

Chapter 30

CIVIL EMERGENCIES

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ARTICLE I. IN GENERAL

Sec. 30-1. Fallout protection in public buildings.

(a) Every officer, board, department, commission or agency of the city charged with the duty of preparing specifications or awards or entering into contracts for the design, erection or construction of buildings or other structures, including additions to existing structures, for the city, shall incorporate or cause to be incorporated in each building or other structure, to the fullest extent practicable, fallout protection for at least its normal anticipated population, which shall meet or exceed the minimum space and fallout protection criteria recommended by the Office of Civil Defense, United States Department of Defense.

(b) It shall be the policy of the city that fallout shelters be incorporated in all public buildings of the city, to the fullest extent practicable, in order to provide protection against radiation for the greatest number of people in the event of nuclear attack.

(Code 1974, § 11-11)

Sec. 30-2. Powers, duties of fallout shelter managers.

(a) In case of a national emergency or whenever a state of emergency is declared by the mayor, community fallout shelter managers, duly appointed by the civil defense director, shall open public shelters, take charge of all stocks of food, water and other emergency supplies stored in such shelters, admit the general public according to the city-county shelter use plan and take whatever control measures are necessary for the protection and safety of the occupants.

(b) Civil defense shelter managers are authorized to use reasonable restraint against those who refuse to cooperate with the routine of shelter living under emergency conditions. Refusal to carry out the orders of the civil defense shelter manager and his appointed staff shall be deemed a misdemeanor.

(Code 1974, § 11-12)

Secs. 30-3-30-25. Reserved.

ARTICLE II. CONTINUITY OF GOVERNMENT*

Sec. 30-26. Title.

This article shall be known and may be cited as the "Continuity of Government Ordinance of the City of McAlester, Oklahoma."
(Code 1974, § 11-24)

Sec. 30-27. Definitions.

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

Attack means any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner, by sabotage or by the use of bombs, missiles, shellfire or atomic, radiological, chemical, bacteriological or biological means or other weapons or processes.

Duly authorized deputy means a person who is presently authorized to perform all of the functions, exercise all of the powers and discharge all of the duties of an office in the event the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer.

Emergency interim successor means a person designated pursuant to this article for possible temporary succession to the powers and duties, but not the office, of a city officer if such officer or any duly authorized deputy is unavailable to exercise the powers and discharge the duties of the office.

Unavailable means either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office (including any deputy exercising the powers and discharging the duties of an office because of a vacancy) and his duly authorized deputy are absent or unable, for physical, mental or legal

"Cross reference-Administration, ch. 2.
State law reference-Emergency Interim Executive and Judicial Succession Act, 63 O.S. § 685.1 et seq.

reasons, to exercise the powers and discharge the duties of the office.
(Code 1974, § 11-25)

Cross reference-Definitions generally, § 1-2.
State law reference-Similar definitions, 63 O.S. § 685.3.

Sec. 30-28. Designation of emergency interim successors.

(a) Within 30 days after first entering upon the duties of his office, the mayor and each member of the city council shall, in addition to any duly authorized deputies, designate such number of emergency interim successors to his office, and specify their rank in order of succession after any duly authorized deputy, so that there will be not less than three duly authorized deputies or emergency interim successors, or combination thereof, for the office.

(b) The city council, with respect to the city manager and the city clerk, and the city manager, with respect to all other appointive officers, shall designate such number of emergency interim successors to such officers, and specify their rank in order of succession after any duly authorized deputy, so that there will be not less than three duly authorized deputies or emergency interim successors, or combination thereof, for each officer.

(c) The officers designating emergency interim successors under this section shall review and, as necessary, promptly revise the designations of emergency interim successors or duly authorized deputies or any combination thereof for each officer specified.

(Code 1974, § 11-26)

State law reference-Duty of city officersto designate interim successors, 63 O.S. § 685.6.

Sec. 30-29. Qualifications, status of emergency interim successors.

