

ORDINANCE NO. 6

AN ORDINANCE CREATING A MUNICIPAL DEFENSE AND DISASTER RELIEF COMMITTEE AND PROVIDING THE POWERS OF THAT COMMITTEE: CREATING THE OFFICE OF CIVIL DEFENSE DIRECTOR AND PROVIDING THE DUTIES AND RESPONSIBILITIES OF THAT OFFICE; CREATING AN OPERATIONAL ORGANIZATION; GRANTING NECESSARY POWERS TO COPE WITH EMERGENCIES THREATENING LIFE AND PROPERTY IN THE CITY OF BEACH CITY: AUTHORIZING THIS AND OTHER CITIES OR COMMUNITIES COOPERATION AND MUTUAL AID AGREEMENTS FOR RELIEF WORK: AND FORERELATED PURPOSES: PROHIBITING UNAUTHORIZED WARNING AND ALL-CLEAR SIGNALS; REPEALING ORDINANCES INCONSISTANT HERewith; CONTAINING A SAVINGS CLAUSE; PRESCRIBING A PENALTY AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEACH CITY:

SECTION I; There is hereby created the municipal Civil Defense and Disaster relief committee of the City of Beach City which shall consist of the following:

(A) The City Mayor of the City of Beach City shall serve as Chairman of the committee.

(B) The Civil Defense Director of the City of Beach City who shall be charged with the approval of the Mayor together with such other duties be appointed by the Mayor and approved by the Council. The Civil Defense Director shall serve as Vice Chairman of the Municipal Civil Defense and Disaster Relief Committee of the City of Beach City.

(C) The Department heads and officers of the City as shall be appointed by the Mayor and approved by the council.

(D) (D) Representatives not to exceed----- in number from Civic, Business, Industry, Labor, Veterans, Professional, or other groups, to be approved, appointed by the Mayor and approved by the council.

Section 2; The powers and duties of the Municipal Civil Defense Disaster relief committee shall include the recommendation for a

adoption by the city council of any and all mutual aid plans and agreements which are deemed essential for the implementation of such Civil Defense Plan. The duties of such Civil Defense and Disaster Relief committee shall also include the making of a survey of the availability of existing personell , eqiptment, supplies and services which could be used during and emergency, provided for herein, as well as continuing study of the need for amendments and improvements in the civil defense plan adopted by the council . The civil defense and disaster relief committee of the City of Beach City, shall meet upon the call of either the Chairman or Vice Chairman.

Section 3. The Mayor with the approval of the City Council, is hereby authorized to join with the county Judge of the county of the County of Chambers and the Mayors and /or City Managers of the other cities in said county of the other cities cities in the firmation of a civil defense cooperate in the formation of a civil defense plan for t the County of Chambers. As well as all other powers necessary to participate in the County-wide program of civil defense and disaster relief insofar as said program may effect the City of Beach City.

Section 4. The office of civil defense director is hereby created . This director shall have the authority to request the declaration of the existance of an emergency by the City Council or by higher authority. In the event it is deemed neccessary to declare the existance of an emergency by the City Council without delay, the director may, if the City council is not in session, do so with the approval of the Mayor. But such action shall be subject to conformation by the council at it;s next meeting.

The Duties and responsibilities of the Director, subject to abbroval by the Mayor, shall include the following:

(1) The control and direction of the actual operation or training efforts of the Civil defense and disaster relief organization of the City of Beach City, ::

(2) The determination of all questions of authority and responsibility that may arise within the civil defense and disaster relief organization of the City of Beach City.

(3) The maintenance of necessary liaison with other Municipal, D istrict, State, County, Regional, Federal, or other Civil defense Organizations.:

(4). The Marshaling, after declaration of an emergency as provided for above, of all necessary personnel, eqiuptment or supplies from any department of the City of Beach City to aid in the carrying out of the Civil defense plan.

(5) The issuance of all necessary proclamations as to the existance of an emergency and the immediate operational effectiveness of the civil defense plan.

(6) The issuance of reasonable rules, regulations or directives which are necessary for the protection of life and property in the City of Beach City,. Such rules and regulations shall be filed in the office of the City Secretary and shall receive widespread publications unless publicity will be of aid and comfort to the enemy.

