

## **CHAPTER 110 CIVIL DEFENSE**

### **110.01 POLICY AND PURPOSE**

#### Subd. 1

Because of the existing and increasing possibility of the occurrence of disasters or unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hostile action, or other natural causes, and in order to insure that preparations of this Municipality 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 municipality, it is hereby 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
- (C) To provide for the rendering of mutual aid between this Municipality and other political subdivisions of this state and of other states with respect to the carrying out of civil defense functions

#### Subd. 2

It is further declared to be the purpose of the chapter and the policy of the Municipality that all civil defense functions of this Municipality 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.

### **110.02 DEFINITIONS**

#### Subd. 1 Civil Defense

Means 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 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, air raid warning services, communications, radiological, chemical, and other special weapons, defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or property 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.

**Subd. 2 Civil Defense Emergency**

Means an emergency declared by the Governor under Minnesota Statute Sec. 12.31.

**Subd. 3 Civil Defense Forces**

Means any personnel employed by the Municipality 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 there under.

**110.03 ESTABLISHMENT OF CIVIL DEFENSE AGENCY**

**Subd. 1**

There is hereby created a Civil Defense Agency, which shall be under the supervision and control of a Director of Civil Defense, hereinafter call the Director. The Director shall be appointed by the Mayor for an indefinite term and may be removed by him at any time. He shall be paid a salary to be set by the Municipal Council plus his necessary expenses. The Director shall have direct responsibility for the organization, administration, and operation of the Civil Defense Agency, subject to the direction and control of the Mayor. 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 civil defense functions during a civil defense emergency. The Civil Defense Agency shall perform civil defense functions within the Municipality as may be required pursuant to the provisions of the Minnesota Civil Defense Act of 1951 as amended or this chapter.

**Subd. 2**

There is hereby created within the Civil Defense Agency a Civil Defense Advisory Committee, hereinafter called the Committee. Members of the Committee shall be appointed by the Mayor to represent Municipal departments and other groups concerned with civil defense. The Mayor shall be chairman and the Director shall be Secretary of the Committee. The Committee shall advise the Director and the Council on all matters pertaining to civil defense. Each member shall serve without compensation and shall hold office at the pleasure of the Mayor.

**110.04 POWERS AND DUTIES OF THE DIRECTOR**

Subd. 1

The Director, with the consent of the Mayor, shall represent the Municipality on any regional or state organization for civil defense. 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 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 agreement with a political subdivision of another state shall be subject to the approval of the Governor.

Subd. 2

The Director shall make such studies and surveys of the manpower, industrial resources, and facilities of the Municipality, 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.

Subd. 3

The Director shall prepare a comprehensive general plan for the civil defense of the Municipality 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 municipal agencies and all civil defense forces of the Municipality 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 Director shall coordinate the civil defense activities of the Municipality 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.

Subd. 4

In accordance with the state and Municipal civil defense plan, the 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 Municipal 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.

Subd. 5

The Director shall utilize the personnel, services, equipment, supplies, and facilities of existing departments and agencies of the Municipality 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, in cooperation with and under the direction of the Director, shall be responsible for the planning and programming of such civil defense activities as will involve the utilization of the facilities of his department or agency.

Subd. 6

The Director shall, in cooperation with existing Municipal departments and agencies affected, organize, recruit, and train air-raid wardens, auxiliary police, auxiliary fireman, emergency medical personnel, and any other personnel that may be required on a volunteer basis to carry out the civil defense plans of the Municipality and that stat. To the extent that such emergency personnel is recruited to augment a regular Municipal department or agency for civil defense emergencies, it shall be assigned to such department or agency for purposes of administration and command. The Director may dismiss any civil defense volunteer at any time and require him to surrender any equipment and identification furnished by the Municipality.

Subd. 7

Consistent with the civil defense plan, the Director shall provide and equip emergency hospitals, casualty stations, ambulances, canteens, evacuation centers, and other facilities, or conveyances for the care of injured or homeless persons.

Subd. 8

The Director shall carry out all orders, rules, and regulations issued by the Governor with reference to civil defense.

Subd. 9

The 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 shall be governed by his orders in respect thereto.

