

CHAPTER 11
CIVIL DEFENSE

SECTION 1

1101.000. **CIVIL DEFENSE.**

1101.001. **MINNESOTA CIVIL DEFENSE ACT INCORPORATED BY REFERENCE.**

The Minnesota Civil Defense Act of 1951, Sections 12.01 to 12.46 of the Minnesota Statutes, as amended by Law 1953, Laws 1957, Laws 1959, Laws 1961, Laws 1963 and Laws 1965, in so far as it relates to municipalities, is hereby adopted by reference and is hereby incorporated in and made a part of this Ordinance as completely as if set out here in full.

(Ord. 65-05, Sec. 1, 11/2/65)

1101.002. **ESTABLISHMENT OF CIVIL DEFENSE AGENCY.** There is hereby created within the village government a Civil Defense Agency, which shall be under the supervision and control of a Director of Civil Defense, hereinafter called the Director. The Director shall be appointed by the Mayor for an indefinite term and may be removed by him at any time. He shall serve without salary, except as otherwise provided by Resolution of the Village Council, but 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 Village and in addition shall conduct such functions outside the Village as may be required pursuant to the provisions of the Minnesota Civil Defense Act of 1951 as amended or of this Ordinance.

(Ord. 65-05, Sec. 2, 11/2/65)

1101.003. **POWERS AND DUTIES OF THE DIRECTOR.**

A. The Director, with the consent of the Mayor, shall represent the Village on any regional or state organization for civil defense. He shall develop proposed mutual aid agreements with other political subdivisions within 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 Village 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.

B. The Director shall make such studies and surveys of the man power, industries resources, and facilities of the Village 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.

C. The Director shall prepare a comprehensive general plan for the civil defense of the Village and shall present such plan to the Village 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 Village 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 Village 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.

D. In accordance with the state and the Village civil defense plan, the Director shall 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 actual disaster, as may be necessary to the prompt and effective operation of the Village 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.

E. The Director shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the Village 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 Civil Defense Agency. 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.

F. The Director shall, in cooperation with existing Village departments and agencies affected, organize, recruit, and train air-raid wardens, 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 Village and the state. To the extent that such emergency personnel is recruited to augment a regular Village department or agency for civil defense emergencies, it 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 Village.

G. Consistent with the civil defense plan, the Director shall provide and equip emergency hospitals, casualty stations, ambulances, canteens, evacuation centers and other facilities, or conveyances for the care of injured or homeless persons.

H. The Director 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. The heads of departments and agencies shall be governed by his orders in respect thereto.

I. Consistent with the civil defense plan, the Director shall provide and equip at some suitable place in the Village 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, the 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.

(Ord. 65-05, Sec. 3, 11/2/65)

1101.004. **CIVIL DEFENSE FUND.** There is hereby established in the Village 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 expenditure 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 Village shall apply to the Civil Defense Fund insofar as practicable; but budgeting requirements and other financial procedures shall not apply to expenditures from the fund in any case when their application will prevent compliance with terms and conditions of a federal or state grant of money or property for civil defense purposes.

(Ord. 65-05, Sec. 4, 11/2/65)

1101.005. **CIVIL DEFENSE VOLUNTEERS.**

A. 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.

B. 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 persons or property of others without his identification. No person except an authorized volunteer shall use the identification of a volunteer or otherwise represent himself to be an authorized volunteer.

C. No civil defense volunteer shall carry any firearm while on duty except on written order of the Chief of the Police Department.

D. Personnel procedures of the Village applicable to regular employees shall not apply to volunteer civil defense workers but shall apply to paid employees of the Civil Defense Agency.

(Ord. 65-05, Sec. 5, 11/2/65)

1101.006. **EMERGENCY REGULATIONS.**

A. 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 Village Council, the Mayor may by proclamation promulgate regulations, consistent with applicable federal or state law or regulation, respecting the protecting against and from 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; and the doing of all other matters which are required to protect public safety, health, and welfare in civil defense emergencies.

B. Every proclamation of emergency regulations shall be in writing and signed by the Mayor, shall be dated, shall refer to the particular civil defense emergency to which it pertains, if so limited, and shall be filed in the office of the Village Clerk, where a copy shall be kept posted and available for public inspection during 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 the Village Hall 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.

C. The Village Council may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation shall expire at the end of 30 days after its effective date or at the end of the civil defense emergency to which it relates, whichever occurs first. Any Ordinance, rule or regulation inconsistent with an emergency regulation promulgated by the Mayor shall be suspended during the period of time and to the extent that such conflict exists.

During a civil defense emergency the Village is, notwithstanding any statutory or Ordinance provision to the contrary, empowered, through its Mayor and Village Council, acting within or without the corporate limits of the Village, 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 Mayor and Village Council may exercise such powers in the light of the exigencies of the disaster without compliance with time-consuming statutory procedures and formalities.

(Ord. 65-05, Sec. 6, 11/2/65)

1101.007. **CONFORMITY AND COOPERATION WITH FEDERAL AND STATE AUTHORITY.** Every officer and agency of the Village 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 Ordinance and of all regulations made thereunder 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. The Mayor may appoint any qualified person holding a position in any agency created under federal or state authority for civil defense purposes as a special policeman of the Village, with

such police powers and duties within the Village incident to the functions of his position, not exceeding those of a regular policeman of the Village, as may be prescribed in the appointment. Every such special policeman shall be subject to the supervision and control of the Chief of Police.

(Ord. 65-05, Sec. 7, 11/2/65)

1101.008. **PROHIBITED ILLUMINATION A NUISANCE.** Any illumination within the Village of Winsted contrary to the provisions of this or any other Ordinance pertaining to civil defense or of any regulation adopted thereunder or of any federal or state law, regulation, or order shall be deemed a public nuisance. The Civil Defense Director or any police officer or any Civil Defense volunteer 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.

(Ord. 65-05, Sec. 8, 11/2/65)

1101.009. **PENALTY.** Any person who violates any provision of this Ordinance or of any regulation adopted thereunder relating to acts, omissions, or conduct other than official acts of Village officers or employees shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$700.00 or by imprisonment for not more than 90 days.

(Ord. 65-05, Sec. 9, 11/2/65)