

CHAPTER 8

CIVIL DEFENSE & EMERGENCY MANAGEMENT

DIVISION 1: IN GENERAL

Sec. 8-1. Department created.

There is hereby established under the executive branch of the Government of the city a department of Civil Defense and Emergency Management.

(Code 1976, 4-1-1; Ord. No. 584, §1, 7-1-03)

State law reference--Local civil defense organizations, 63 O.S. 683.11.

Sec. 8-2. Function of department.

The purpose of the department of Civil Defense and Emergency Management is to be prepared for, and to function in the event of, emergencies endangering the lives and property of the people of the city. The duty of the department of Civil Defense and Emergency Management shall be the protection of the lives and health of the citizens of the city and of property and property rights, both private and public, and to perform all functions necessary and incident thereto.

(Code 1976, 4-1-2; Ord. No. 584, §1, 7-1-03)

Sec. 8-3. Liability of the city for injury.

The City of The Village shall not be liable for any personal injury to members of the department of civil defense and emergency management who serve without compensation while any such member is acting in the line of duty.

(Code 1976, 4-1-5; Ord. No. 584, §1, 7-1-03)

Sec. 8-4. Director of Civil Defense and Emergency Management.

- (a) The department of Civil Defense and Emergency Management shall have a director who shall be appointed by the city manager and serve at his pleasure. Said director may be a paid employee of the city and have other duties and responsibilities not related to civil defense and emergency management.
- (b) The Director of Civil Defense and Emergency Management shall be the executive head of the department of Civil Defense and Emergency Management and shall be responsible for carrying out the civil defense program of the city. It shall be the duty of the director of Civil Defense and Emergency Management as soon as

THE VILLAGE CITY CODE

practicable after appointment to perfect an organization and to carry out the purposes set forth by this article and he shall have all necessary power and authority to form committees or other bodies and to appoint and designate chairmen or chief officers of such bodies as may be necessary to perfect such an organization. He shall have a further duty and responsibility to cooperate with all civil defense agencies of other governmental units including the state and the United States.

- (c) The director of Civil Defense and Emergency Management is authorized to formulate written plans and gather information and keep written records thereof to govern the functions of the department.

(Code 1976, 4-1-1, 4-1-3; Ord. No. 584, §1, 7-1-03)

Cross-reference--Tornado shelters, 6-161 et seq.

State law references--Oklahoma Civil Defense and Emergency Resources Management Act of 1967, 63 O.S. 683.1 et seq.; Oklahoma Riot Control and Prevention Act, 21 O.S. 1321.1 et seq. State law reference--Civil defense director, 63 O.S. 683.13.

Sec. 8-5. Law enforcement.

The Director of Civil Defense and Emergency Management and the members of said department shall, in connection with the police department, have the power and authority to enforce the laws of the state and city ordinances during period of declared emergency and shall at such time have the further power to make arrests for violations of such laws or ordinances.

(Code 1976, 4-1-4; Ord. No. 584, §1, 7-1-03)

Sections 8-6 to 8-49 Reserved.

DIVISION 2. DISASTERS & EMERGENCIES

Sec. 8-50. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a) The term “disaster area” means the scene or location of a natural or military disaster; an explosion; an aircraft accident; a fire; a railroad accident; acts of terrorism; contamination caused by hazardous radiological, chemical, or biological agents or substances; or a major traffic accident.

THE VILLAGE CITY CODE

- b) The term “authorized person” shall include all state, county and municipal police and fire personnel; hospital and ambulance crews; National Guard and Civil Defense personnel ordered into the disaster area by proper authority; federal civil and military personnel on official business; persons who enter the disaster area to maintain or restore facilities for the provision of water, electricity, communications, or transportation to the public; and such other officials having a valid reason to enter said disaster area.

(Ord. No. 584, § 1, 7-1-03); State law reference – Title 12, O.S. § 1210.

Sec. 8-51. Emergency plan adopted.

- (a) The Village Emergency Operations Plan (EOP) is hereby adopted by reference. The EOP shall provide a framework in which the departments of the City can plan and perform their respective emergency functions during a disaster or national emergency. Updates and revisions of the EOP shall be adopted by resolution of the City Council. (Ord. No. 584, § 1, 7-1-03)
- (b) The National Interagency Incident Command System (NIMS) is hereby adopted by reference. (Resolution 08-16-2005; Resolution 08-20-2018 (C))

Sec. 8-52. State of emergency.

