

City Code

Chapter 8

Emergency Management

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Article 1. General Conditions

Sec. 8-1. Declaration.

The possibility exists of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hostile action, or from fire, flood, earthquake or other natural causes. To insure that the preparations of the City will be adequate to deal with such disasters; to provide for the common defense; to protect the public peace, health, and safety; and to preserve the lives and property of the people of this City, it is hereby declared necessary:

(1) To provide for the exercise of powers during significant emergencies.

(2) To provide for the rendering of mutual aid between this City and other political subdivisions of this State and of other states with respect to carrying out emergency management functions. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-2. Purpose and Policy.

The purpose of this Chapter and the policy of the City shall be that all emergency management functions will be coordinated to the maximum extent practicable with the comparable functions of the Federal government, the State of Minnesota, other states and localities, and of private agencies of every type to the end that the most effective preparations and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001)

Sec. 8-3. Definitions.

The definitions in this Section shall apply when these words and phrases are used in this Chapter.

(1) ***Emergency Management.*** Preparation for and the carrying out of all emergency functions to prevent, minimize, and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other enemy hostile action, or from fire, flood, earthquake, or other natural causes. These functions include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering, outdoor warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to preparation for and carrying out of the foregoing functions. These functions exclude activities for which military forces are primarily responsible.

(2) ***Declaration of local emergency.*** A local emergency declared by the mayor of a municipality or their legal successors. It may not be continued for a period in excess of three days except by or with the consent of the governing body of the political subdivision.

(3) ***Declaration of Peacetime Emergency.*** An emergency declared by the Governor under Minnesota Statutes, Section 12.31.

(4) ***Declaration of National Security Emergency.*** When information from the President of the United States, the Federal Emergency Management Agency, the Department of Defense, or the National Warning System indicates the imminence of a national security emergency within the United States.

(5) ***Director.*** The Director of the City's Department of Public Safety. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-4. Governmental Function.

All functions contained in this Chapter and all other activities relating emergency management are hereby declared to be governmental functions. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-5. Liability.

The City, its officers, agents, employees, or representatives shall not be liable for the death of or any injury to persons, or damage to property as a result of its activities while complying with or attempting to comply with the Minnesota Emergency Management Act as amended (Minnesota Statutes, Sections 12.01 to 12.46) or with this Chapter or any rule, regulation or order made thereunder except in cases of willful misconduct.

The provisions of this Section shall not affect the right of a person to receive benefits or compensation to which such person entitled under this Chapter, under the worker's compensation law, under any pension law, or under any act of Congress. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-6. Cooperation with Federal and State Authorities.

Every officer and agency of the City 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. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-7. Conformity with Federal and State Regulations.

The provisions of this Chapter and of all regulations made hereunder 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. (Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec 8-8 Repealed (Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-9. Prohibited Illumination.

Any illumination within the City which is contrary to the provisions of this Chapter or any other ordinance pertaining to emergency management or of any regulation adopted thereunder or of any Federal or State law, regulation, or order shall be deemed a public nuisance. A Police Officer may abate this 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. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Secs. 8-10--8-34. Reserved. . (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Division 1. Director

Sec. 8-35. Supervisor.

The Emergency Management function shall be under the supervision and direction of ~~a~~ the Director of Public Safety. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-36. Appointment and Term.

The Director shall be appointed by the City Manager (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-37 Deleted. (Ord. No. 740)

Sec. 8-38. General Responsibility.

Subject to the direction and control of the Mayor, the Director shall have direct responsibility for the organization, administration, and operation of the City's emergency management function. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-39. City Representative.

The Director shall represent the City on any Federal, regional, or state organization for emergency management and homeland security. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-40. Mutual Aid Agreements.

(1) The Director shall develop proposed mutual aid agreements with other political subdivisions within or outside the State for reciprocal aid and assistance in an emergency beyond the capacity of local emergency responders. Such arrangements shall be consistent with the State emergency management plan. These agreements shall be subject to approval by the City Council.

(2) It shall be the duty of the Department of Public Safety to render assistance in accordance with the provisions of the mutual aid arrangements during an emergency. The Director of Public Safety, or designee, is authorized to dispatch mutual aid assistance as necessary when the suddenness of the event would make it impractical for Council review of the request. Any mutual aid arrangement with a political subdivision of another State shall be subject to the approval of the Governor. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-41. Studies and Surveys.

