

Village ~~return this to Village of Clark Fork~~
An ordinance relating to and providing for the establishment of a civil defense agency and other organizations for civil defense within the City of Clark Fork; granting certain executive powers with respect thereto and for related purposes; and declaring an emergency.

Whereas, the National and State offices of Civil Defense have requested the cooperation and assistance of municipalities in carrying out the Civil Defense program; and,

Whereas, proper officials of the Village of Clark Fork (?) ~~City~~ of Clark Fork have prepared and presented to the Village Council a coordinated plan of operation to meet any emergency conditions or disaster that may arise; and

Whereas, the Village Council finds that in times of emergency which may imperil the safety of the inhabitants of the Village and their property it becomes necessary to effectuate and place into operation such preconceived plans and preparations with a minimum of delay, and that the adoption and full implementation of such plans are imperative;

Whereas, it is the desire of the Village Council that all Village departments and the personnel thereof accept any assigned task to accomplish an effective civil defense organizations.

THE Village ~~CITY~~ OF Clark Fork DOES ORDAIN:

SECTION 1. PURPOSE

The declared purposes of this ordinance are to provide for the preparations and carrying out of plans for the civil defense of persons and property within this Village in the event of a disaster, and to provide for the coordination of civil defense functions of this Village with all other public agencies and affected private persons, corporations and organizations. Any expenditures made in connection with such civil defense activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the Village of Clark Fork.

SECTION 2. DEFINITIONS

Whenever used herein the following terms shall mean:

(a) Civil Defense - the preparation for and the carrying out of all emergency functions, other than functions for when military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters. It shall not include, nor does any provision of this ordinance apply to any condition relating to a labor controversy.

(b) Disaster-Actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake, or other similar public calamity.

(c) Administrator - The Mayor shall be the Administrator of Civil Defense for the Village of Clark Fork.

(d) Director - The Director of Civil Defense of the Village of Clark Fork.

(e) Deputy Director - the Deputy Director of Civil Defense of the Village of Clark Fork.

SECTION 3. ORGANIZATION PLAN

The Organizational plan prepared by the Director of Civil Defense copy of which is on file on the office of the City Clerk, is adopted as the official organizational plan for Civil Defense of the ~~City of~~ Village of Clark Fork.

SECTION 4. CIVIL DEFENSE ORGANIZATION

The Office of Civil Defense is hereby created. It shall consist of:

- (a) The Administrator who shall be the administrative head of Civil Defense for the ~~City of~~ Village of Clark Fork.
- (b) The Director, who shall be appointed by the Administrator, shall develop Civil Defense and disaster plans and organize the Civil Defense and disaster program of this ~~City~~ Village, and shall have such other duties as may be assigned to him by the Administrator.
- (c) The Deputy Director, who shall be appointed by the Administrator subject to approval of the Administrator, shall perform such functions as the Director shall prescribe and shall act for and exercise the powers and perform the duties of the Director during his absence or disability.

SECTION 5. DIRECTOR OF CIVIL DEFENSE-POWERS AND DUTIES

The Director is hereby empowered:

- (a) To request the ~~City~~ Village Council to proclaim the existence or threatened existence of a disaster and the termination thereof, if the ~~City~~ Village Council is in session or to issue such proclamation, if the ~~City~~ Village Council is not in session subject to confirmation by the ~~City~~ Village Council at the earliest practicable time;
- (b) To request the Governor to proclaim a state of extreme emergency when, in the opinion of the Director the resources of the area or region are inadequate to cope with the disaster;
- (c) To control and direct the effort of the Civil Defense Organization of this ~~City~~ Village for the accomplishment of the purposes of this ordinance;
- (d) To direct coordination and cooperation between divisions, services and staff of the Civil Defense of this ~~City~~ Village, and to resolve questions of authority and responsibility that may arise between them;
- (e) To represent the Civil Defense organization of this ~~City~~ Village in all dealings with public or private agencies pertaining to Civil Defense and disaster;
- (f) To recommend for adoption by the ~~City~~ Village Council Defense and disaster and mutual aid plans and agreements.

