CHAPTER 33: CIVIL DEFENSE

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§ 33.01 POLICY AND PURPOSE.

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 found and declared to be necessary:

(A) To establish a local civil defense agency;

(B) To provide for the exercise of necessary powers during civil defense emergencies; and

(C) To 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.
(Ord. passed 3-11-09)

§ 33.02 COORDINATION OF FUNCTIONS.

It is further the purpose and 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. passed 3-11-09)

§ 33.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CIVIL DEFENSE. The preparations 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 enemy hostile action, or from fire, flood, earthquake, or other natural causes. These functions include, without limitation, firefighting services, law enforcement services, medical and health services, rescue, engineering, communications, 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. An emergency declared by the Governor under M.S. § 12.31.

CIVIL DEFENSE FORCES. Any personnel employed by the city and any other volunteers or paid members of the local civil defense organization engaged in carrying on civil defense functions in accordance with the provisions of this chapter or any rule or thereunder.

LOCAL CIVIL DEFENSE EMERGENCY. Any pending or imminent event affecting the city involving fire, flood, earthquake, tornado, drought or other natural cause for which civil defense preparations and functions are required.
(Ord. passed 3-11-09)

§ 33.04 CIVIL DEFENSE ORGANIZATION.

There shall be within the city government an office of civil defense which shall be under the supervision and control of a director of civil defense, called the Emergency Management Director. The Emergency Management Director shall be appointed by the Mayor for an indefinite term and may be removed by him/her at any time. The Emergency Management Director shall have direct responsibility for the organization, administration and operation of the civil defense agency, subject to the direction and control of the council. The civil defense organization shall be organized into such divisions and bureaus, consistent with state and local civil defense plans, as the Emergency Management Director deems necessary to provide for the efficient performance of local civil defense functions during a civil defense emergency. The civil defense agency shall perform civil defense functions within the city and in addition shall conduct such functions outside the city as may be required pursuant to the provisions of the M.S. Ch. 12, as amended, or this chapter.
(Ord. passed 3-11-09)

§ 33.05 REPRESENT THE CITY.

(A) The Emergency Management Director shall represent the city on any regional or state organization for civil defense.

(B) The Emergency Management Director:

(1) 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

(2) Shall present such agreements to the council for its action. Such arrangements 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. Any mutual aid arrangement with a political subdivision of another state shall be subject to the approval of the Governor.
(Ord. passed 3-11-09)

§ 33.06 STUDIES AND SURVEYS.

The Emergency Management Director shall make such studies and surveys of the manpower, industries, resources and facilities of the city as deemed necessary to determine their adequacy for civil defense and to plan for their most efficient use in time of a civil defense emergency.
(Ord. passed 3-11-09)

§ 33.07 COMPREHENSIVE PLAN.

The Emergency Management Director shall prepare a comprehensive general plan for the civil defense of the city and shall present such plan to the council for its approval. When the council has approved the plan by resolution, it shall be the duty of all city departments and agencies and all civil defense forces of the city to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The Emergency Management Director 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.
(Ord. passed 3-11-09)

§ 33.08 TRAINING PROGRAMS.

In accordance with the state and city civil defense plan, the Emergency Management Director shall 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 civil defense plan in time of a civil defense emergency. The Emergency Management Director may, from time to time, conduct civil defense exercises as deemed necessary.
(Ord. passed 3-11-09)

§ 33.09 USE OF EXISTING FACILITIES AND THE LIKE.

The Emergency Management Director shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers

and personnel of all such departments and agencies 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. The head of each department and agency or the head of combined departments and agencies, in cooperation with and under the direction of the Emergency Management Director, shall be responsible for the planning and programming of such civil defense activities as will involve the utilization of the facilities of his or her department or agency.
(Ord. passed 3-11-09)

§ 33.10 PERSONNEL.

