overthrow of the Government of the United States, or of this state, by force or violence; and that during such time as I am a member of the (Name of Civil Defense organization and location), I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States, or of this State, by force or violence."

SECTION 13. This ordinance shall not be deemed to repeal any existing ordinances on this subject, but shall be cumulative thereto.

SECTION 14. SEVERABILITY

If any provisions of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the

ordinance which can be given effect without the invalid provision or application; and to this end the provisions of this ordinance are declared to be severable.

SECTION 15. ENFORCEMENT

It shall be the duty of the organization for Civil Defense established pursuant to this ordinance, and of the officers thereof, to execute and enforce such orders, rules, and regulations, as may be made by the Mayor under authority of this ordinance. Such organization shall have available for inspection at its office all orders, rules, and regulations made by the Mayor, or under his authority.

SECTION 16. This ordinance shall become effective immediately upon its passage and approval by the Mayor of the city of Cotter Ark.

PASSED:

1 May 1958 2PM

APPROVED:

R. H. Truman

ATTEST:

Paul E. Magnus
City Clerk