SECTION 6. DISASTER AND EMERGENCY POWERS OF DIRECTOR

In the event of the proclamation of a disaster as herein provided, or the proclamation of a state of extreme emergency by the Governor or the State Director of Civil Defense, the Director is hereby empowered:

- (a) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; Provided, however, such rules and regulations must be confirmed at the earliest practicable time by the ~~City~~ Village Council;

(b) To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people and to bind the ~~city~~ ^{Village} for the fair value thereof, and, if required immediately to commander the same for public use;

(c) To require emergency services of any ~~city~~ ^{Village} officer or employee and, in the event of the proclamation of a state of extreme emergency by the Governor in the region in which this ~~city~~ ^{Village} is located, to command the aid of as many citizens of this ~~city~~ ^{Village} as he thinks necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by State law for registered Civil Defense worker volunteers;

(d) To requisition necessary personnel or material of any ~~city~~ ^{Village} department or agency;

(e) To execute all of the special powers conferred upon him by this ordinance all powers conferred upon him by any statute agreement approved by the ~~city~~ ^{Village} Council or by any lawful authority.

SECTION 7. CIVIL DEFENSE PERSONNEL

All officers and employees of this ~~city~~ ^{Village}, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may be agreement or operation of law, including persons, commandeered under the provision of Section 6 (c) of this ordinance, be charged with duties incident to the protection of life and property in this ~~city~~ ^{Village} during such disaster, shall constitute the Civil Defense organization of the ~~city~~ ^{Village} of Clark Fork.

SECTION 8. FUNCTIONS AND DUTIES OF DIVISIONS AND EMPLOYEES

The ~~City~~ ^{Village} Council hereby assigns to the various departments and to the officers and employees thereof the functions, duties and powers set forth in the organization plan adopted by Section 3 of this ordinance.

SECTION 9. PRIVATE LIABILITY

No individual, firm, association, corporation or other party owning, maintaining or contracting any building or premises, who voluntarily and without compensation grants to the ~~city~~ ^{Village} of Clark Fork a license or privilege or otherwise permits said ~~city~~ ^{Village} to inspect, designate and use whole or any part or parts of such building or premises for the purpose of sheltering persons during an actual, impending, mock or practice attack, or their successors in interest, or the agents or employees of any of the, shall be subject to liability for injuries sustained by any person while in or upon said building or premises as a result of any act or omission in connection with the upkeep or maintenance thereof (except a willful act of misconduct), when such person has entered or gone into or upon said building or premises for the purpose of seeking refuge therein during destructive operations or attacks by enemies of the United States or during a mock or practice attack or test ordered by lawful authority.

SECTION 10. LOYALTY OATH

All persons employed or associated in any capacity with the Civil Defense Organization of the ~~city~~ ^{Village} of Clark Fork must take the oath prescribed by the Idaho Disaster Relief and Civil Defense Act of 1955.

SECTION 11. PENALTY

It shall be a misdemeanor, punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00) or by imprisonment not to exceed three (3) months, or both, for any person during a disaster to;

(a) Willfully obstruct, hinder or delay any member of the Civil Defense Organization in the enforcement of any lawful rule or regulation issued pursuant to this ordinance or in the performance of any duty imposed upon him by virtue of this ordinance;

(b) Do any act forbidden by any lawful rules or regulations issued pursuant to this ordinance if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of this ^{Village} city, or to prevent, hinder or delay the defense or protection thereof;

(c) Wear, carry or display, without authority any means of identification specified by the Civil Defense and disaster agency of the State.

SECTION 12. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without invalid provisions or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 13. EMERGENCY

An urgency and emergency for the passage of this ordinance is hereby declared to, and does, exist, and the same shall take effect and be in force from and after its passage.

CHAIRMAN: Compton I. White Jr.

CLERK: J.F. BRASHEAR