The Emergency Management Director shall, in cooperation with existing city departments and agencies affected, organize, recruit, and train personnel that may be required on a volunteer basis to carry out the civil defense plans of the city and the state. To the extent that such emergency personnel are recruited to augment a regular or combined city department or agency for civil defense emergencies they shall be assigned to such department or agency for purposes of administration and command. The Emergency Management Director is authorized to combine, for civil defense purposes, the facilities and personnel of city departments or agencies performing the same or similar functions and to designate the head of such combined unit. The Emergency Management Director may dismiss any civil defense volunteer at any time and require him to surrender any equipment and identification furnished by the city.
(Ord. passed 3-11-09)

§ 33.11 EMERGENCY MEDICAL AIDS.

Consistent with the civil defense plan and public funds appropriated therefore, the Emergency Management Director shall equip emergency medical aid stations, to comply with the City of Byron First Responders policies and procedures, during a local civil defense emergency.
(Ord. passed 3-11-09)

§ 33.12 DIRECTIONS OF THE GOVERNOR.

The Emergency Management Director shall carry out all orders, rules and regulations issued by the Governor with reference to civil defense.
(Ord. passed 3-11-09)

§ 33.13 COORDINATION WITH STATE CIVIL DEFENSE.

The Emergency Management Director 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. The heads of departments and agencies, combined or otherwise, shall be governed by his or her orders in respect thereto.
(Ord. passed 3-11-09)

§ 33.14 CONTROL CENTER.

Consistent with the civil defense plan and public funds appropriated therefor, the Emergency Management Director shall provide and equip at some suitable place a control center and, if required by the state civil defense plan, an auxiliary control center to be used during a civil defense emergency as headquarters for direction and coordination of civil defense forces. The Emergency Management Director shall arrange for representation at the control center by city 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. The Emergency Management Director 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.
(Ord. passed 3-11-09)

§ 33.15 EMERGENCY AUTHORITY.

During the first 30 days of a civil defense emergency, if the legislature is in session or the Governor has coupled declaration of the emergency with a call for a special session of the legislature, the Emergency Management Director may, when necessary to save life or property, require any person, except members of the federal or state military forces and officers of the state or any other political subdivision, to perform services for civil defense purposes, and may commandeer, for the time being, any motor vehicle, tools, appliances or any other property, subject to the owner's right to just compensation as provided by law.
(Ord. passed 3-11-09)

§ 33.16 LOYALTY REQUIREMENT.

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 States or in this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment for information charging any subversive act against the United States. Each person who is appointed to serve in the civil defense agency shall, before

assuming duties, take an oath in writing before a person authorized to administer oaths in the state, or before any officer of the state department of civil defense or the Emergency Management Director. The oath shall be substantially in the form prescribed by M.S. § 12.43.
(Ord. passed 3-11-09)

§ 33.17 VOLUNTEER USE AND COMPENSATION.

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. All volunteers shall serve without compensation.
(Ord. passed 3-11-09)

§ 33.18 INSIGNIA.

Each civil defense volunteer shall be provided with such suitable insignia or other identification as may be required by the Emergency Management Director. Such identification shall be in a form and style approved by the federal government. No volunteer shall exercise any authority over the persons or property of others without his or her identification. No person except an authorized volunteer shall use the identification of a volunteer or otherwise represent himself or herself to be an authorized volunteer.
(Ord. passed 3-11-09)

§ 33.19 FIREARMS RESTRICTED.

No civil defense volunteer shall carry any firearm while on duty except on written order of the Sheriff of Olmsted County.
(Ord. passed 3-11-09) Penalty, see § 10.99

§ 33.20 CITY PERSONNEL PROCEDURES.

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. No volunteer civil defense worker shall acquire any status or rights under any civil service or merit system of employment in force in the city.
(Ord. passed 3-11-09)

§ 33.21 PROCLAMATION BY MAYOR.

(A) Whenever necessary to meet a civil defense emergency, to prepare for an imminent civil defense emergency for which adequate regulations have not been adopted by the Governor or the council, or to meet a local civil defense emergency the Mayor may by proclamation promulgate regulations, consistent with applicable federal or state laws, regulations or city ordinances respecting:

(1) The conduct of persons and the use of property;

(2) The repair, maintenance, and safeguarding of essential public service;

(3) Emergency health, fire, and safety regulations, trial drills or practice periods required for preliminary training;

(4) The maintenance, protection or restoration of public utility services; and

(5) All other matters which are required to protect public safety, health and welfare in civil defense emergencies.