(a) No person shall be designated or serve as an emergency interim successor unless he may, under the constitution and statutes of this state and the charter of ordinances of this city, hold the office of the person to whose powers and duties he is designated to succeed, but no provision of any ordinance prohibiting an officer or employee of this city from holding another office shall be applicable to an emergency interim successor.

(b) A person designated as an emergency interim successor holds that designation at the pleasure of the designator; provided that, he must be replaced if removed. He retains this designation as emergency interim successor until replaced by another appointed by the authorized designator.
(Code 1974, § 11-27)

Sec. 30-30. Formalities of emergency interim successors taking office.

At the time of their designation, emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to exercise the powers and discharge the duties of the office to which they may succeed.
(Code 1974, § 11-28)

Sec. 30-31. Filing of information concerning deputies and emergency interim successors.

The name, address and rank in order of succession of each duly authorized deputy shall be filed with the city clerk and each designation, replacement or change in order of succession of an emergency interim successor shall become effective when the designator files with the city clerk the successor's name, address and rank in order of succession. The city clerk shall keep on file all such data regarding duly authorized deputies and emergency interim successors and it shall be open to public inspection.
(Code 1974, § 11-29)

Sec. 30-32. Powers, duties of emergency interim successors.

If in the event of an attack any city officer and any duly authorized deputy of such officer is unavailable, his emergency interim successor highest in rank in order of succession, who is not unavailable, shall, except for the power and duty to appoint emergency interim successors, exercise the powers and discharge the duties of such officer. An emergency interim successor shall exercise such powers and discharge such duties only until such time as the lawful incumbent officer or any duly authorized deputy or an emergency interim successor higher in rank in order of succession exercises, or resumes the exercise of, the powers

and discharge of the duties of the office, or until, where an actual vacancy exists, a successor is appointed to fill such vacancy or is elected and qualified as provided by law.

(Code 1974, § 11-30)

State law reference-Similar provisions, 63 O.S. § 685.9.

Sec. 30-33. Quorum and vote requirements for council in event of attack.

In the event of an attack, quorum requirements for the city council shall be suspended, and where the affirmative vote of a specified proportion of members for approval of an ordinance, resolution or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient.

(Code 1974, § 11-31)

Secs. 30-34-30-55. Reserved.

ARTICLE III. CIVIL DEFENSE AND
EMERGENCY RESOURCE
MANAGEMENT*

Sec. 30-56. Definitions.

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

Civil defense means the preparation for and the carrying out of all emergency functions, other than functions for which the military services are primarily responsible, by organized and trained volunteer civilian persons who will extend existent governmental functions and provide other necessary nongovernmental functions, as listed below, to prevent, minimize and repair injury and damage resulting from enemy attack, sabotage, or other hostile action, or disasters caused by fire, flood, tornado, earthquake or other causes developing to such an extent to cause an extreme emergency situation to arise which by declaration of the governor jeopardizes the welfare of the citizens of this state. These functions include, without limita-

*State law reference-Oklahoma Civil Defense and Emergency Resources Management Act of 1967, 63 O.S. § 683.1 et seq.

tion, firefighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons of defense, evacuations of persons from stricken areas, emergency welfare services (civilian war aid), emergency transportation, existing or properly assigned functions of plant protection, integration of industry emergency plans into civil defense plans, assistance to private and public utility companies in the 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.

Civil defense or disaster emergency means any state of emergency caused by enemy attack upon the United States or a state of emergency declared by the President of the United States or the governor of the state upon the occurrence of an attack upon the United States or when such attack is imminent or when an emergency is caused by a disaster, natural or manmade.

Enemy attack means an actual attack by a foreign nation by hostile air raids, or other forms of warfare upon this state or any other state or territory of the United States.

(Code 1974, § 11-2)

Cross reference-Definitions generally, § 1-2.
State law reference-Similar provisions, 63 O.S. § 683.3.

Sec. 30-57. Establishment, composition of office of civil defense; office space, equipment, etc.

