

## 503. Civil Defense

§503.010 CIVIL DEFENSE: POLICY AND PURPOSE. Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, or from fire, flood, earthquake or other natural causes, and in order to insure that preparations of this city 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 City, it is hereby found and declared to be necessary:

1. To establish a local Civil Defense Agency.
2. To provide for the exercise of necessary powers during civil defense emergencies.
3. To provide for the rendering of mutual aid between the City and other political subdivisions of this state and of other states with respect to the carrying out of civil defense functions.

It is further declared to be the purpose of this chapter and the policy of the City that all civil defense functions of this City 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 disasters that may occur. (Ref. §601.010, Code 1966)

§503.020 CIVIL DEFENSE: DEFINITIONS. For the purposes of this chapter, certain words and terms are defined as follows:

Subd. 1. Civil Defense. The preparation for and the carrying out of all emergency functions other than functions for which military forces are primarily responsible, and 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, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons defenses, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly 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. An emergency declared by the Governor under Minnesota Statutes section 12.31.

Subd. 3. Civil Defense Forces. Any personnel employed by the City 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 hereunder. (Ref. §601.020, Code 1966)

§503.030 CIVIL DEFENSE; AGENCY, DIRECTOR. There is hereby created within the City government a Civil Defense Agency which shall be under the supervision and control of a Director of Civil Defense. The Director shall be appointed by the Mayor for an indefinite term and may be removed by him at any time. The Director shall be paid such salary as the Council may from time to time determine and he shall be paid 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 City and in addition shall conduct such functions outside the City as may be required pursuant to the provisions of the Minnesota Civil Defense Act of 1951 or this chapter. (Ref. §601.030, Code 1966)

§503.040 CIVIL DEFENSE: DIRECTOR: POWERS AND DUTIES. The Director of civil defense shall perform the following duties and have the following powers:

Subd. 1. Mutual Aid Agreement. He shall, with the consent of the Mayor, represent the City 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 City 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 arrangement with a political subdivision of another state shall be subject to the approval of the Governor.

Subd. 2. Surveys. He shall make such studies and surveys of the manpower, industries, resources and facilities of the City 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. General Defense Plan. He shall prepare a comprehensive general plan for the civil defense of the City 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 City 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 City 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. Training and Preparation. He shall in accordance with the state and City civil defense plans, 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 an actual disaster, as may be necessary to the prompt and effective operation of the City 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. Cooperation with the City. He shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the City 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. Personnel. He shall, in cooperation with the existing City departments and agencies affected, organize, recruit and train auxiliary police, auxiliary firemen, emergency medical personnel and any other personnel that may be required on a volunteer basis to carry out the civil defense plans of the City and the state. To the extent that such emergency personnel are recruited to augment a regular City department or agency for civil defense emergencies, they 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 City.

Subd. 7. Orders of Governor. He shall carry out all orders, rules and regulations issued by the Governor with references to civil defense.

Subd. 8. Director of Civil Defense Operations. He 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. Heads of departments and agencies shall be governed by his orders in respect thereto. (Ref. §601.050, Code 1966)

§503.050 CIVIL DEFENSE; CONTROL CENTER. Consistent with the civil defense plan, the Director shall provide and equip at some suitable place in the City 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, 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. (Ref. §601.606, (Code 1966)

§503.060 CIVIL DEFENSE; EMERGENCY POWERS. During the first (1st) thirty (30) days of the 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, tools, appliances or other property, subject to the owner's right to just compensation as provided by law.

During a civil defense emergency the City is, notwithstanding any statutory or charter provision to the contrary, empowered, through its governing body acting within or without the corporate limits of the City, 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 City may exercise such powers in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities, prescribed by law pertaining to the performance of public work, entering into contracts, incurring of 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 of calls for bids, provisions of civil service laws and rules, provisions relating to low bids and requirements for budgets. (Ref. §601.070, 601.100, Code 1966)

§503.070 CIVIL DEFENSE; EMERGENCY REGULATIONS. 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 City Council, the Mayor may by proclamation promulgate regulations, consistent with applicable federal or state law or regulations, respecting: protection against air raids; the sounding of air raid alarms; the conduct of persons and the use of property during 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 observations 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.

