

ORDINANCE NO. 4-80

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Russell Sweetman on the 12th  
day of February, 1980.

AN ORDINANCE TO ENACT CHAPTER 150 AND SECTIONS 150.01 THROUGH 150.09 OF THE CODIFIED ORDINANCES OF THIS CITY WHICH PROVIDES FOR ADOPTION OF A CIVIL PREPAREDNESS PLAN AND WHICH GRANTS CERTAIN CIVIL EMERGENCY AND DISASTER POWERS TO A CIVIL PREPAREDNESS DIRECTOR.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION 1.

Chapter 150 and Sections 150.01 through 150.09 of the Codified Ordinances of this City are hereby enacted to read as follows:

"Section 150.01. DEFINITIONS. The following definitions shall apply in the interpretation of this Chapter:

- (a) "Civil Preparedness" means the ability to carry out the basic government functions of maintaining the public peace, health and safety during a civil emergency.
- (b) "Civil Emergency" means an event that would require a significant diversion of routine municipal resource and service scheduling, for the purpose of eliminating or reducing any danger to persons or their property.
- (c) "Disaster" includes but is not limited to extraordinary fire, flood, storm, epidemic or other impending or actual calamity endangering or threatening to endanger health, life or property or constituted government.
- (d) "Civil Preparedness Forces" mean the employees, equipment and facilities of all City departments, boards, institutions and commissions; and, in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.
- (e) "Volunteer" means one who contributes a service, equipment or facilities to the civil preparedness organization without remuneration.
- (f) "Civil Preparedness Volunteer" means any person duly registered, identified and appointed by the Director of the Office of Civil Preparedness and assigned to participate in the civil defense activity.

(g) "Director" shall mean the City Manager or his designated alternate duly appointed in accordance with Section 6.02 of the City Charter.

(h) "Regulations" shall include plans, programs, rules, restrictions, requirements and other emergency procedures deemed essential to civil preparedness.

Section 150.02. ORGANIZATION AND APPOINTMENTS.

The City is hereby authorized and directed to create an organization for civil preparedness utilizing to the fullest extent the existing agencies within this City. The City Manager, as executive head of the municipal government, shall be the Director of the civil preparedness forces of this City and shall be responsible for their organization, administration and operations. The organization shall consist of the following:

(a) An Office of Civil Preparedness within the executive department of the city government and under the direction of the City Manager, and such assistants and other employees as are deemed necessary for the proper functioning of the organization.

(b) The employees, equipment and facilities of all City departments, boards, institutions and commissions will participate in the civil preparedness activity. Duties assigned to a City department shall be the same or similar to the normal duties of the department.

(c) Volunteer persons and agencies offering services to, and accepted by, the city.

Section 150.03. EMERGENCY POWERS AND DUTIES. The Director shall have the following power and duties with regard to civil emergencies and disasters:

(a) During any time period when civil emergency or disaster threatens, or exists in, this City, and to the extent the Director deems it necessary to act immediately, without the delay of waiting for action by the City Council, to protect life, health, safety and property and to preserve critical resources and duly constituted government, the Director may promulgate such regulations as he deems necessary to assist such protection and preservation including but not limited to, the following:

(1) Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of civil preparedness forces, or to facilitate the mass movement of persons to and from critical areas within or without the City.

(2) Regulations pertaining to the movement of persons to and from areas deemed to be hazardous or vulnerable to civil emergency or disaster.

(3) Such other regulations as the Director deems appropriate and necessary to protect life, health, safety and property and to preserve critical resources and duly constituted government.

(b) During the same time periods and under the same conditions and for the same purposes as were set forth in subparagraph (a) of this Ordinance, the Director shall have the power to:

(1) Direct resources to the aid of other communities when and if required in accordance with the statutes of the state, the ordinances of this City or mutual aid agreements entered into by this City; and he may request the state or any political subdivision of the state to send aid to this City in the event the resources of this City do not appear to be adequate to cope with the civil emergency or disaster.

(2) Obtain vital supplies, equipment and other properties found lacking and needed for such protection or preservation, and bind the City for the fair value thereof in accordance with the provisions for purchasing during times of public disaster as specified in Section 7.07 of the City Charter, which are hereby declared to include civil emergencies as defined in Section 150.01 above.