- (a) The emergency powers conferred in this division shall become effective immediately upon the issuance of a proclamation of the existence of a state of emergency by:
 - 1) The Mayor; or
 - 2) The city council;
- (b) If the urgency of the situation requires, the city manager is authorized to declare the state of emergency until such time as the city council may meet and determine the state of emergency exists. The powers conferred in this division are limited to the duration of the state of emergency.
- (c) The proclaimed state of emergency shall be terminated either by the city manager or upon adoption of a resolution by the city council.

(Ord. No. 584, § 1, 7-1-03); City code cross-reference: 12-136 et seq. seq.

Sec. 8-53. Following of emergency vehicles unlawful.

THE VILLAGE CITY CODE

It shall be unlawful for the driver of any vehicle, other than one on official business, to follow any emergency vehicle or to purposefully drive to any location on or near a street where a disaster area exists.

(Ord. No. 584, § 1, 7-1-03); City code cross-reference: Sections 13-300, 13-363; State law reference – Title 12, O.S. § 1213.

Sec. 8-54. Proceeding to or remaining at disaster area unlawful—Removal of objects.

It shall be unlawful for any person except an authorized person to proceed to or to remain at a disaster area for the purpose of being a bystander, spectator, sightseer or souvenir hunter; or for any such person to take or remove from the disaster area, or disturb or move any material, objects, equipment or thing either directly or indirectly relating or pertaining to the disaster.

(Ord. No. 584, § 1, 7-1-03); State law reference – Title 12, O.S. § 1212.

Sec. 8-55. Emergency powers enumerated.

- (a) **Emergency Purchases:** When a state of emergency has been declared, the city manager and/or designee(s) shall be authorized to make emergency purchases of goods and services and enter into contracts as deemed necessary to protect the health, safety, and welfare of the public and to protect public or private property from further harm or damage. Emergency purchases of goods and services shall not be subject to competitive bidding or other purchasing requirements established by this code. Contracts pursuant to this section may be entered into by the city manager and/or designee(s) without the prior approval of the City Council.
- (b) **Curfew:** When a state of emergency has been declared, the city manager or his designee(s) may establish a curfew as deemed necessary for the preservation of the health, safety, and welfare of the public.
- (c) **Summary Abatements:** When a state of emergency has been declared, the City of The Village, its agents, employees, contractors and assigns are hereby empowered to enter onto public and private property to summarily remove conditions that are deemed an imminent threat to the life, safety, health, and welfare of the city, its residents, or the general public. The City of The Village, its agents, employees, contractors and assigns shall suffer neither liability nor be responsible for any damages caused to private or public property during the abatement of existing and imminent threats top the safety, health and welfare of the city, its residents or the general public.

THE VILLAGE CITY CODE

- (d) **Marshaling of Resources:** In the event of a declared emergency, the Director of Civil Defense, after due authorization from the mayor or city manager, shall have the power and authority to enforce all rules and regulations relating to civil defense and emergency management and, if necessary, take control of transportation, communications, stocks of fuel, food, clothing, medicine, and public utilities for the purpose of protecting the civilian population. Said director shall cooperate in every way with the activities of the governmental agencies or civil defense organizations; and if required by the mayor or city manager shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the city.
- (e) **Prohibitions or restrictions:** In the event of a declared emergency, the mayor or city council may, at the time the emergency is declared by proclamation or resolution, or by subsequent proclamation or resolution, prohibit or restrict:
- (1) a designated number of persons from assembling or gathering on the public streets, parks, or other areas either public or private;
 - (2) the sale, purchase, or dispensing of alcoholic beverages;
 - (3) the sale, purchase, or dispensing of other commodities or goods; and
 - (4) such other activities as the mayor or city council reasonably believes should be prohibited or restricted to help preserve or maintain life, health, property, or the public peace.

By imposing any such prohibitions or restrictions, the mayor or city council may impose them for such times, upon such conditions, and with such exceptions and in such areas as the mayor or city council from time to time deems necessary.

(Code 1976, 4-1-1, 4-1-3; Ord. No. 584, § 1, 7-1-03); City code cross-references: 12-136 et seq. seq., 15-26; Ord. No. 750, § 1.03-17-2020)

Sec. 8-56. Penalty:

Persons found in violation of any provision of this Chapter shall be guilty of a Class A offense, punishable by a fine not exceeding Seven Hundred and Fifty Dollars (\$750.00), or by imprisonment not exceeding sixty (60) days, or by both such fine and imprisonment. (Ord. No. 584, § 1, 7-1-03); State law reference – Title 12, O.S. § 1213.

Sections 8-57 to 8-99 Reserved