

TITLE 8**EMERGENCIES**

Chapters: 8.01 Black Out Ordinance
 8.02 Civil Defense
 8.03 Drought

**CHAPTER 8.01
BLACK OUT ORDINANCE****SECTIONS:**

8.01.01 - Authority of Mayor
8.01.02 - Authority of Law Enforcing Officers
8.01.03 - City not Liable

8.01.01 - AUTHORITY OF MAYOR

The Mayor of the City of Sturgis, shall have authority and is hereby empowered to provide such rules and regulations and to amend the same from time to time respecting blackouts for the City of Sturgis in cooperation with the Civilian Defense and authorities of the Federal and State Governments and to appoint such officers and officials as may be necessary for the proper carrying out of such rules and regulations, prescribing their duties, and who shall act only under the authority given to them by the Mayor and whose terms of office shall expire at the will of the Mayor; provided that the rules and regulations made and prescribed by the Mayor shall not be inconsistent with any rules and regulations of the Army of the U.S., of the Director of Civilian Defense, and further, that such rules and regulations shall be approved by the City Council at the next regular meeting following the making, giving and promulgating thereof by the Mayor.

8.01.02 - AUTHORITY OF LAW ENFORCING OFFICERS

All law enforcing officers of the City of Sturgis shall be vested with authority to carry into effect all rules and regulations made and prescribed by the Mayor under this Chapter.

8.01.03 - CITY NOT LIABLE

The City of Sturgis, or any of its officers or agents appointed under the terms of this Chapter, when acting in good faith shall not be liable for nay action for damages to either persons or property in carrying out any orders, rules, or directions given to them by the Mayor of said City, provided that this shall in no way deprive any person of the rights and benefits otherwise given them under the Worker's Compensation Law, any act of Congress.

CHAPTER 8.02 CIVIL DEFENSE

SECTIONS:

- 8.02.01 - Definitions
- 8.02.02 - Office of Director of Civil Defense: Duties
- 8.02.03 - Council of Defense Established
- 8.02.04 - Civil Defense Corps Established
- 8.02.05 - Duty of the Corps
- 8.02.06 - Civil Defense Emergency
- 8.02.07 - Immunity of Civil Defense Workers
- 8.02.08 - Unavailability of Director to Act
- 8.02.09 - Misdemeanor and Penalty

8.02.01 - DEFINITIONS

When used in this Chapter the following terms shall have the following definitions and meanings:

1. City -- "City" shall mean the City of Sturgis.
2. Civil Defense -- "Civil Defense" shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, repair injury and damage resulting from disasters caused by enemy attack, sabotage or other hostile action, or by fire, flood, snowstorm, windstorm, tornado, cyclone, drought, earthquake, or other natural causes and provide for the relief of distressed humans and livestock in areas where such conditions prevail whether affecting all or only a portion of the City. These functions include, without limitations, fire fighting serves, police services, medical and health services, rescue, engineering, air raid warning service, communications, radiological, chemical, and other special weapons of defense, evacuation of persons or livestock 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 or livestock protection together with other activities necessary or incidental to the preparation for any carrying out of the foregoing functions including cooperation with the American Red Cross, the United States or other Federal agencies, counties, townships and other local subdivisions of Government, persons, firms or corporations.
3. Director -- "Director" shall mean the Director of Civil Defense for the City of Sturgis.
4. Deputy Director -- "Deputy Director" shall mean Deputy Director of Civil Defense of the City of Sturgis.

5. Council -- "Council" shall mean the Civil Defense Council of the City of Sturgis.
6. City Council -- "City Council" shall mean the governing body of the City of Sturgis.
7. Corps -- "Corps" shall mean the Civil Defense Corps of the City of Sturgis.
8. Emergency -- "Emergency" shall mean a civil defense state of emergency.

8.02.02 - OFFICE OF DIRECTOR OF CIVIL DEFENSE -- DUTIES

The office of Civil Defense Director is hereby established. The Director and four Deputy Directors and all successors thereto shall be appointed by the Mayor, subject to the approval of the City Council and shall serve without compensation. The Director and his Deputies shall serve until such time that they resign or become incapacitated in not being able to perform their duties or are relieved of their office by the Mayor of the City.

It shall be the duty of the Director to be chairman and director of the corps, to assign duties to the Deputy Directors and other members of the Council, to be in charge of and coordinate all civil defense activities within and around the City both in making the preparations, in educating the public for an emergency, and in acting during any emergency.

