

YALE CITY CODE

Chapter 6

CIVIL DEFENSE AND EMERGENCIES

Article 1. In General

Sec. 6-1. Civil defense department.

The purpose of this chapter is to create a Civil Defense organization for the City 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 Civil Defense organization 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.

Sec. 6-2. Civil defense department established.

There is hereby established under the executive branch of the government of the City a Department of Civil Defense, which shall consist of a Director of Civil Defense, who shall be appointed by the Mayor and shall be confirmed by the City Commission and who shall serve at the pleasure of the City Commission.

Sec. 6-3. Director: Powers and duties.

The Director of Civil Defense shall be the executive head of the Department of Civil Defense and shall be responsible for carrying out the Civil Defense program of the City. He shall serve without compensation but may be reimbursed for expenses incurred in the performance of his duties. It is the duty of the Director of Civil Defense, as soon as practicable after his appointment, to perfect an organization to carry out the purposes set forth in this article, and he shall have all the necessary power and authority to form committees or other bodies and to appoint and designate the chairman and chief officer of such bodies as may be necessary to perfect such an organization. He shall have such further duty and responsibility to cooperate with all Civil Defense agencies of governmental units including the State of Oklahoma and the federal government.

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Sec. 6-4. Director of Civil Defense, authority.

(a) The Director of Civil Defense is authorized to formulate written plans and gather information and keep written record thereof to govern the functions of the Civil Defense organization.

(b) In the event of an enemy-caused emergency or emergency resulting from natural causes, the Director of Civil Defense, after due authorization from the City Manager, shall have the power and authority to enforce all rules and regulations relating to Civil Defense 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. He shall cooperate in every way with the activities of other governmental agencies or Civil Defense organizations; and if required by the City Manager, shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the City.

(c) The Director of Civil Defense and other members of the Civil Defense organization created by him shall have the power and authority to enforce the laws of the state and ordinances of the City during the period of emergency, and shall at such time have the further power to make arrests for violations of such laws or ordinances.

Sec. 6-5. Acceptance of equipment, etc.

Whenever the federal government or the state or any person offers to the city any services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of Civil Defense, the city manager 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.

Sec. 6-6. Liability of City for injury to members.

The City shall not be liable for any personal injury received by any member of the Civil Defense organization while acting in the line of duty.

Sec. 6-7 Duties of Director during emergencies.

(a) In the event of an enemy caused emergency or emergency resulting from natural causes, the Director of Civil Defense, shall have the power and authority to enforce all rules and regulations relating to Civil Defense and, if necessary, take control of transportation, communications, stocks of fuel, food, clothing, medicine, and public utilities, for the purpose of

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protecting the civilian population. He shall cooperate in every way with the activities of other governmental agencies or Civil Defense organizations; and if required by the Mayor, shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the city.

(b) The Director of Civil Defense is further authorized to formulate written plans and to gather information and keep written record thereof to govern the functions of the Civil Defense organizations.

Sec. 6-8. To enforce laws and ordinances.

The Director of Civil Defense and other members of the Civil Defense organization created by him shall have the power and authority to enforce the laws of the State of Oklahoma and ordinances of the City during the period of emergency, and shall at such time have the further power to make arrests for violation of such laws or ordinances.

Sec. 6-9. Compensation; Liability.

All members of the Civil Defense organization created hereunder shall serve without compensation.

Article 2. Civil Emergencies

Sec. 6-10. Definitions.

As used in this article, unless the context requires otherwise, the following terms shall have the meanings ascribed to them in this section:

Mayor: The Mayor of this city, or in case of his removal, death, resignation or inability to discharge the powers and duties of his office, then the Vice-Mayor, or in case of the removal, death, resignation or inability to discharge the powers and duties of office of both the Mayor and Vice-Mayor, then the City Manager.

State of emergency: An emergency proclaimed as such by the Mayor pursuant to this article and the provisions of Title 63, Section 683.11 of the Oklahoma Statutes.

Sec. 6-11. Proclamation and termination of state of emergency.

(a) The Mayor, after finding that a public disorder, disaster or riot exists within the City or any part thereof which affects life, health, property or the public peace, may proclaim a state of emergency in the area affected.

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(b) The proclamation of a state of emergency and other proclamations issued pursuant to this article shall be in writing and shall be signed by the Mayor. It shall be filed with the City Clerk.

(c) The Mayor shall give as much public notice as practical through the news media of the insurance of proclamations pursuant to this article.

(d) The state of emergency shall cease to exist upon the issuance of a proclamation of the Mayor declaring its termination; provided that the Mayor shall terminate said proclamation when order has been restored in the area affected.

Sec. 6-12. Powers of Mayor during state of emergency.

(a) The Mayor, during the existence of a state of emergency, by proclamation, may, in the area described by the proclamation, which said proclamation shall not cover any part or portion of the City not affected by public disorder, disaster, or riot at the time said proclamation is issued, prohibit:

- (1) Any person being on the public streets, or in the public parks or at any other public place during the hours declared by the Mayor to be a period of curfew;
- (2) A designated number of persons, as designated by the Mayor, from assembling or gathering on the public streets, parks, or other open areas of the City, either public or private;
- (3) The manufacture, transfer, use, possession or transportation of a molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;
- (4) The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;
- (5) The possession of firearms or any other deadly weapon by a person (other than a law enforcement officer) in a place other than that person's place of residence or business-;
- (6) The sale, purchase or dispensing of alcoholic beverages (including 3.2 beer);

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- (7) The sale, purchase or dispensing of other commodities or goods, as he reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace,-,
- (8) The use of certain streets, highways or public ways by the public; and
- (9) Such other activities as he reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

(b) In imposing the restrictions provided for by this article, the Mayor may impose them for such times, upon such conditions, with such exceptions and in such areas of this City as he from time to time deems necessary.

Sec. 6-13. Offenses during state of emergency--Generally.

The following provisions shall apply during a state of emergency:

(a) A person is guilty of riot when he participates with two (2) or more persons in a course of disorderly conduct:

- (1) With intent to commit or facilitate the commission of a felony or misdemeanor; or
- (2) With intent to prevent or coerce official action; or
- (3) When the accused or any other participant to the knowledge of the accused uses or plans to use a firearm or other deadly weapon.

(b) Any person upon any public way within the described area who is directed by the authorities to leave the public way but refuses to do so shall be guilty of an offense.

(c) A person is guilty of an offense under this section committed by another person when:

- (1) Acting with the state of mind that is sufficient for commission of the offense, he causes an innocent or irresponsible person to engage in conduct constituting the offense; or
- (2) Intending to promote or facilitate the commission of the offense he:
 - (a) solicits, requests, commands, importunes, or otherwise attempts to cause the other person to commit it; or
 - (b) aids, counsels, or agrees or attempts to aid the other person in planning or committing it; or

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- (c) having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so.
- (3) His conduct is expressly declared by a statute of this state to establish his complicity.

Article 3. Penalty

Sec. 6-14. Penalty.

Any person, individual, partnership, corporation, or association of officer, direction stockholder, owner, manager, or persons having supervisory control over the premises of any public place who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) excluding costs. Each day upon which such violation continues shall constitute a separate misdemeanor.