(a) There is hereby established within the executive branch of the city government the office of civil defense. This office shall consist of:

- (1) The civil defense advisory committee provided for in this article.
- (2) The director of civil defense appointed pursuant to this article.
- (3) Such other volunteer civil defense advisory committees as may be created by the director of civil defense for the evaluation of technical, professional or other phases of the work of the office of civil defense, and

which may provide advisory assistance on any matters pertaining to the city's civil defense.

(b) Appropriate office space, furniture, equipment and supplies, as required, shall be provided for the office of civil defense. Expenditures for these purposes, within the appropriations therefor, shall be made only on the authority of the city council.

(Code 1974, § 11-2)

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

Sec. 30-58. Civil defense advisory committee.

There is hereby created a civil defense advisory committee, consisting of the mayor as chairman, and five other members appointed by the mayor and serving at his pleasure. The committee shall elect from among its members a vice-chairman and a secretary. Except as otherwise provided in this chapter, the committee shall function in an advisory capacity on all matters pertaining to civil defense. It shall hold regular meetings at least four times a year and at other times on the call of the mayor. The committee shall serve without compensation.

(Code 1974, § 11-3)

Crossreference-Boards and commissions, § 2-166 et seq.

Sec. 30-59. Director of civil defense-Office created; appointment, term.

The office of director of civil defense is hereby created. The director of civil defense shall be appointed by the mayor and shall serve at his pleasure.

(Code 1974, § 11-4)

Sec. 30-60. Same-General powers and duties.

(a) The director of civil defense shall be the executive head of the office of civil defense and shall have general direction and control of such office. He shall be responsible for carrying out the civil defense program of the city and the provisions of this article. In so carrying out the provisions of this article, the director is expressly authorized to cooperate, insofar as permitted by other appro-

priate legislation, with the federal government, the government of the state and its subdivisions, with other states and their subdivisions and with private agencies in all matters pertaining to civil defense in this city.

(b) The director of civil defense shall coordinate the activities of all organizations for civil defense within the city, and shall maintain liaison with and cooperate with civil defense agencies and organizations of other governmental units, both within and without the state, and of the federal government, and shall have such additional authority, duties and responsibilities as may be authorized under this chapter or amendments thereof.

(c) Prior to an emergency the director of civil defense shall have the following powers:

- (1) To make, amend and rescind the necessary orders, rules and regulations to carry out the provisions of this article within the limits of the authority conferred upon him herein, with due consideration to be given to the plans and powers of the federal government, the government of the state, and other public and private agencies and organizations empowered to act in either enemy-caused emergencies or natural emergencies, or both.
- (2) To prepare comprehensive plans for the civil defense of the city in both enemy-caused and natural emergencies, such plans and programs to be integrated and coordinated with the plans and programs of the federal government, of the government of the state, and of other public and private agencies and organizations empowered to act in either enemy-caused or natural emergencies, or both.
- (3) To establish, within the limits of funds available, a public warning system, composed of sirens, horns or other acceptable warning devices.
- (4) To establish and carry out recruitment and training programs as may be necessary to develop an adequate, qualified civil defense volunteer corps.

- (5) To conduct drills, exercises and similar programs as may be necessary to develop a well-trained, alert, fully prepared civil defense organization.
 - (6) To make such studies and surveys of the industries, resources and facilities of this city as he deems necessary to ascertain its capabilities for civil defense, and plan for the most efficient emergency use thereof.
 - (7) On behalf of the city, to enter into mutual-aid arrangements with surrounding communities, subject to the approval of the city council.
 - (8) To delegate any administrative authority vested in him under this article, and to provide for the subdelegation of any such authority.
 - (9) To take any other action proper and lawful under his authority to prepare for either an enemy-caused or a natural emergency.
- (Code 1974, § 11-5)

Sec. 30-61. Same-Powers during civil defense or disaster emergency.

