

Revised by 70A

11-21-70

This individual may be appointed as Civil Defense Director if the Mayor is designated as Civil Defense Director.

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AN ORDINANCE CREATING A MUNICIPAL DEFENSE AND DISASTER RELIEF COMMITTEE AND PROVIDING THE POWERS OF THAT COMMITTEE: CREATING THE OFFICE OF MUNICIPAL CIVIL DEFENSE COORDINATOR 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 BEVIL OAKS: AUTHORIZING COOPERATIVE AND MUTUAL AID AGREEMENTS FOR RELIEF WORK BETWEEN THIS AND OTHER CITIES OR COUNTIES AND FOR RELATED PURPOSES: PROHIBITING UNAUTHORIZED WARNING AND ALL-CLEAR SIGNALS AND MAKING VIOLATIONS A MISDEMEANOR PUNISHABLE BY FINE NOT EXCEEDING \$ 100.00.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEVIL OAKS:

Section 1. There is hereby created the Municipal Civil Defense and Disaster Relief Committee¹ of the City of Bevil OAKS which shall consist of the following:

(a) The Mayor of the City of Bevil OAKS, who shall serve as Chairman of the Committee, and who shall also be known as Municipal Civil Defense Coordinator² of the City of Bevil OAKS

(b) The Assistant Civil Defense Coordinator of the City of Bevil OAKS who shall be charged with the preparation of a civil defense plan for the City of Bevil OAKS, together with such other duties as the Coordinator may prescribe. The Assistant Coordinator shall be appointed by and hold his position at the pleasure of the Municipal Civil Defense Coordinator. The Assistant Coordinator shall serve as Vice-Chairman of the Municipal Civil Defense and Disaster Relief Committee of the City of Bevil OAKS.

(c) The Directors of Divisions and Chiefs of Services of such Divisions as may be provided for by resolution by the City Council or by directive of the Municipal Defense Coordinator.³

¹The designation "Committee" is used to distinguish this group from the County Civil Defense and Disaster Relief Council which is composed of the Mayors of all cities within a county and the County Judge of that County.

²The Mayor may be designated as Civil Defense Director for the City at the option of the City Council.

³This individual may be appointed as Civil Defense Coordinator if the Mayor is designated as Civil Defense Director.

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(d) Representatives not to exceed 4 in number from civic, business, industry, labor, veterans, professional, or other groups, to be selected and appointed by the Mayor.

Section 2. The powers and duties of the Municipal Civil Defense and Disaster Relief Committee shall include the recommendation for adoption by the City Council of a civil defense plan for the City of Bevil Oaks and the recommendation for 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 personnel, equipment, supplies and services which could be used during an emergency, as provided for herein, as well as a continuing study of the need for amendments and improvements in the civil defense plan adopted by the City Council. The Civil Defense and Disaster Relief Committee of the City of Bevil Oaks, shall meet upon the call of either the Chairman or Vice-Chairman.

Section 3. The Mayor of the City of Bevil Oaks is hereby authorized to join with the County Judge of the County of Jefferson, and the Mayors of the other cities in said county in the formation of a Civil Defense and Disaster Relief Council for the County of Jefferson and shall have the authority to cooperate in the formation of a civil defense plan for the County of Jefferson and in the appointment of a Civil Defense Director for the County of Jefferson, as well as all other powers necessary to participate in a county-wide program of civil defense and disaster relief insofar as said program may affect the City of Bevil Oaks.⁴

Section 4. The office of Municipal Civil Defense Coordinator is hereby created. The Municipal Civil Defense Coordinator shall have the authority to request the declaration of the 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 Coordinator may, if the City Council is not in session, do so, but such action shall be subject to confirmation by the City Council at its next meeting.

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

⁴This is the provision which gives authority for the City to join with the County and the other cities within the County in the formation of a council to coordinate and direct defense and disaster relief activities for the entire County. It is anticipated that the person selected as Civil Defense Director of the County will be the same person selected as Assistant Civil Defense Coordinator under Section 1(b) of this ordinance and under paragraph 1(a) of the County order.

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- (1) The control and direction of the actual operation or training efforts of the civil defense and disaster relief organization of the City of Bevil Oaks
- (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 Bevil Oaks;
- (3) The maintenance of necessary liaison with other municipal, district, 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, equipment or supplies from any department of the City of Bevil Oaks to aid in the carrying out of the civil defense plan;
- (5) The issuance of all necessary proclamations as to the existence 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 Bevil Oaks, such rules and regulations shall be filed in the office of the City Clerk and shall receive widespread publicity unless publicity will be of aid and comfort to the enemy;
- (7) The supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the State and of other local political subdivisions of the State, and the drafting and execution, 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.⁵
- (8) The supervision of and 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 public shelter and other purposes.

Section 5. The operational civil defense and disaster relief organization of the City of Bevil Oaks, shall consist of the officers and employees of

⁵See Model Mutual Aid Agreement.

the City of Bevil Oaks designated by the Municipal Civil Defense Coordinator as well as all volunteer municipal civil 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 by resolution or the Municipal Civil Defense Coordinator shall provide by directive. Any such resolution or directive 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, 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. 13

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 or directive 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, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation 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 or an affiliate of any political party or organization, group or combination of persons that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such time as I am a member of the Municipal Civil Defense and Disaster Relief Committee of the City of Bevil Oaks I will not advocate nor become a member or an affiliate of any organization, group, or combination of persons or of any political party that advocates the overthrow 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 a warning signal, or the termination of a warning, 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 made and promulgated pursuant to this ordinance shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

Section 9. This ordinance shall not be construed so as to conflict with any State or Federal statute or with any Military or Naval order, rule or regulation.

Section 10. 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 Bevil Oaks 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 persons 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 Bevil Oaks a license or privilege, or otherwise permits the City to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending 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 on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person.

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Section 12. 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 by the City Council, nor shall any person have any right to bind the City by contract, agreement or otherwise without prior and specific approval of the City Council.

Section 13. 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. 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 Bevil Oaks, unless authority so to do has been granted to such person by the proper officials. Convictions for violations of the provisions of this ordinance shall be punishable by One Hundred Dollar Fine.⁶

Section 14. If any portion of this ordinance shall, for any reason, be declared invalid, such invalidity shall not affect the remaining provisions hereof.

Section 15. The immediate passage of this ordinance is deemed essential to the public health, safety and welfare and it shall take immediate effect.

⁶No similar provision is included in the model order for the Commissioners' Court since the County, being a component part of the State, has no inherent police power and must have direct statutory authority to issue orders such as these. Attorney General's Opinion V-429 (1947).

PASSED AND APPROVED this 9th day of November, 1970

O C Hall
Mayor, City of Beville Texas.

ATTEST:

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Tommy LaRousse
City Secretary

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