Subd. 10

Consistent with the civil defense plan, the Director shall provide and equip at some suitable place in the Municipality 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. 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.

Subd. 11

During the first 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, the 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 as he directs, and he may commandeer, for the time being, any motor vehicle, tool, appliance, or any other property, subject to the owner's right to just compensation as provided by law.

## **110.05 GENERAL PROVISIONS ON CIVIL DEFENSE WORKERS**

Subd. 1

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 entering upon his duties, take an oath in writing before any officer of the State Department of Civil Defense, the Director, or Ground Corps Supervisor. The oath shall be substantially in the form prescribed by Minnesota Statute Sec. 12.43.

Subd. 2

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.

Subd. 3

Each civil defense volunteer shall be provided with such suitable insignia or other identification as may be required by the 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 identification. No person except an authorized volunteer shall use the identification. No person except an authorized volunteer shall use the identification of a volunteer or otherwise represent himself to be an authorized volunteer.

Sub. 4

No civil defense volunteer shall carry any firearm while on duty except on written order of the Chief of the Police Department.

Subd. 5

Personnel procedures of the Municipality applicable to regular employees shall not apply to the Director or to volunteer civil defense workers but shall apply to paid employees of the civil defense agency.

## **110.06 EMERGENCY REGULATIONS**

Subd. 1

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 regulation, consistent with applicable federal or state law or regulation, respecting; protection against air-raids; the sounding of air-raid 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.

Subd. 2

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 office of the clerk, where a copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulations and its availability for inspection at the Municipal offices or other headquarters of the Municipality 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.

Subd. 3

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. Any ordinance, 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.

Subd. 4

During a civil defense emergency, the Municipality is, notwithstanding any statutory or charter provision to the contrary, empowered, through its governing body, within or without the corporate limits of the Municipality, 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 Municipality may exercise such powers in the light of the exigencies of the disaster without compliance with the 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 for bids, provision of civil service laws and rules, provisions relating to law bids, and requirements for budgets. 3

### **110.07 CIVILDEFENSE AGENCY PROCEDURE**

#### Subd. 1

There is hereby established in the treasure 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 of the operation and maintenance of the Civil Defense Agency and other expenditures for civil defense. Regular accounting, disbursement, purchasing, budgeting, and other financial procedures of the Municipality 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 during 1965 or 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.

#### Subd. 2

The Director shall, as soon as possible after the end of each fiscal year, prepare and present to the Council for the information of the Council and the public, a comprehensive report of activities of the Civil Defense Agency during the year.

### **110.08 CONFORMITY AND COOPERATION WITH FEDERAL AND STATE AUTHORITY**

Every officer and agency of the Municipality 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 there under shall be subject to all applicable and controlling provisions of federal and state laws and of regulations and order issued there under and shall be deemed to be suspended and inoperative so far as there is any conflict therewith. The Council may appoint a qualified person holding a position if any agency created under federal or state authority for civil defense purposes as a special policeman of the Municipality, with such police powers

and duties within the Municipality incident to the functions of his position, not exceeding those of a regular policeman of the Municipality as may be prescribed in the appointment. Every such special policeman shall be subject to the supervision and control of the Chief of Police and such other police officers of the Municipality as the Chief may designate.

#### **110.09 CIVIL DEFENSE AND GOVERNMENTAL FUNCTION**

All functions hereunder and all other activities relating to civil defense are hereby declared to be governmental functions. The Municipality, 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 (Minnesota Statute Secs. 12.01 to 12.46) or with this chapter or any rule, regulation or order made there under, 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 to which he would otherwise be entitled under this chapter 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.

#### **110.10 PROHIBITED ILLUMINATION A NUISANCE**

Any illumination with the Municipality contrary to the provisions of this or any other ordinance pertaining to civil defense or of any regulation adopted there under or of any federal or state law, regulation, or order shall be deemed a public nuisance. Any regular (or auxiliary) policeman (or air-raid warden) 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.

#### **110.11 PARTICIPATION IN LABOR DISPUTE OR POLITICS**

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.

#### **110.12 PENALTY**

Any person who violates any provision of this chapter or of any regulation adopted there under relating to act, omissions, or conduct other than official acts or Municipal officers or employees shall be guilty of a misdemeanor.