

PART II - CODE OF ORDINANCES
Chapter 24 PUBLIC SAFETY

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Chapter 24 PUBLIC SAFETY

ARTICLE I. IN GENERAL

Secs. 24-1—24-18. Reserved.

ARTICLE II. FIRE PREVENTION

Sec. 24-19. Adoption of ICC Fire Code.

There is hereby adopted by the city council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the ICC Fire Code, most recent edition, recommended by the American Insurance Association, being particularly the latest edition, or the latest revision thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by this code, of which the ICC Fire Code, most recent edition, not less than one copy has been and now is filed in the office of the city clerk. The ICC Fire Code, most recent edition, is hereby adopted and incorporated as fully as if set out at length herein. From the date on which this code shall take effect, the provisions thereof shall be controlling within the limits of the city.

(Code 1984, § 13-101)

Sec. 24-20. Fire department to enforce ICC Fire Code.

- (a) The ICC Fire Code, most recent edition, shall be enforced by the fire department of the city, under the supervision of the chief of the fire department. The terms "bureau of fire prevention" and "chief of the bureau of fire prevention," wherever found in the fire prevention code, shall mean fire department and chief of the fire department, respectively, of this city.
- (b) The chief of the fire department may detail such members of the fire department as inspectors as may from time to time be necessary.

(Code 1984, § 13-102)

Sec. 24-21. Limits within which storage of flammable liquids in outside aboveground tanks is prohibited.

- (a) The limits referred to in the ICC Fire Code, most recent edition, in which storage of flammable liquids in outside aboveground tanks is prohibited, shall be the city limits.
- (b) The limits referred to in the ICC Fire Code, most recent edition, in which new bulk plants for flammable liquids are prohibited, shall be the city limits.

(Code 1984, § 13-103)

Sec. 24-22. Limits in which bulk storage of liquefied petroleum gases is to be restricted.

- (a) The limits referred to in the ICC Fire Code, most recent edition, in which bulk storage of liquefied petroleum has been prohibited, shall be the city limits.
- (b) It is unlawful for any person, firm or corporation to establish, erect, construct or enlarge a plant or place of business where liquefied petroleum gas is to be manufactured, distributed or hauled within the city.

(Code 1984, § 13-104)

Sec. 24-23. Limits in which storage of explosives and blasting agents are prohibited.

The limits referred to in the ICC Fire Code, most recent edition, in which storage of explosives and blasting agents is prohibited shall be the city limits.

(Code 1984, § 13-105)

Sec. 24-24. Dynamite, nitroglycerin, explosives prohibited.

- (a) No person shall keep or permit to be kept by themselves, agents, employees or other person in their interest, within the limits of the city any dynamite caps, dynamite, nitroglycerine, gun powder, gun cotton, Hercules or blasting powder, or permit the explosion of the same or any gun powder except as hereinafter set out.
- (b) Retail, hardware and other merchants may keep for the purpose of sale, gun powder, to be used in guns and for no other purpose, dynamite caps and stock dynamite, not to exceed 50 pounds of one-half pound sticks, under the following restrictions in this section. No dynamite caps or detonating caps shall be kept within 25 feet of any dynamite or other explosive substance; bulk powder shall be kept in individual casks or canisters for each grade of powder and the canisters shall not contain more than three pounds each of powder; all such supplies of explosives shall at all times be kept in safe, secure iron boxes or canisters completely closed except when necessarily opened to remove desired quantities thereof. All containers within which is kept any such explosives shall be plainly marked on the exterior thereof describing its contents.
- (c) It is unlawful for any person to convey any nitroglycerine through the streets or alleys of the city.

(Code 1984, § 13-106)

Sec. 24-25. Gasoline, benzene restrictions.

- (a) No person without first obtaining a permit from the fire chief within the corporate limits of the city may have, store, keep, manufacture, use or sell gasoline, benzene or naphtha, except as hereinafter provided, and then only if kept in approved metal cans made for the purpose and free from leaks. Two gallons or less may be kept within a building without obtaining a permit therefor. No container shall be filled inside a building.
- (b) Application for a permit shall be made to the chief of the fire department in writing, and shall state location of the building and the quantity of benzene, gasoline, naphtha it is desired to keep on storage or sale. No provision in this article is intended to prohibit the carrying of gasoline in the storage tanks of automobiles or other gasoline driven vehicles.