In the event of any actual civil defense or disaster emergency, as proclaimed by the mayor, the director of civil defense, with the approval of the mayor, may exercise during such emergency the power to enforce all rules and regulations relating to civil defense and, acting under the authority of state statutes or under the authority of the mayor as an agent of the governor of the state, may take control of all means of transportation and communications, all stocks of fuel food clothing, medicine and supplies, and all facilities: including buildings and plants, and exercise all powers necessary to secure the safety and protection of the civilian population. In exercising such powers, he shall be guided by regulations and orders issued by the federal government and the governor of the state relating to civil defense and shall take no action contrary to orders which may be issued by the governor under similar emergency powers.

(Code 1974, § 11-6)

Sec. 30-62. Same-Powers during natural emergency.

In the event of any natural emergency, as proclaimed by the mayor, the director of civil defense, with the approval of the mayor and acting under his instructions, shall coordinate in every way proper the activities of the civil defense organization. He is specifically charged in such emergency with the collection, evaluation and dissemination of information to all agencies participating in the city's civil defense organization or cooperating in any such emergency. He shall, as director, have the power to recommend appropriate action, but he shall not otherwise have control over the participating agencies. He shall also recommend to the mayor the allocation of any funds received from the federal or state governments or from any other source to alleviate distress and aid in restoring normal conditions.

(Code 1974, § 11-7)

Sec. 30-63. Establishment of emergency control centers.

The director of civil defense shall, within the appropriations therefor, establish a primary and one or more secondary control centers, as he deems necessary to serve during an enemy-caused or a natural emergency.

(Code 1974, § 11-8)

Sec. 30-64. Acceptance of gifts, grants and loans for civil defense purposes.

Whenever the federal government or the state or any person shall offer to the city any services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of civil defense, the mayor may accept such offer and may authorize the director of civil defense to receive the same subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

(Code 1974, § 11-9)

Sec. 30-65. Exemption from liability for damages resulting from civil defense activities.

Neither the city nor any officer or member of the civil defense organizations provided for in this article shall be liable for personal injury or prop-

erty damage sustained by the any person appointed or acting as a volunteer civil defense worker or member of any agency engaged in any civil defense activity prior to or during either an enemy-caused or a natural emergency, nor shall the city or any such officer or member be liable for the death or injury of any person or damage to property resulting from such civil defense activity prior to or during either an enemy-caused or a natural emergency.

(Code 1974, § 11-10)

State law reference-Similar provisions, 63 O.S. § 683.14.

Secs. 30-66-30-85. Reserved.

ARTICLE IV. PUBLIC ORDER PRESERVATION*

Sec. 30-86. Definitions.

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

City manager means the city manager or his designated representative.

Civil emergency means:

- (1) A riot. Any use of force or violence, or any threat to use force or violence, if accompanied by the immediate power of execution, which threatens to result in acts described in subsection (4) below by three or more persons acting together, and without authority of law, which cannot be controlled or stopped under existing conditions and authority, is a riot.
- (2) An unlawful assembly consisting of three or more persons assembling together with intent to do any unlawful act described in subsection (4) below with force or violence against the person or property of another, and who make any overt act to carry out such unlawful purpose, or who do a lawful

act in an unlawful, violent or tumultuous manner, which cannot be controlled or stopped under existing conditions or authority.

- (3) A natural disaster or a manmade calamity, including but not limited to flood, conflagration, cyclone, tornado, earthquake or explosion occurring within or affecting property within the city limits, which endangers life and property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare of the citizens.
- (4) Unlawful activities, such as looting, arson, fire bombing, sniping, interference with emergency vehicles, widespread criminal damage to property, which in the opinion of the city manager, based upon consultation with the chief of police, cannot be controlled nor stopped under existing conditions and authority without unduly further endangering life of property.

Curfew means that period of time, as declared by the city manager, during which no person shall be upon the public streets, sidewalks, grounds or semipublic property, either on foot or in vehicles of any type within the city except, however, that persons authorized by the city manager by administrative order shall not be subject to the curfew. (Code 1974, § 11-43)

Crossreference-Definitions generally, § 1.2.