8.02.03 - COUNCIL OF DEFENSE ESTABLISHED

The Council of Defense for the City is hereby created and shall consist of the following nine persons: The Director, four Deputy Directors, Mayor of the City, City Auditor, City Treasurer and City Attorney. It shall be the duty of the Council to be a coordinating body in charge of the corps and direct all civil defense operations in and around the City at the time of an emergency and to coordinate their activities with any and all other civil defense agencies of City, County, State, and Nation made necessary by the particular circumstances of the emergency; to develop a City Civil Defense Disaster Preparedness plan providing for the effective mobilization of all City resources, both private and public to be used in case of a civil defense emergency; make recommendations to Governmental officials as to any necessary Ordinances or expenditures which might be necessary for any emergency; and to educate themselves, the corps, and the residents of the City as to what should be done in case of an emergency.

8.02.04 - CIVIL DEFENSE CORPS ESTABLISHED

There is hereby established a civil defense corps. The functions and duties of the corps shall be distributed among the divisions as listed below. each division shall be under the direction of a chief and deputy chief. The chiefs of divisions and the members of the corps shall include City public officials when the City duties of the said officials are consistent with that particular division. The following divisions of the corps are established: law enforcement, fire services, rescue service, engineering, information, and education, warden service, communication, medical and health, transportation, and welfare. Members

of the corps shall be appointed by the Director subject to the approval of the Council and can be dismissed for any reason from the corps by the Director. The Council shall determine the number of person to be appointed in each of these divisions. During an emergency, the Director has the power to appoint as additional members of the corps, any number of persons deemed necessary by him to provide the necessary personnel to adequately provide the needed civil defense activity. except for regular employees of the City serving hereon, members of the civil defense corps shall serve without compensation.

8.02.05 - DUTY OF THE CORPS

It shall be the duty of the corps to perform civil defense activities under the direction of the Director and Council in preparing themselves for an emergency, in educating the public, and in performing activities made necessary during an emergency.

8.02.06 - CIVIL DEFENSE EMERGENCY

A civil defense state of emergency shall exist at such time when a disaster has struck the City or there is imminent danger of a disaster striking the City and civil defense activity has become necessary to relieve and prevent injury and damage to lives and property and when the City Council of the City shall have declared said emergency to exist; provided, however, if the circumstances of the emergency make it impractical to get a meeting of the City Council called before such time as it would be necessary to act, the Mayor or one of the councilmen shall have the power to declare said state of emergency in the following order, each one having the said power when those listed before him are not available: Mayor, Councilman of Police and Fire Department, Councilman of Street Department, Councilman of Health and Sanitation Department, councilman of Finance Department, Councilman of Auditorium, Library and Cemetery, and Councilman of Liquor Department. If none of the members of the Board is available, the Director can declare that said emergency exists. The emergency once declared shall continue until such time as the Board has declared the said state of emergency ended.

8.02.07 - IMMUNITY OF CIVIL DEFENSE WORKERS

All persons performing civil defense activities who have been authorized to do so under the provisions of this Chapter shall be vested with the immunities and exemptions as provided in South Dakota Codified Laws 33-15-36, 33-15-39 and 33-15-41.

8.02.08 - AVAILABILITY OF DIRECTOR TO ACT

If at any time during an emergency, the Director is not available to assume his duties or is unable to do so because of his mental and physical condition, one of the four Deputies shall become the Director with all the duties and powers vested herein; and if that Deputy is unable to serve, the next Deputy shall serve, and so on. The order of succession of the four Deputies to the office of Director shall be immediately designated by the Council and shall be re-designated at any time a new Deputy is appointed to replace a vacancy.

8.02.09 - MISDEMEANOR AND PENALTY

It shall be a misdemeanor punishable by fine, not to exceed \$100 and by imprisonment in jail, not to exceed 30 days, or both, during an emergency: a. to wilfully obstruct, hinder or delay any member of the Council and corps in the performance of any duty imposed upon him by virtue of this Chapter; b. To 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 assistance to the enemy or to imperil the life or property of any inhabitant of this City or to prevent, hinder or delay the defense or protection thereof; and c. To wear or carry or display without authority any mark or identification specified by the Council.

**CHAPTER 8.03
DROUGHT****SECTIONS:**

8.03.01 -- Power of Council to Declare Emergency

8.03.02 -- Same: Publication

8.03.01 - POWER OF CITY COUNCIL TO DECLARE EMERGENCY

From and after the passage and taking effect of this Chapter, the City council of this City shall have the power, in times of water shortage, which it is deemed to be either dangerous or likely to be dangerous to either public health or safety, to declare an emergency to exist, and to provide for and regulate the consumption of water by all users from the Sturgis Water Works Company, its successors and assigns, and for that purpose, the City shall have police powers to carry into effect all regulations and directions imposed by resolution, duly passed and adopted by its governing body, and to delegate such powers to any officer or employer of the City in order to carry into effect any and all of such regulations so adopted.

8.03.02 - SAME -- PUBLICATION

Any and all regulations adopted and imposed under the provision hereof shall be published for at least one issue in the legal newspaper of the City and posted in at least three places within the City, and said regulations shall take effect the day following the publication and posting thereof.