- (c) No permit shall be issued for the storage or keeping for sale or use of gasoline, benzene or naphtha, exceeding ten gallons in quantity, save in underground, buried in the ground, metal tanks with no opening for drawing off contents below the level of the ground, but to be drawn from by pumps. Such tanks shall be constructed of steel, or iron, galvanized or painted, and of suitable thickness and weight and shall be provided with a fill and vent pipe, so arranged that the fill pipe cannot be opened without opening the vent; and, also, these pipes shall be provided with a screen near the top and terminating in an iron cover, which shall be kept locked. The tank shall be buried at least two feet underground.
- (d) No dealer shall sell or deliver any quantity of gasoline, benzene or naphtha to any customer except in closed metallic cans or containers.
- (e) Not exceeding 50 gallons may be kept outside of a building, provided same be kept in closed metal cans free from leak and under lock and key.
- (f) In case of drug, hardware or paint and oil stores only, not exceeding ten gallons may be kept in the store in approved metal cans made for the purpose and free of leaks.
- (g) Where the system known as gasoline vapor gas light is used in any building, the installations shall be subject to inspection of the chief of the fire department. It is unlawful to install any such system without first obtaining a permit therefor from him or to use such system until the inspection shall have been made and permission granted for use of the same by the chief.

(Code 1984, § 13-107)

Sec. 24-26. Modifications.

The chief of the fire department, with the approval of the city council, shall have power to modify any of the provisions of the ICC Fire Code, most recent edition, upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the fire chief and council thereon shall be entered upon the records of the council, and a signed copy shall be furnished the applicant.

(Code 1984, § 13-108)

Sec. 24-27. New materials, processes, or occupancies which may require permits.

The mayor and chief of the fire department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies, which shall require permits, in addition to those now enumerated in the code. The fire chief shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

(Code 1984, § 13-109)

Sec. 24-28. Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city council within 30 days from the date of the decision appealed.

(Code 1984, § 13-110)

Sec. 24-29. Hazardous materials cleanup; recovery of costs.

- (a) The fire chief is authorized to clean up or to abate the effects of any hazardous substance or waste unlawfully, accidentally or negligently released, discharged or deposited upon or into any property or facilities within the city. The following described persons shall be jointly and severally liable to the city for the payment of all costs incurred by the city as a result of such cleanup or abatement activity:
 - (1) The person whose accidental, negligent or willful act or omission proximately caused such release, discharge or deposit;
 - (2) The person who owned or had custody or control of the hazardous substance or waste at the time of such release, discharge or deposit without regard to fault or proximate cause; and
 - (3) The person who owned or had custody or control of the container which held such hazardous waste or substance at the time or immediately prior to such release, discharge or deposit without regard to fault or proximate cause.
- (b) In the event that any person undertakes, either voluntarily or upon order of the fire chief or other city official, to clean up or abate the effects of any hazardous substance or waste negligently, unlawfully or accidentally released, discharged or deposited upon or into any property or facilities within the city, the fire chief may take such action as is necessary to supervise or verify the adequacy of the cleanup or abatement. The persons described in subsection (a) of this section shall be liable to the city for all costs incurred as a result of such supervision or verification.
- (c) For purposes of this section, the term "hazardous material" means any material that, because of its quality, concentration or physical or chemical characteristics, poses a significant, present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.
- (d) For purposes of this section, costs incurred by the city shall include, but shall not necessarily be limited to, the following: actual labor costs of city personnel, including benefits and administrative overhead; costs of equipment operations; costs of any contract labor or materials.
- (e) The remedies provided by this section shall be in addition to other remedies provided by law.
- (f) The authority to recover costs under this section shall not include actual fire suppression services which are normally or usually provided by the fire department.

(Code 1984, § 13-111; Ord. No. 1-17-95, § 1; Ord. No. 8-5-91)

Sec. 24-30. Penalties.

- (a) Any person who violates any of the provisions of the ICC Fire Code, most recent edition, hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed therein, shall severally for every such violation and noncompliance respectively, be guilty of an offense, punishable by a fine as provided in section 1-8. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- (b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Code 1984, § 13-112)

Sec. 24-31. Open burning prohibited.

