

ORDINANCE NO. 4 - 1942

Authorizing Blackout and Air Raid Protec-  
tion Orders, Rules and Regulations;  
Prescribing Penalties for Viola-  
tion Thereof; And Declaring  
An Emergency

WHEREAS, A state of War exists between the United States of America and Japan, Germany, and Italy, and the defense of the United States of America is in the hands of the Army and Navy; and

WHEREAS, In modern warfare no city or village, however distant from the enemy, is free from attack; and

WHEREAS, Lights at night time are a definite aid to the enemy in reaching military and other objectives; and

WHEREAS, Blackouts, when ordered by the Army or Navy are essential to the preservation of life and property of this village, and it is imperative that the Village of Centerville aid the Army and Navy by all possible cooperation and assistance; and

WHEREAS, Failure to extinguish lights when ordered to do so by duly authorized authorities may result in loss of life by thousands of the residents of the Village of Centerville as well as the residents of other parts of the Nation when lights in this village are used as a guide to other objectives;

WHEREAS, Failure to comply with orders, rules and regulations governing evacuations, traffic movements, congregation of persons in streets and other public places will result in confusion and unnecessary loss of life both during blackouts and during air raids in the daytime, now therefore,

Be it ordained by the Council of the Village of Centerville:

SECTION 1. AUTHORITY TO PROMULGATE NECESSARY ORDERS, RULES AND REGULATIONS FOR BLACKOUTS AND AIR RAIDS. In order to protect life and property in the Village of Centerville from enemy action the Mayor is authorized and directed to carry out blackouts and air raid protection measures in said city at such times and for such periods as are authorized or ordered by the Army or Navy and to promulgate such orders, rules and regulations as may be necessary to insure the success of the blackouts and air raid protection measures and to protect life and property during said periods. Said orders, rules and regulations shall include traffic movements of emergency or other vehicles, evacuation of residents, congregation of persons on public streets, sidewalks, and in public places or buildings, but this enumeration shall not be taken as a limitation on the power to promulgate orders, rules, regulations governing any other subject, persons or property which must be regulated in order to insure the proper carrying out of any duly authorized blackout or air raid protection measure. Practice blackouts and air raid drills may be carried out at such times and for such periods as the Mayor shall in his discretion deem appropriate or necessary, but subject always to the orders and directions of the Army or Navy, and the orders, rules and regulations authorized herein.

SECTION 2. GENERAL ORDERS, RULES AND REGULATIONS TO BE IN WRITING. ALL ORDERS, rules and regulations authorized by this ordinance for the conduct of the general public shall be in writing and shall be available for public inspection at the place and during the hours fixed by the Mayor.

SECTION 3. ORDERS, RULES AND REGULATIONS EFFECTIVE UNTIL REPEALED BY COUNCIL. Any order, rule or regulation promulgated pursuant to the authority conferred by this ordinance shall be in force and effect from the time of promulgation until amended or repealed by the Mayor or until repealed by the Council of the Village of Centerville.

SECTION 4. APPOINTMENT OF SPECIAL POLICE -- IDENTIFYING EMBLEM. The Mayor may appoint for a specified time as many special police, without pay, from among residents of the Village of Centerville as may be deemed advisable for service in connection with any blackout or air raid protection measure. During the term of service of such special police, they shall possess all the powers and privileges and perform all the duties of privates in the standing police force of the Village of Centerville. Said special police must wear such identifying emblem as may be prescribed by the Mayor and it shall be unlawful for any said special policeman to attempt to carry out any order, rule, or regulation promulgated under the authority conferred by this ordinance when he is not wearing said identifying emblem.

SECTION 5. UNAUTHORIZED WARNING OR ALL-CLEAR SIGNALS PROHIBITED. Any unauthorized person who shall operate a siren or other device so as to simulate a blackout signal or air raid, or the termination of a blackout or air raid, shall be deemed guilty of a violation of this ordinance and shall be subject to the penalties imposed by Section 10 of this ordinance.

SECTION 6. NO MUNICIPAL OR PRIVATE LIABILITY. This ordinance is an exercise by the city of its governmental functions for the protection of the public peace, health and safety and neither the Village of Centerville, the agents and representatives of said village, or any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the 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 person or property as the result of said activity.

SECTION 7. LIGHTS DURING BLACKOUT DECLARED PUBLIC NUISANCE. Any light displayed contrary to any order, rule or regulation promulgated pursuant to the provisions of this Ordinance constitutes a public nuisance and when deemed necessary in order to protect life or property during a blackout or air raid the police, or the special police authorized herein, are authorized and directed to enter upon any premises within the Village of Centerville, using reasonable force, and extinguish lights or take other necessary action to make effective any order, rule or regulation promulgated under the authority conferred by this ordinance.

SECTION 8. CONFLICTING ORDINANCES, ORDERS, RULES AND REGULATIONS SUSPENDED. At all times when the orders, rules and regulations made and promulgated pursuant to this ordinance shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

SECTION 9. NO CONFLICT WITH STATE OR FEDERAL STATUTES. This Ordinance shall not be construed so as to conflict with any State or Federal statute or with any Military or Naval order, rule or regulation.

SECTION 10. PENALTIES FOR VIOLATIONS. Any person, firm or corporation violating any of the provisions of this ordinance or any order, rule or regulation issued pursuant thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding Five Hundred Dollars (\$500.00) or imprisonment for not more than six months, or by both said fine and said imprisonment.

SECTION 11. SEPARABILITY OF PROVISIONS. It is the intention of the Village Council that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Village Council that if any provision of this Ordinance be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 12. For the reason that a state of War now exists between the United States of America and certain European and Asiatic nations, thereby creating a hazard in that there is an immediate and constant threat of attack by enemy aircraft, this ordinance is hereby declared to be an emergency measure and shall be in full force and effect immediately upon its due passage and approval.

Passed December 30, 1942.

(signed) Emory W. Bradstreet  
Mayor

Attest:

Village Clerk

ORDINANCE NO. 5 - 1942

AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF CENTERVILLE, IN THE COUNTY OF MONTGOMERY AND STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 1942.

BE IT ORDAINED by the Council of the Village of Centerville, in the County of Montgomery and State of Ohio, That, to provide for the current expenses and other expenditures of the Said Village of Centerville during the fiscal year ending December 31, 1942, the following additional sums be and they are hereby set aside and appropriated as follows:

Sec. 1. That there be appropriated from the General Fund:

A. 3	Clerk	\$ 6.86
A. 9	Board of Health	12.75
A. 10	Supplies and Miscellaneous	3.50
A. 11	Dayton Law Library	<u>119.93</u>

Total General Fund . . . \$143.04

Sec. 2. That there be transferred from the General Fund to the Safety Fund the sum of \$100.02; and that there be appropriated from said Safety Fund the following:

B. 1	Marshall	\$ 19.00
B. 4	Other Police Dept. Expenses	20.56
B. 9	Other Fire Dept. Expenses	<u>60.46</u>

Total Safety Fund . . . . . \$100.02

Sec. 3. That there be transferred from the General Fund to the Service Fund the sum of \$894.95; and that there be appropriated from said Service Fund the following:

C. 2	Street Repairs	<u>\$894.95</u>
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Total Service Fund . . . . . \$894.95