

ORDINANCE NO. 2908

TITLE: An Ordinance creating a Civil Defense Council, prescribing duties of the Director of Civil Defense, authorizing emergency directives, providing for Civil Defense measures and determining liability of the City or private individuals in carrying out Civil Defense functions and declaring an emergency.

RECITALS:

The City Council of the City of Albany hereby declares that the preparation of a plan and the means for its implementation, for the protection of lives and property in the City of Albany from enemy attack, natural disaster and any other cause as immediately essential. The City Council further finds that in times of emergency which may imperil the safety of the inhabitants of the city, or their property, it becomes necessary to effectuate and place into operation the preconceived plans and preparations with a minimum of delay. The City Council finds, therefore, that the preparation, adoption and full implementation of such plans are now imperative. Now, therefore,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: MUNICIPAL CIVIL DEFENSE COUNCIL CREATED.

There is hereby created the Albany Municipal Civil Defense Council which shall consist of the following:

- a) The Mayor of the City of Albany, who shall be known as the chairman of the council.
- b) Director of Civil Defense in the City of Albany who shall be appointed by the City Council and he shall be charged with the preparation of a civil defense plan for the City of Albany, together with such other duties as the chairman of the council may prescribe.
- c) The members of the City Council of the City of Albany are hereby designated as members of the Civil Defense Council.
- d) Directors of divisions and chiefs of services of divisions shall be provided for by the Resolution of the City Council.

Section 2: POWERS AND DUTIES OF MUNICIPAL CIVIL DEFENSE COUNCIL.

The powers and duties of the Albany Municipal Civil Defense Council shall include the recommendation for adoption of a Civil Defense Plan for the City of Albany and the recommendation of any and all mutual aid plans and agreements which are deemed essential for implementation of the said Civil Defense Plan.

Section 3: OFFICE OF DIRECTOR OF CIVIL DEFENSE AND AUTHORITY OF DIRECTOR.

The office of Director of Civil Defense is hereby created. The Director of Civil Defense shall have the authority to request the declaration of an existence of an emergency by the City Council or by higher authority. In the event it is deemed necessary to declare the existence of an emergency without delay, the Director may, if the City Council is not in session, do so,

but such action shall be subject to confirmation of the City Council at the earliest possible time.

The duties and responsibilities of the Director of Civil Defense shall include the following:

- a) The control and direction of the actual or training efforts of the Civil Defense organization of the City of Albany;
- b) The determination of all questions of authority and responsibility that may arise within the Civil Defense organization within the City of Albany;
- c) The maintenance of necessary liaison with other municipal, area, state, regional, federal, or other civil defense organizations;
- d) The marshaling, after the declaration of an emergency as provided for above, of all necessary personnel, equipment or supplies from any source within the City of Albany to aid in the carrying out of the Civil Defense plan;
- e) The issuance of all necessary proclamations as to the existence of an emergency and the immediate operational effectiveness of the Civil Defense plan;
- f) The issuance of reasonable rules and regulations which are necessary for the protection of life and property in the City of Albany, including, but not limited to rules and regulations applicable to blackouts and air raids;
- g) The supervision of and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions;
- h) The authorizing of agreements for the use of private property for air raid shelters and other purposes.

Section 4: OPERATIONAL CIVIL DEFENSE ORGANIZATION CREATED

The operational Civil Defense organization of the City of Albany, Oregon, shall consist of the officers and employees of the City of Albany designated by the Director of Civil Defense as well as all volunteer municipal defense workers. The functions and duties of this organization shall be distributed among such divisions, services and special staff as the City Council shall prescribe. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the federal government and the recommendations of the Civil Defense agency of the State of Oregon.

Section 5: LIGHTS DURING BLACKOUTS 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 blackouts or air raids, the police are authorized and directed to enter any premises within the City of Albany using reasonable force, and extinguish lights or take other necessary action to effect any order, rule or regulation promulgated under the authority conferred by 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 City of Albany, the agents and representatives of said City, 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: VIOLATIONS

It shall be unlawful for any person wilfully to obstruct, hinder or delay any member of the Civil Defense organization in the enforcement of any rule or regulation issued pursuant to this Ordinance, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this Ordinance. Convictions for violations of the provisions of this Ordinance shall be punishable by imprisonment for a period not to exceed six (6) months or by a fine not to exceed \$500.00 or by both fine and imprisonment.

Section 8: EMERGENCY CLAUSE

Inasmuch as this Ordinance is necessary for the immediate preservation of the public health, peace and safety of the citizens of the City of Albany, an emergency is hereby declared to exist and it will become effective immediately upon the passage by the Council and approval by the Mayor.

Passed by the Council: May 26, 1960

Approved by the Mayor: May 26, 1960

W. R. Ruppel

Mayor

Effective Date: May 26, 1960

ATTEST:

Ernest W. Shum

City Recorder