- (a) Except as herein provided, no person shall cause or permit open burning in any public or private place outside any building.
- (b) However, open burning may be conducted if no public nuisance is or will be created for:
 - (1) Fire purposely set for the instruction and training of fire fighting personnel when authorized by the fire chief or his designee.
 - (2) Fires set for the elimination of fire hazards or hazardous material where there is no other practical or lawful method of disposal, and such burning is authorized by the fire chief or his designee.
 - (3) Camp fires and other fires used solely for recreational or ceremonial purposes, or for outdoor non-commercial preparation of food.
 - (4) The burning of refuse and other combustible materials generated in the operation of a domestic household when no regular garbage service is available.
 - (5) The burning of trees, brush, grass, and other vegetable matter for the purposes of clearing land and agricultural crop burning when:
 - a. The burning is not within 150 feet of an occupied residence or structure other than those located on the property where the burning is conducted;
 - b. Care is used to minimize the amount of dirt on the material being burned;
 - c. Oils, rubber, and other similar materials which produce unreasonable amounts of air contaminants and smoke are not burned;
 - d. The burning occurs between three hours after sunrise and three hours before sunset; and
 - e. No traffic hazard is created.
- (c) Violation of this section shall carry a fine of up to \$500.00, plus court costs.

(Ord. No. 164-031521, § I, 3-15-2021)

Secs. 24-32—24-48. Reserved.

ARTICLE III. FIRE DEPARTMENT

DIVISION 1. GENERALLY

Sec. 24-49. Duties.

It is the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to persons injured in or about burning structures, or elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire and explosions in theaters, stores, and other public buildings.

(Code 1984, § 13-201)

State law reference(s)—Fire departments generally, 11 O.S. § 29-101 et seq.

Sec. 24-50. Appointment and removal.

The chief shall be appointed by the mayor by and with the consent and confirmation of the council and shall serve for an indefinite term, subject to removal as provided in this code or by applicable law.

(Code 1984, § 13-202)

Sec. 24-51. Duties of the fire chief.

- (a) The chief is at the head of the department, subject to the laws of the state, ordinances of the city, and the rules and regulations herein adopted. He shall:
- (1) Be responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him;
 - (2) Have power to inspect or cause to be inspected by members of the department, the fire hydrants, cisterns and other sources of water supply at least twice each year;
 - (3) Maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members;
 - (4) Make every effort to attend all fires and direct the officers and members in the performance of their duties;
 - (5) See that the citizens are kept informed on fire hazards in the community and on the activities of the department;
 - (6) See that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism shall notify proper authorities and secure and preserve all possible evidence for future use in the case;
 - (7) Adopt all prudent measures for the prevention of fires, and whenever he has reason to believe that the safety of property demands it, he and his authorized representatives shall have reasonable access in the daytime to any house, building or premises in this city and may give directions for correcting or removing hazards or violations as he shall deem proper. Such directions shall be obeyed and complied with by the person so directed immediately at their expense;
 - (8) Keep a record of all fires occurring within this city in a suitable book, to be provided for that purpose, showing the estimated value of the loss or damage to property, the amount of insurance, the cause and origin of fire, and the names of the firefighters attending, and the expenses incurred to the department thereby; and
 - (9) Prepare and keep a complete inventory of all property belonging to the fire department, and shall at the expiration of his term turn over such inventory and all such property to his successor, together with all books, records, reports and data of such department.

(Prior Code, art. E; Code 1984, § 13-203)

Sec. 24-52. Duties of the assistant fire chief.

In the absence of the chief, the assistant chief on duty shall command the department and be held responsible therefor in all respects with the full powers and responsibilities of the chief.

(Prior Code, art. E; Code 1984, § 13-204)

Sec. 24-53. Volunteer department.

The company officers of the volunteer department shall be selected upon their ability to meet the following requirements:

- (1) Their knowledge of firefighting;
- (2) Their leadership ability; and
- (3) Their knowledge of firefighting equipment.

(Prior Code, art. E; Code 1984, § 13-205)

State law reference(s)—Volunteer departments, 11 O.S. § 29-201 et seq.

Sec. 24-54. Secretary-treasurer of volunteer department.

One member of the volunteer department elected by the fire department shall be secretary-treasurer. His duties shall consist of the following:

- (1) Calling the roll at the opening of each meeting;
- (2) Keeping the minutes of each meeting; and
- (3) Collecting the money due the department by the members.