(B) 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.

(C) No person shall violate any provision of the mayoral proclamation provided for by this section. Any violation shall be prosecuted as a misdemeanor offense.
(Ord. passed 3-11-09)

§ 33.22 PROCLAMATION PROCEDURES.

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, if so limited, and shall be filed in the offices of the city clerk, where a copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the city clerk's office shall be conspicuously posted in 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 regulation shall take effect immediately or at such later time as may be specified in the proclamation. By like proclamation the Mayor may modify or rescind any such regulation.
(Ord. passed 3-11-09)

§ 33.23 PROCLAMATION TERM.

The council may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation shall expire at the end of 30 days after its effective date or at the end of the civil defense emergency to which it relates, whichever occurs first.
(Ord. passed 3-11-09)

§ 33.24 EMERGENCY AUTHORITY.

Any ordinance, resolution, rule or regulation inconsistent with an emergency regulation promulgated by the Mayor shall be suspended during the period of time and to the extent that such conflict exists. During a civil defense emergency the city is, notwithstanding any statutory or charter provision to the contrary, empowered to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property, and by 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 of 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 forbids, provisions of civil service or merit system laws and rules, provisions relating to low bids, and requirements for budgets.
(Ord. passed 3-11-09)

§ 33.25 CIVIL DEFENSE FUND.

There is established a special fund to be known as the civil defense fund. Into this fund shall be placed the proceeds of taxes levied for civil defense, money transferred from other funds, gifts and other revenues of the civil defense agency. From it shall be made expenditures for the operation and maintenance of the office of civil defense and other expenditures for civil defense. Regular accounting, disbursement, purchasing and other financial procedures of the city shall apply to the civil defense fund insofar as practicable. Budgeting requirements of the city shall apply except in any case when their application will prevent compliance with terms and conditions of a federal or state grant of money or property for civil defense purposes or prevent the taking of adequate measures to meet a declared civil defense emergency.
(Ord. passed 3-11-09)

§ 33.26 ANNUAL REPORT.

The Emergency Management Director shall, as soon as possible after the end of each calendar year, prepare and present to the council for the information of said body and the public, a comprehensive report of the activities of the civil defense agency during the year.
(Ord. passed 3-11-09)

§ 33.27 COOPERATION.

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. The provisions of this chapter and of all regulations made thereunder 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 conflict therewith.
(Ord. passed 3-11-09)

§ 33.28 GOVERNMENTAL FUNCTION.

All functions and activities relating to civil defense are declared to be governmental functions. The city, and except in cases of willful misconduct, its officers, agents, employees, or representative engaged in any civil defense activities, while complying with or attempting to comply with M.S. Ch. 12 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. The provisions of this section shall not affect the right of any person to receive benefits or compensation to which such person would otherwise be entitled under this chapter or state law or under the workers' compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of congress.
(Ord. passed 3-11-09)

§ 33.29 PROHIBITED ACTIVITY.

The office of civil defense 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. passed 3-11-09)

§ 33.30 JOINING WITH COUNTY CIVIL DEFENSE.

To the end that the civil defense functions and responsibilities of this city may be discharged in the most comprehensive, effective and economical manner possible under law, and recognizing the artificiality of territorial limits of municipalities and political subdivisions of this state in times of civil defense emergencies, especially those created by hostile enemy action or attack, the council acknowledges the desirability of joining with the County of Olmsted. Minnesota, to form a common civil defense organization under the provisions of M.S. § 12.25, subd. 5 and M.S. § 471.59. Such a common civil defense organization may be officially established by the execution of an agreement between the City of Byron and the County of Olmsted, approved by the Governor of the State of Minnesota, setting forth in detail the form, procedures, powers, duties and other matters necessary to the formation, organization, operation, maintenance, regulation and dissolution of such common civil defense organization. The extent that the provisions of this chapter are consistent with the provisions of such agreement, they shall be deemed a part thereof; but to the extent that the provisions of this chapter are inconsistent or in conflict with the provisions of such agreement shall be paramount and shall govern. (Ord. passed 3-11-09)