(3) Require emergency services of any City officers or employees; and, if he deems such personnel services inadequate, the Director may require the services of such other person as can be obtained. All such officers, employees and other persons whose services are so required shall be entitled to any and all privileges and immunities as are provided by state law, by the City Charter or City Ordinance and, upon demand, may receive appropriate compensation for their services rendered, as determined by the City Council.

(4) Coordinate the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the City for civil preparedness purposes.

(5) Negotiate and conclude agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for the civil preparedness purposes and designate suitable buildings as public shelters, in accordance with Section 7.07 of the City Charter.

(6) Coordinate the activity of all other public and private agencies engaged in any civil preparedness activity.

Section 150.04. CIVIL PREPAREDNESS PLAN AND PROGRAMS.

The Director shall cause a civil preparedness plan to be prepared and presented to Council for adoption, modification or rejection. Such plan shall provide for use of all services, equipment, facilities and personnel of all existing departments and agencies of the City to the fullest extent for the purposes of protection and preservation referred to in Section 150.03. It shall be the duty of all municipal departments and agencies to perform the functions assigned by the Plan, as adopted or modified by Council, and to maintain their portion of the Plan in a current state of readiness at all times. The Director shall conduct civil preparedness programs including but not limited to the following:

(a) Through public informational programs, educate the civilian population as to actions necessary and appropriate in the event of civil emergency or disaster.

(b) Conduct public practice alerts to insure the efficient operations of the civil preparedness forces and to familiarize residents with civil preparedness regulations, procedures and operations.

Section 150.05. NO MUNICIPAL OR PRIVATE LIABILITY.

This Chapter 150 is an exercise by the City of its governmental functions for the protection of the public peace, health and safety, and neither the City, its agents or employees, nor any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the employees or agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this Ordinance, shall be liable for any damage sustained to persons or property as the result of said activity, to the extent this City has the power to waive or eliminate such liability.

Section 150.06. VIOLATION OF REGULATIONS. It shall be unlawful for any person to violate any of the provisions of this Chapter or to willfully obstruct, hinder or delay any member of the civil preparedness organization as herein defined in the enforcement or application of the provisions of this Ordinance or of any regulations issued thereunder; each day such a violation continues to exist shall be deemed a separate offense and a separate violation.

Section 150.07. PENALTY. Whoever is guilty of a violation, as described in Section 150.06, shall be guilty of a minor misdemeanor.

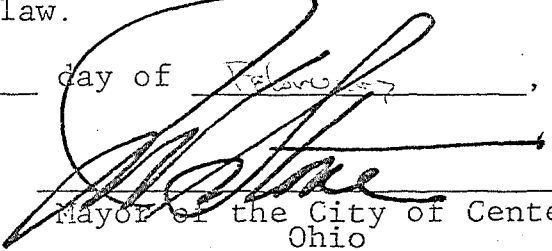
Section 150.08. SEVERABILITY. Should any provision of this Chapter be declared invalid for any reason, such declaration shall not affect the validity of the remaining sections thereof, it being the legislative intent that the provisions of this Ordinance shall be severable.

Section 150.09. CONFLICTING ORDINANCES, ORDERS, RULES AND REGULATIONS SUSPENDED. At all times when the regulations made and promulgated pursuant to this Chapter shall be in effect they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith."

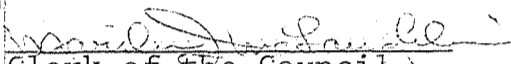
SECTION 2.

This Ordinance shall take effect from and after the earliest period allowed by law.

PASSED THIS 18th day of February, 1980.

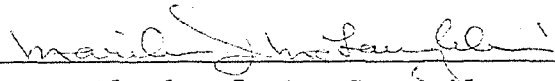
  
\_\_\_\_\_  
Mayor of the City of Centerville,  
Ohio

ATTEST:

  
\_\_\_\_\_  
Clerk of the Council  
City of Centerville,  
Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 4-80, passed by the Council of the City of Centerville, Ohio, on the 18th day of February, 1980.

  
\_\_\_\_\_  
Clerk of the Council

Approved as to form, consistency  
with existing ordinances,  
charter & c.c.

Robert N. [unclear]  
Municipal Attorney