(Prior Code, art. E; Code 1984, § 13-206)

Sec. 24-55. New members of volunteer department.

- (a) All new members shall be on probation for one year after their appointment.
- (b) New volunteer members upon completion of their probation period must be approved by the majority of the fire department.

(Prior Code, art. E; Code 1984, § 13-207)

Sec. 24-56. Rules and regulations.

The volunteer fire department shall be subject to the following rules and regulations which shall be incorporated in the by-laws of the department:

- (1) All volunteer firefighters are required, when notified, to respond to alarms of fire and other emergencies;
- (2) Volunteer firefighters are required to be present at all regular meetings, call meetings and schools presented for the benefit of the firefighters;
- (3) There shall be at least one regular business meeting each month;
- (4) Any volunteer firefighter having two unexcused absences in succession or three unexcused absences in a period of three months will be dropped from the fire department rolls;
- (5) Volunteer firefighters leaving the city for an extended period of time will be required to notify the chief;

- (6) Any volunteer firefighter refusing to attend training classes provided for him will be dropped; and
- (7) Any volunteer member of the fire department shall be dropped from the rolls for the following offenses:
 - a. Conduct unbecoming a firefighter;
 - b. Any act of insubordination;
 - c. Neglect of duty;
 - d. Any violation of rules and regulations governing the fire department; or
 - e. Conviction of a felony.

(Prior Code, art. E; Code 1984, § 13-208)

Sec. 24-57. Refusing to obey orders at fires.

It is the duty of every person at a fire to observe and obey the lawful orders of any public officer or firefighter of this city, and to offer no resistance to, or to otherwise interfere with the officer and firefighters or any company of firefighters, in the performance of their duties at any fire within the limits of this city.

(Code 1984, § 13-209)

Sec. 24-58. Protection of apparatus.

It is unlawful for any person, without authority, to take, remove, or in any manner disturb, molest or interfere with any hydrants, hose, hose cart, hook and ladder vehicle, ladder or any apparatus or tools to be used in connection with the fire department.

(Code 1984, § 13-210)

Sec. 24-59. Repair of apparatus.

The chief shall report to the city council any necessary repairs, alterations or improvements, needed by the fire department, with an estimate of their probable cost, and shall superintend the making of such repairs, alterations and improvements, and, in case any apparatus shall become disabled for immediate use, he shall repair the same and report his action to the council.

(Code 1984, § 13-211)

Secs. 24-60—24-76. Reserved.

DIVISION 2. FIRE PROTECTION OUTSIDE LIMITS

Sec. 24-77. Agreements authorized.

The city clerk is authorized to enter into contracts with individuals, firms, private corporations or associations, hereinafter referred to as "customers" or "customer" for fire protection for structures outside the corporate limits of the city in compliance with the terms of this division.

(Code 1984, § 13-220; Ord. No. 607, 1-1976)

State law reference(s)—Fire calls outside limits, 11 O.S. § 29-106.

Sec. 24-78. Fees without contract.

(a) If no prior contract has been entered into with the city, then there shall be due and owing the city the following sums per run and per vehicle:

For each brush truck utilized	\$200.00 for every 30 minutes of part thereof
For each tanker truck utilized	\$150.00 for every 30 minutes or part thereof
For each fire engine/pumper utilized	\$250.00 for every 30 minutes or part thereof
For each fire department command vehicle	\$50.00 for every 30 minutes or part thereof
For each ladder truck utilized	\$300.00 for every 30 minutes or part thereof
For each 5-gallon pail of bio matrix used	The most recent purchase price expended by the city
For each gallon of foam used	The most recent purchase price expended by the city

These fees shall be assessed to the owner of the property for which the fire run is made when the fire run is made at the request of the owner, a member of the owner's family, the owner's agent, or a member of the public acting under the good faith belief that there is a reasonable basis to fear damage to property or person by fire. The fees provided herein shall be paid within 30 days of the date of the run.

(b) All right-of-way grass fire runs on property owned or controlled by the state turnpike authority shall be billed at a flat rate of \$250.00 plus the cost paid by the city for all bio matrix and/or foam used by the fire department in the course of such a fire. All other fire runs on property owned or controlled by the state turnpike authority shall be billed at the rate provided in subsection (a) of this section plus the cost paid by the city for all bio matrix and/or foam used by the fire department in the course of such a fire.