Sec. 30-87. Proclamation of existence of emergency.

Whenever the city manager shall, after consultation with the chief of police, find that a civil emergency exists and that invocation of the extraordinary powers conferred by this article is necessary to ensure or to restore the public peace, he shall forthwith proclaim, in writing, the existence of such emergency. (Code 1974, § 11-44)

Sec. 30-88. Invocation of curfew.

Mter the proclamation of the existence of a civil emergency, as authorized in section 30-87, the city manager may order the invocation of the curfew.

*Cross reference-Offenses against public peace and order, § 82-161 et seq.

State law references-Oklahoma Riot Control and Prevention Act, 21 O.S. § 1321.1 et seq.; authority of city to enact ordinance in conformity with said act, 21 O.S. § 1321.9.

Such order shall declare the hours of curfew in all or any portion of the city, thereby requiring all persons in such designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public or semipublic places. The curfew shall be declared by proclamation which shall be delivered to the chief of police, who shall see that copies thereof are delivered to all news media within the city and who shall also use public address systems to notify the public of the proclamation and curfew hours and warn the public that violation of the curfew constitutes a misdemeanor or violators are subject to arrest. (Code 1974, § 11-45)

Sec. 30-89. Closing of streets.

After the proclamation of the existence of a civil emergency, as authorized in section 30-87, the city manager may close any and all streets, alleys and other public ways in the city to the public whenever it is necessary for the preservation of life and property and the maintenance of law and order. (Code 1974, § 11-46)

Sec. 30-90. Closing certain businesses, prohibiting sale of certain products, etc.

After the declaration of the existence of a civil emergency, as authorized in section 30-87, the city manager may:

- (1) Order the closing of all retail package liquor stores and outlets.
- (2) Order the closing of all bars and other establishments selling intoxicating liquor or beer by the drink.
- (3) Order the discontinuance of selling, distributing or giving away gasoline or other flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle, such sale to be limited to not more than one gallon per motor vehicle, or in the alternative, order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution or dispensing of liquid flammable or combustible products.

- (4) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever, or in the alternative, order the closing of all establishments or portions thereof where firearms or ammunition are kept for sale or distribution.

- (5) Issue such other orders as are imminently necessary for the protection of life and property.

(Code 1974, § 11-47)

Sec. 30-91. Notice of orders affecting business establishments.

All orders issued pursuant to the authority contained in section 30-90 regulating or prohibiting the conduct of business shall be delivered to the police department, which shall forthwith inform the operator or person in charge of the business affected, advising him that failure to comply with the order constitutes a violation of this article for which he may be arrested.

(Code 1974, § 11-48)

Sec. 30-92. Termination or extension of emergency proclamation.

Any emergency proclaimed in accordance with the provisions of this article shall terminate after 48 hours from the issuance of the proclamation, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first; provided, however, that such emergency may be terminated by the city council prior to the termination of 48 hours or may be extended for such additional periods of time as deemed necessary by the city council.

(Code 1974, § 11-49)

Sec. 30-93. Failure to disperse from scene of riot or unlawful assembly during emergency.

During the existence of an emergency proclaimed in accordance with this article, every person remaining present at the place of any riot or unlawful assembly, after having been ordered to disperse by the police or other lawful authority, except those public officers and persons assisting

them in attempting to disperse the same, shall be deemed guilty of a violation of this article.
(Code 1974, § 11-50)

Sec. 30-94. Violation of article or emergency orders.

Any person convicted of a violation of this article or any order issued pursuant to this article is guilty of a misdemeanor.
(Code 1974, § 11-51)

Sec. 30-95. Article supplemental to other ordinances.

The provisions of this article shall not be construed to repeal, replace or limit any other ordinance of this city or limit the authority and power vested in the city council and the city manager. It is the intent of the city council that this article supplement the other ordinances of the city.
(Code 1974, § 11-52)

Chapters 31-33

RESERVED