The Director shall make such studies and surveys of the personnel, industries, resources, and facilities of the City as are deemed necessary to determine their preparedness and to plan for their most efficient use and/or protection in an emergency. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-42. Comprehensive Plan.

(1) The Director shall participate in the creation, review, and maintenance of an Emergency Operations Plan (EOP) for the City of New Brighton. The City may, at its discretion, adopt and/or incorporate the Ramsey County Emergency Operations Plan as the City of New Brighton's plan.

(2) The Director shall coordinate the emergency management activities of the City and it shall be compliant with the National Incident Management System (NIMS) and any other emergency management plans of the Federal Government, the State, and other appropriate political subdivisions within the State. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-43. Training and Informational Programs.

In accordance with emergency operation plans for the Nation, State and City, the Director shall institute training and public information programs and shall take all other preparatory steps as may be necessary for the prompt and effective operation of the City's emergency operation plan in time of an emergency. From time to time, the Director may conduct exercises as the Director deems necessary. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-44. Utilization of City Resources.

The Director shall utilize the personnel, services, equipment, supplies, and facilities of existing departments and agencies of the City to the maximum extent practicable. The officers and personnel of all departments and agencies shall cooperate with and extend such services and facilities upon request to the maximum extent practicable. In cooperation with and under the direction of the Director, each department shall be responsible for the planning and programming of emergency management activities that will involve the utilization of the facilities of their department or agency. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-45. Emergency Personnel.

In cooperation with the affected City departments and agencies, the Director shall organize, recruit, and train Police Reserve Officers, Volunteers in Public Safety, Community Emergency Response Teams, Police Explorers, emergency medical personnel, and any other personnel that may be required on a volunteer basis to carry out the emergency operation plans of the City and the State. To the extent that the emergency personnel are recruited to augment a regular City department or agency for emergencies, the personnel shall be assigned to the department or agency for purposes of administration and command. The Director may dismiss any volunteer at any time and require the volunteer to surrender equipment and identification furnished by the City. (Ord. No. 116, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-46. Emergency Facilities.

The Director will assist in coordinating evacuation centers, and other facilities or conveyances for the care of injured or homeless persons in a manner consistent with the emergency operation plan. (Ord. No. 115,

2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-47. Orders of the Governor.

The Director shall carry out all orders, rules, and regulations issued by the Governor and/or President of the United States with reference to emergency response consistent with the emergency operations plan. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001)

Sec. 8-48. Directing of Local Forces.

The Director shall direct and coordinate the general operations of all local forces during an emergency in conformity with controlling regulations, instructions of Federal and State authorities and consistent with the emergency operations plan. Departments and agencies shall be governed by the Director's orders in respect thereto. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-49. Emergency Operations Center.

Consistent with the emergency operations plan, the Director shall:

(1) Provide and equip a suitable emergency operations center in the City and, if required by the State emergency operations plan, an alternate emergency operations center to be used during an emergency as headquarters for direction and coordination of public safety forces.

(2) Arrange for representation at the emergency operations center by municipal departments and agencies, emergency management agencies and representatives, public utilities, and other agencies authorized by Federal or State authority to carry on emergency management activities during an emergency.

(3) Arrange for the installation at the emergency operations center of necessary facilities for:
A. Communication with and between representatives of local, county, State, and Federal agencies as determined by need and by the emergency operations plan.
(Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-50. Annual Report.

The Director shall prepare and present a comprehensive report of the activities of the emergency management functions, response, and training during the year. The report shall be presented to the City Council to inform the Council and the public and shall be consistent with the manner of reporting as approved by the City Manager. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Secs. 8-51--8-70. Reserved.

Division 2. Volunteer Workers

Sec. 8-71. Call into Service.

Public safety volunteers shall be called into service in case of an emergency or a natural disaster as determined by the Director and the emergency operations plan. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-72. Compensation.

All public safety volunteers shall serve without compensation. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-73. Insignia and Identification.

(1) Public safety volunteers shall be provided with a suitable insignia or other identification as specified by the Director. No volunteer shall exercise authority over the persons or property of others without identification. (Ord No. 740)

(2) Only authorized volunteers shall use the identification of a volunteer or otherwise represent themselves to be authorized volunteers. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001)

Sec. 8-74. Carrying of Firearms.

No public safety volunteer shall carry a firearm while on duty. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Secs. 8-75--8-85. Reserved.

Article 3. Emergencies

Sec. 8-86. Authority.