Every proclamation of emergency regulations shall be in writing, signed by the Mayor, dated, referred to the particular civil defense emergency to which it pertains, if so limited, and be filed in the office of the City Clerk, where a copy shall be kept posted and available for public inspection during normal business hours. Notice of the existence of such regulation and its availability for inspection at the Clerk's office shall be conspicuously posted at the front of City Hall or other headquarters of the City 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.

The City Council may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation shall expire at the end of thirty (30) days after its effective date or at the end of the civil defense emergency to which it relates, whichever occurs first. Any rule, regulation or portion of this Code inconsistent with any emergency regulation promulgated by the Mayor shall be suspended during the period of time and to the extent that such conflict exists. (Ref. §601.090, Code 1966)

§503.080 CIVIL DEFENSE; VOLUNTEERS, RULES AND REGULATIONS. The following rules and regulations shall apply to civil defense workers:

Subd. 1. Loyalty. 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 a person authorized to

administer oaths in this state, or before any officer of the State Department of Civil Defense, the Director or the ground observer corps supervisor. The oath shall be substantially in the form prescribed by Minnesota Statutes section 12.43.

Subd. 2. When Used. 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. Identification. 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 person or property of others without his identification. No person except an authorized volunteer shall use the identification of the volunteer or otherwise represent himself to be an authorized volunteer.

Subd. 4. Firearms. No civil defense volunteer shall carry any firearms while on duty except upon written order of the Chief of the Police Department.

Subd. 5. Personnel Procedures. Personnel procedures of the City applicable to regular employees shall not apply to volunteer civil defense workers but shall apply to paid employees of the Civil Defense Agency. (Ref. §601.080, Code 1966)

§503.090 CIVIL DEFENSE; FUND. There is hereby established in the City Treasury 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 for 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 City shall apply to the Civil Defense Fund insofar as practicable, but budgeting requirements and other financial procedures shall not prevent compliance with terms and conditions of a federal or state grant of money or property for civil defense purposes. (Ref. §601.110, Code 1966)

§503.100 CIVIL DEFENSE; ANNUAL REPORT. The Director shall, as soon as possible after the end of each fiscal year, prepare and present to the City Council for the information of the Council and the public a comprehensive report of the activities of the Civil Defense Agency during the year. (Ref. §601.120, Code 1966)

§503.110 CIVIL DEFENSE; COOPERATION. Every officer and agency of the City 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 hereunder shall be subject to all applicable and controlling provisions of federal and state laws and of regulations and orders issued thereunder and shall be deemed to be suspended and inoperative so far as there is any conflict therewith. (Ref. §601.130, Code 1966)

§503.120 CIVIL DEFENSE; GOVERNMENTAL FUNCTION. All functions under this chapter and all other activities relating to civil defense are hereby declared to be governmental functions. The City, and its officers, agents, employees or representatives engaged in any civil defense activities, except in cases of willful misconduct, while complying with or attempting to comply with the Minnesota Civil Defense Act of 1951, or with this chapter or any rule, regulation or order made hereunder, shall not be liable for

the death of or injury to any person, or damages 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 worker's 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. (Ref. §601.140, Code 1966)

§503.130 CIVIL DEFENSE; PROHIBITED ILLUMINATION, NUISANCE. Any illumination within the City contrary to the provisions of this chapter or of any regulation adopted hereunder or of any federal or state law, regulation or order shall be deemed a public nuisance. Any regular policeman or civil defense worker 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. (Ref. §601.150, Code 1966)

§503.140 CIVIL DEFENSE; POLITICS, LABOR DISPUTES. The Civil Defense Agency shall not participate in any form of political activity. It shall not be employed directly or indirectly for political purposes, nor shall it be employed in a legitimate labor dispute. (Ref. §601.160, Code 1966)