(Code 1984, § 13-221; Ord. No. 85-10, 10-21-1985; Ord. No. 38-030104, § 1; Ord. No. 94-02-5-07; Ord. No. 109-120610, § 1, 12-6-2010)

Sec. 24-79. Contract, enrollment fee.

Customers shall submit a fee in the amount of \$125.00 upon the execution of a contract provided for in section 24-78. The fee shall be paid on an annual basis. The term of the annual contracts shall run from January 1st

to December 31st of each year, except for calendar year 2020, in which the contract shall be for a six-month period of time from July 1st through December 31st with a fee of \$62.50.

(Code 1984, § 13-222; Ord. No. 85-10, 10-21-1985; Ord. No. 1-9-89; Ord. No. 1-4-94; Ord. No. 29-110303, § 1; Ord. No. 139-050616, 5-16-2016; Ord. No. 157-031620, § 1, 3-16-2020)

Sec. 24-80. Contract may be refused.

No such contract shall be entered into when, in the opinion of the city clerk, the location of the customer's property is such that effective service cannot be given to the customer or the giving of such service would involve a hazard to the fire equipment of the city or would impair the fire protection service afforded the citizens of the city.

(Code 1984, § 13-223; Ord. No. 607, 1-1976)

Sec. 24-81. Runs may be refused.

The fire chief is authorized to refuse to make fire runs to customers outside the city when in his judgment it is not expedient to do so because of conditions involving equipment, personnel, road conditions, fires, or other related or nonrelated matters.

(Code 1984, § 13-224; Ord. No. 607, 1-1976)

Sec. 24-82. Division incorporated in contract.

All contracts entered into pursuant to this division shall have attached to them a copy of this division and shall specifically incorporate the provisions hereof.

(Code 1984, § 13-225; Ord. No. 607, 1-1976)

Sec. 24-83. No liability.

The city shall act in good faith in providing services under this division. Neither the city nor its officers or agents shall be responsible for damages to customers or members of the public arising out of any acts or omissions connected with this division.

(Code 1984, § 13-227; Ord. No. 607, 1-1976)

Sec. 24-84. Calls outside limits.

The fire chief may authorize runs to be made outside the city limits when he believes that there exists a condition that endangers the life or lives of members of the public.

(Code 1984, § 13-228; Ord. No. 607, 1-1976)

Sec. 24-85. Pension benefits.

All firefighters of the fire department of the city making runs under the provisions of this division shall be serving in their regular line of duty, and, while they shall receive no additional compensation, shall be entitled to all benefits of any fire pension and relief fund in the same manner as if the run were within the city.

(Code 1984, § 13-229; Ord. No. 607, 1-1976)

Secs. 24-86—24-177. Reserved.

ARTICLE IV. POLICE DEPARTMENT

DIVISION 1. GENERALLY

Sec. 24-178. Police chief; appointment, removal.

The chief of police shall be appointed by the mayor, with approval of the council, and removed in manner provided by law.

(Code 1984, § 13-401)

State law reference(s)—City police departments generally, 11 O.S. § 34-101 et seq.

Sec. 24-179. Powers and duties.

The police chief and other police officers shall constitute the police department and shall have the powers and duties prescribed by 11 O.S. § 34-101 et seq. and other provisions of law or by ordinance.

(Code 1984, § 13-402)

Sec. 24-180. To serve warrants, processes and notices.

The chief of police and other police officers shall serve all warrants, orders, writs, processes and notices to them directly by the municipal judge, mayor, council, board of health, superintendent of health, or other officer of this city charged with the duty of enforcing the laws of this city.

(Code 1984, § 13-403)

Sec. 24-181. Emergency duties in other cities.

- (a) Approval is hereby given for service of members of the regular police department of this city as police officers of any other city or town, in an emergency situation, in the state, not more than 100 miles distant from this city, when such service is requested by the mayor or chief of police of the city or town.
- (b) Requests for service under this section shall be made by writing or by telephone, or other means of communications, to the mayor and, in his absence, the vice-mayor, who, if he determines that the request can be granted consistently with the continuance of the proper police protection to the inhabitants of this city, shall direct the chief of police to furnish the number of officers requested and to arrange their transportation to the requesting municipality.

(Prior Code, ch. 12; Code 1984, § 13-404)

State law reference(s)—Mutual aid, law enforcement, 11 O.S. § 34-103.