Notwithstanding any other provision of law to the contrary, an emergency may be declared to exist within the City whenever conditions arise by reason of war, terrorism, conflagration, flood, heavy snowstorm, blizzard, catastrophe, disaster, riot or civil commotion, acts of God, and may include conditions which impair transportation, food or fuel supplies, medical care, fire, health, or police protection or other vital facilities in the City. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-87. Proclamation Authorized.

The Mayor shall have the power to impose by proclamation any regulations necessary to preserve the peace and order of the City when it is determined that an emergency exists. The determination of an emergency shall be in the judgment of the Mayor. The determination may be made by the Acting Mayor if the Mayor is not able to act. The proclamation may be extended beyond three days by a majority vote of the City Council. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec 8-88-Repealed

(Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-89. Contents and Proclamation Notice.

Every proclamation of emergency regulation shall:

- (1) Be in writing and signed and dated by the Mayor.
- (2) Refer to the particular emergency to which it pertains, if so limited.
- (3) Be posted at City Hall, or other designated location, and available for public inspection during business hours. Notice of the existence of the regulation and its availability for inspection shall be conspicuously posted at the front of the City Hall or other headquarters of the City and at such other places in the affected area as the Mayor shall designate in the proclamation. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-90. Effective Date of Proclamation.

The proclamation of emergency shall become effective upon notice thereof or at such later time as may be specified in the proclamation. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001)

Sec. 8-91. Notice to Council.

Notice of the proclamation shall be given forthwith to members of the City Council. (Code 1966; Code of 1988; Code of 2001)

Sec. 8-92. Conflict with Laws.

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. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001)

Sec. 8-93. Termination.

The conditions of this Section shall apply to the termination of an emergency proclamation.

- (1) The Mayor may modify or rescind an emergency regulation by like proclamation at any time.
- (2) The City Council may modify or rescind an emergency regulation by resolution at any time.
- (3) If not sooner rescinded, every emergency regulation shall expire at the end of thirty days after its effective date or at the end of the emergency to which it relates, whichever occurs first. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001; Ord No. 740)

Sec. 8-94. Emergency Authority.

- (1) Notwithstanding any statutory or charter provision to the contrary, during an emergency the City is empowered 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 City may exercise these powers through its governing body acting within or outside of the corporate limits.
- (2) The City may exercise these powers in the light of the exigencies of the disaster without compliance with time consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds such as, but not limited to, publication of ordinances, resolutions, publication of calls for bids, provisions of civil service laws and rules, provisions relating to low bids, and requirements for budgets. (Ord. No. 115, 2-21-61; Code 1966; Code of 1988; Code of 2001)

Sec. 8-95. Reserved.

Sec. 8-96. Restriction of Activities.

In the event an emergency is proclaimed, the Mayor shall have the power and authority to:

- (1) Impose a curfew upon all or any portion of the City and thereby require all persons in the designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places; provided, however, that physicians, nurses, and ambulance operators performing medical services, firefighters, and City authorized or requested law enforcement officers and City authorized or requested personnel may be exempted from the curfew.

(2) No person who is not a resident of the City shall be arrested or prosecuted for violation of a curfew without first being given a reasonable opportunity to continue through or otherwise leave the area which is under a state of emergency. Any person who is given a reasonable opportunity to leave such area and does not do so is subject to arrest and prosecution. A driver's license or other valid identification shall be used to determine a person's current address.

(3) Order the closing of business establishments anywhere within the City for the period of the emergency including, but not be limited to, those selling intoxicating liquors, cereal malt beverages, gasoline, or firearms.

(4) Designate any public street, thoroughfare, or vehicle parking areas closed to motor vehicles and pedestrian traffic.

(5) Call upon law enforcement agencies and organizations within or outside of the City to assist in preserving and keeping the peace.

(6) Issue such other orders as are necessary for the protection of life and property or to bring the emergency under control. (Code 1966; Code of 1988; Code of 2001; Ord. No. 740)

Editor's Notes
City Code-Chapter 8
Civil Defense

This Chapter has been renumbered to be consistent with the numbering system used throughout the Code:

The first division within a Section is numbered “(1)” followed by “(2)”, etc.

The next division of a Section is numbered with an “A” followed by “B”, etc.

As with all other parts of the codification, the language in this Chapter has been simplified and made general neutral.

Margaret A. Egan
Finance Director/City Clerk
March 22, 2000