(7) The supervision of the drafting and exection of mutual aid agreements, in cooperation with the representatives of the S^tate and of other local political subdivisions of the State, and the drafting and exection of, if deemed desirable, of an agreement with the County in which said City is located and with other municipalities within the county, for the county-wide coordination of efforts in defense and disaster relief:

(8) The supervision of a final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions:

(9) The authorizing of agreements, after approval of the City Attorney, for the use of private property for air raid shelter and other purposes.

Section 5;: The operational Civil Defense and disaster relief organization of the City of Beach City, shall consist of the officers and employees of the City of Beach City, designated by the Mayor and approved by the council, as well as all volunteer municipal workers. The functions and duties of this organization shall be distributed among such divisions, services and special staff as the City Council shall prescribe by resolution. Any such resolution shall set forth the form of organization. Establish and designate divisions and services, assign functions, duties and powers and designate officers and employees to carry out the provisions of this ordinance. Insofar as possible. To carry out the provisions of this ordinance. The form of organization, Titles and terminology shall conform to the recommendations of the State defense and Disaster Relief Council of the State of Texas and of the Federal Government.

Section (6) : Each person serving as a member of the Municipal Civil Defense and disaster relief committee, or as an officer, Employee or volunteer in any capacity in the municipal civil defense and disaster relief organization created by Resolution pursuant to the authority herein conferred, shall, prior to assuming their duty or duties, take an oath which shall be substantially as follows:

"
(I _____, Do solemnly swear (Or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Texas, against all enemies, of the same.: That I take this obligation freely, without any mental reservations or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or Affirm) that I do not advocate, Nor am I a member of any affiliate of any political party or Organization, group or combination of persons that advocate the over-throw of the Government of the United States or of this State by force or violence: And that during time as I am a member of the Municipal Civil Defense and Disaster Relief Committee of the City of Beach City, I will not advocate nor become a member of an Affiliate of any organization, Group or combination of persons or of any political party that advocates the over-throw of the Government of the United States or of this State. By force or Violence."

Section 7. Any unauthorized person who shall operate a siren or other device so as to simulate an air raid alarm, or or the termination of an air raid, shall be deemed guilty of a violation of this ordinance and shall be subject to the penalties imposed by this ordinance

Section 8. At all times when the orders, rules and regulations pursuant to this ordinance, shall be in effect, they shall supercede all existing ordinances., orders, rules and regulations in-sofar as the latter may be inconsistent therewith.

Section 9: This ordinance shall not be construed so as to conflict,
cont pg.4

with any State or federal statute or with any military or naval order, rule, or regulation.

Section I0: This Ordinance is an exercise by the City Governmental functions for the protection of the public peace, Health and safety and neither the City of Beach City, the agents and representatives of said City, or any individual, receiver, firm partnership, corporation, association, or trustee, or any of the agents there-of 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 damages sustained to person or property as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the city of Beach City, a license or privilege, or other wise permits the City, to inspect, designate and use the whole or any part of parts of such real estates or practice enemy attack shall, together with his successors in interest, if any, not be civilly liable for the death of, or injury to any person or about such real estate or premises under such licenses privileges or other permission or for loss of, or damage to, the property of such person.

Section II: No person shall have the right to expend any public funds of the City in carrying out any Civil defense activity authorized by this ordinance without prior approval of the Mayor and City Council. Nor shall any person have the right to bind the City by contract, agreement or otherwise without prior and specific approval of the Mayor and City council.

Section I2. : It shall be unlawful for any person willfully 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. It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the Civil defense organization of the City of Beach City, unless authority to do so has been granted to such person by the proper officials. Convictions for violations of the provisions of this ordinance shall be punishable by a fine not to exceed two hundred (200.00) dollars.

Section I3: If any portion of this ordinance shall, for any reason, be declared invalid, such invalidity shall not effect the the remaining, provisions here-of.

Section I4) Savings Clause: If any provision, exception, section, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances shall for any reason be held unconstitutional, void, or invalid, such invalidity shall no effect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end, all provisions of this ordinance are declared to be severable.

Section 15: Effective Date: This Ordinance shall take effect from and after (10)ten days from its passage by the City council. The City secretary is hereby directed to give notice here-of causing the caption of this ordinance to be published in the official newspaper of the City of () At least twice within (10) days after the passage of this ordinance.

Introduced, read and passed by the affirmative vote of a majority of the City council of the City of Beach City, on this 26TH DAY OF MARCH, 1968.

Carl R. Slaughter
Carl R. Slaughter, Mayor

Attest:

Beth Houser
City Secretary