Secs. 24-182—24-200. Reserved.

DIVISION 2. AUXILIARY POLICE

Sec. 24-201. Auxiliary police established.

For the purpose of assisting the regularly constituted law enforcement officers of the city, the establishment, organization and operation of an auxiliary police force for the city is hereby authorized and directed. There shall be a sufficient number of auxiliary police officers allowed, so as to enable the chief of police to adequately supplement the activities and functions of the police department.

(Prior Code, art. F; Code 1984, § 13-410; Ord. No. 55-011805, § 1)

State law reference(s)—Auxiliary police to have same training as regular police, 11 O.S. § 34-101.

Sec. 24-202. Rules and regulations.

- (a) The police chief of the city shall as soon as practicable hereafter promulgate rules and regulations for the organization, operation and maintenance of the auxiliary police force authorized in this article. All members shall meet the same requirements as city police officers.
- (b) When such rules and regulations are set by the city police chief they shall be reduced to writing and be approved by the mayor and city council and the same shall thereupon govern the membership and functions of such auxiliary police force.

(Prior Code, art. F; Code 1984, § 13-411; Ord. No. 54-011805, § 1)

Sec. 24-203. Selection, commissioning and authority of members.

- (a) The members of the city auxiliary police force shall be selected by the police chief. The mayor, acting upon the recommendation of the chief, is authorized to nominate to the city council members for the auxiliary police force, but members of the auxiliary police force shall not be authorized to act in such capacity except after due call.
- (b) The members of the auxiliary police force shall act as officers of the city only upon due call issued by the police chief or his authorized agent for such period as the city chief shall designate. While upon active duty the members of the auxiliary police force, holding special officer's commissions, are hereby authorized to make arrests for violation of the provisions of this Code and other laws and regulations.

(Prior Code, art. F; Code 1984, § 13-412)

Sec. 24-204. Compensation of members; eligibility for pension.

Members of the auxiliary police force of the city shall serve without compensation and shall not be considered members of the police department of the city and they shall not under any conditions become eligible for a pension from the police pension and retirement fund of the city, but they shall be covered by worker's compensation.

(Prior Code, art. F; Code 1984, § 13-413)

Secs. 24-205—24-231. Reserved.

ARTICLE V. EMERGENCY MANAGEMENT ORGANIZATION

Sec. 24-232. Purpose of emergency management organization.

The purpose of this article is to create a emergency management organization for the city to be prepared for, and to function in the event of emergencies endangering the lives and property of the people of the city. The duty of the emergency management organization shall be the protection of the lives and health of the citizens of the city and of property and property rights, both public and private, and to perform all functions necessary and incident thereto.

(Code 1984, § 13-501; Ord. No. 76-091806, § 1)

Sec. 24-233. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Co-directors means the co-directors of the emergency management organization.

Curfew means a prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises, excepting persons officially designated to duty with reference to the emergency.

Disaster means any occurrence or catastrophe resulting in or imminently threatening substantial damage or injury to persons or property in the city whether such occurrence is caused by an act of nature or of man, including an enemy of the United States.

Disorderly means a course of conduct by a person which:

- (1) Causes public inconvenience, annoyance, or alarm, or recklessly creates risk thereof by:
 - a. Engaging in fighting or in violent, tumultuous, or threatening behavior;
 - b. Making an unreasonable noise or an offensively coarse utterance, gesture, or display, or addressing abusive language to any person present; or
 - c. Dispersing any lawful procession or meeting of persons, not being an officer of this city and without lawful authority;
- (2) Creates a hazardous or physically offensive condition which serves no legitimate purpose.
- (3) Engages with at least one other person in a course of disorderly conduct as defined in subsection (1) of this definition which is likely to cause substantial harm or serious inconvenience, annoyance, or alarm, and refuses or knowingly fails to obey an order to disperse, made by a peace officer to the participants.

Emergency management means the preparation for and the carrying out of all emergency functions other than functions for which primary responsibility is assigned elsewhere by federal, state or local law or ordinance, to protect the public peace, health and safety and to preserve lives and property in the city during an emergency or catastrophe in or near the city and involving imminent or actual peril to life and property in the city. The functions of emergency management include admission, organization, planning, recruiting, training, education, information, welfare service, relief service, police service, warden service, fire service, rescue service, medical service, health service, transportation service, communication service, streets and sewer service, utility service, general engineering service, radiological service, plant protection service, supply service, mutual aid, mobile support,

evacuation, public shelter use and management, warning, and all other functions necessary or incidental to the preparation for and the carrying out of the foregoing functions.

State of emergency means an emergency and shall be deemed to exist whenever, by reason of any disaster, such proper authority proclaims same to exist as provided in this article, and such state of emergency shall continue until terminated by proclamation of proper authority as provided by this article.

(Code 1984, § 13-502; Ord. No. 77-091806, § 1)

Sec. 24-234. Co-directors—Generally.

The chief of police and the fire chief of the city are hereby designated as co-directors. The co-directors shall serve as executive heads of the emergency management organization. The co-directors shall perform such other duties pertaining to safety as may be assigned by the mayor.

(Code 1984, § 13-503; Ord. No. 78-091806, § 1)

Sec. 24-235. Same—Planning, training and functions.

Prior to an emergency, and within limits of any funds appropriated or received by grant thereof, the co-directors shall:

- (1) Prepare an operational plan of the departments of city government which shall provide a coordinated assignment of activities and responsibilities to each department in the event of a disaster or state of emergency as provided in this article;
- (2) Establish necessary emergency operation centers;
- (3) Establish public warning systems and acquire and cause to be installed such devices as may be necessary to implement such systems;
- (4) Establish and carry out recruiting and training program for purposes of developing qualified emergency management volunteer works;
- (5) Plan, supervise and conduct drills and exercises under simulated disaster conditions;
- (6) Plan and develop mutual aid arrangements for reciprocal emergency management assistance consistent with state and federal plans of emergency management;
- (7) Plan and develop a public shelter system to include identification, marking and stocking of public shelters and shelter use and management training.

(Code 1984, § 13-504; Ord. No. 79-091806, § 1)

Sec. 24-236. Co-directors' general powers during emergencies.

- (a) If an actual emergency is proclaimed by the mayor or the city council, as provided in this article, the co-directors, with the approval of the mayor or the city council as provided in this article, may exercise the powers to enforce all rules and regulations relating to emergency management during such emergency.
- (b) If the co-directors are acting under the authority of the mayor as an agent of the governor of this state, then the co-directors may take control of all means of transportation and communications, all stocks of fuel, food, clothing, medicine and supplies and all facilities, including buildings, and plants, and exercise all power necessary to secure the safety and protection of the civilian population, to the extent as provided by law.

(Code 1984, § 13-505; Ord. No. 80-091806, § 1)

Sec. 24-237. Other functions.

- (a) The co-directors shall properly coordinate the activities of the emergency management organization. They are specifically charged in such emergency with the collection, evaluation and dissemination of information to all agencies both public and private participating in the city's emergency management or cooperating in any such emergency.
- (b) The co-directors shall have the power to recommend appropriate action, but they shall not otherwise exercise control over the participating agencies.
- (c) The co-directors shall recommend to the city council the allocation of any funds received from the federal or state governments or from any other source to alleviate distress and aid in restoring normal conditions.
- (d) The co-directors shall prepare and present an annual budget for the emergency management organization. The prepared budget will be presented to the mayor and the city council, at a minimum, in a timely manner each year.

(Code 1984, § 13-506; Ord. No. 81-091806, § 1)

Sec. 24-238. Authorization and termination of emergency powers.

The emergency powers conferred in this article shall be effective immediately upon the issuance of a proclamation of the existence of an emergency.

- (1) By a proper officer or agency of the state as provided by law; or
- (2) By a resolution of the city council if the council finds that the disaster causing the emergency is local to the city and its environs and is locally controllable, and it is so noted in the resolution.
 - a. If the urgency of the situation requires, the mayor is authorized to declare the existence of the emergency until such time as the city council may meet and determine that a state of emergency exists. The exercise of the emergency powers conferred in this article is limited to the duration of the emergency as determined according to law by the provisions of this article.
 - b. During the period of such local emergency, the exercise of emergency powers shall be in conformity with all applicable provisions of the city Charter.
 - c. Locally proclaimed states of emergency shall be terminated upon adoption by the city council of a resolution of termination not in conflict with state laws.

(Code 1984, § 13-507; Ord. No. 82-091806, § 1)

Sec. 24-239. Proclamation of state of emergency.

- (a) The mayor, after finding that a public disorder, disaster or riot exists which affects the life, health, property or the public peace, may proclaim a state of emergency in the area affected. The proclamation of a state of emergency and other proclamations issued pursuant to this section shall be in writing and shall be signed by the mayor and filed with the city clerk.
- (b) The mayor shall give as much public notice as practical through the news media of the issuance of proclamations pursuant to this section.
- (c) The state of emergency shall cease to exist upon the issuance of a proclamation of the mayor declaring its termination, provided that the mayor shall terminate the proclamation when order has been restored in the affected areas.

(Code 1984, § 13-508; Ord. No. 83-091806, § 1)

Sec. 24-240. Mayor's emergency powers.

- (a) The mayor, during the existence of a state of emergency, by proclamation, may in the area affected by public disorder, disaster or riot at the time the proclamation is issued, prohibit:
- (1) Any person being on the public streets, or in the public parks or at any other public place during the hours declared by the mayor to be a period of curfew;
 - (2) A designated number of persons from assembling or gathering on the public streets, parks or other areas either public or private;
 - (3) The manufacture, transfer, use, possession or transportation of a Molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;
 - (4) The transporting, possessing or using of gasoline, kerosene or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;
 - (5) The possession of firearms or any other deadly weapon by a person, other than a law enforcement officer, in a place other than that person's place of residence or business;
 - (6) The sale, purchase or dispensing of alcoholic beverages, including 3.2 beer;
 - (7) The sale, purchase or dispensing of other commodities or goods, as he reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;
 - (8) The use of certain streets, highways or public ways by the public; and
 - (9) Such other activities as he reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.
- (b) In imposing the restrictions provided in this section, the mayor may impose them for such times, upon such conditions, with such exceptions and in such areas as he from time to time deems necessary.

(Code 1984, § 13-509; Ord. No. 84-091806, § 1)

Sec. 24-241. Riots.

No three or more persons shall assemble together or act in concert to do any act with force or violence against the peace, or to the terror of others or make any movement or preparation thereof. No person who is present at the meeting or assembly shall fail to endeavor to prevent the commission or preparation of such an act.

(Code 1984, § 13-510; Ord. No. 85-091806, § 1)

Sec. 24-242. Emergency management staff.

For the purpose of assisting the co-directors of the emergency management organization, the establishment, organization and operation of staffing is hereby authorized and directed. There shall be a sufficient number of staff allowed, so as to enable the co-directors to adequately perform the functions and operations of the emergency management organization.

(Code 1984, § 13-511; Ord. No. 86-091806, § 1)

Sec. 24-243. Rules and regulations.

- (a) The co-directors shall as soon as practicable hereafter promulgate rules and regulations for the organization, operation and maintenance of the staff of the emergency management organization organized in this article. All members shall meet the requirements set forth in the prescribed rules and regulations.
- (b) When such rules and regulations are set by the co-directors, they shall be reduced to writing and be approved by the mayor and the city council and the same shall thereupon govern the membership and functions of such emergency management staff.

(Code 1984, § 13-512; Ord. No. 87-091806, § 1)

Sec. 24-244. Selection and authority of members.

- (a) The staff of the emergency management organization shall be selected by the co-directors, in a manner suitable for the position. The mayor, acting upon the recommendation of the co-directors, is authorized to nominate the city council members for the emergency management organization, but members of the emergency management organization shall not be authorized to act in such capacity except after due call.
- (b) The members of the emergency management organization shall act only upon due call issued by the co-directors or his authorized agent for such period as the co-directors shall designate.

(Code 1984, § 13-513; Ord. No. 88-091806, § 1)

Sec. 24-245. Compensation of members; eligibility for pension.

Members of the emergency management organization shall serve without compensation, including vehicle expenses, and shall not be considered members of the police or fire departments of the city and they shall not under any conditions become eligible for a pension from the police pension, fire pension and retirement fund of the city, but they shall be covered by worker's compensation.

(Code 1984, § 13-514; Ord. No. 89-091806, § 1)

Sec. 24-246. Identification of members.

The co-directors are authorized and directed to promulgate guidelines and standards for the proper identification of staff and vehicles.

(Code 1984, § 13-515; Ord. No. 90-091806, § 1)