

CHAPTER 27

CIVIL DEFENSE COUNCIL

Article
27-01 Municipal Civil Defense Council, §§ 27-0101 to 27-0108.

ARTICLE 27-01

MUNICIPAL CIVIL DEFENSE COUNCIL

Section
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27-0101. Policy and purpose.--Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hostile action, and in order to insure that preparations of this city will be adequate to deal with such disasters, and generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this city, it is hereby found and declared to be necessary:

- A. To establish a local civil defense council;
- B. To provide for the exercise of necessary powers during civil defense emergencies;
- C. 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 the carrying out of civil defense functions.

It is further declared to be the purpose of this ordinance and the policy of the city that all civil defense functions of this city be coordinated to the maximum extent practicable with the comparable functions of the federal government, of this state, and of 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.

Source: 1952 Rev. Ord. 27-0101.

27-0102. Creation.--There is hereby created the local municipal defense council of the city of Fargo, hereinafter referred to as the defense council. The mayor of the city of Fargo shall serve as chairman of the defense council and such other persons, not exceeding five in number, shall be

appointed by the mayor to serve as members thereof. The mayor shall designate one of the members so appointed as vice-chairman of the defense council, who shall be known as the director of civil defense of the city of Fargo, and who shall supervise and direct the activities and functions of the defense council, which activities and functions are hereinafter specified. The said director and each member of the defense council shall be appointed by the mayor for an indefinite term and may be removed by him at any time.

Source: 1952 Rev. Ord. 27-0102.

27-0103. Director--Powers and duties.--The director, with the consent of the mayor, shall represent the city on any regional or state organization for civil defense. He shall develop proposed mutual-aid agreements with other political subdivisions within or outside the state for reciprocal civil defense aid and assistance in a civil defense emergency too great to be dealt with unassisted, and he shall present such agreements to the council for its action. Such arrangements shall be consistent with the state civil defense plan and during a civil defense emergency, it shall be the duty of the civil defense agency and civil defense forces to render assistance in accordance with the provisions of such mutual-aid arrangements. Any mutual-aid arrangement with a political subdivision of another state shall be subject to the approval of the governor.

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 such departments and agencies shall, to the maximum extent practicable, cooperate with and extend such services and facilities to the local civil defense agency and to the governor upon request. The head of each department and agency, in cooperation with and under the direction of the director, shall be responsible for the planning and programming of such civil defense activities as will involve the utilization of the facilities of his department or agency.

The director shall direct and coordinate the general operations of all local civil defense forces during a civil defense emergency in conformity with controlling regulations and instructions of state civil defense authorities. The heads of departments and agencies shall be governed by his orders in respect thereto.

On or before the first of July in each year, the director shall file a report in writing with the mayor and the board of city commissioners which report shall summarize the activities of the defense council for the year and shall include an accounting for all monies spent during the year.

Source: 1952 Rev. Ord. 27-0103.

27-0104. Survey to be made.--With a view toward the provision of an adequate civil defense plan for the city, the defense council shall, immediately upon appointment, undertake a survey which shall include, but not be limited to, an appraisal and evaluation of:

- A. The availability of existing fire-fighting, engineering, communications, rescue, health, medical, police, transportation, construction, or other facilities and the minimum requirements for such service or facilities in the event of enemy attack upon the city or county or surrounding territory.
- B. The type and structure of a civil defense organization which could most efficiently and satisfactorily administer the civil defense program of the city.
- C. The personnel presently employed in the service of the city who are available for civilian defense work and the additional personnel which would be required as the result of the adoption of a final and adequate civil defense plan for the city.
- D. The extent to which volunteer civil defense workers would be required,

together with a study of the legally incurable liabilities, tort, contract, or otherwise, of the city with respect to such volunteer personnel.

- E. The means by which protection from sabotage or other internal hostility may be supplied.
- F. The extent to which training courses should be instituted for civil defense workers in order to provide an efficient and capable corps to handle disasters caused by enemy attack.
- G. The type of public information program needed to appraise the civilian populace of the proposed civil defense plan, and the manner in which such an information program should be maintained.
- H. The feasibility and desirability of providing for the evacuation of the civilian populace, or portions thereof, in time of enemy attack, as well as the provision of air raid warning systems, bomb shelters, and emergency medical, police, fire, and similar centers.
- L. The adequacy of available equipment, supplies, food, clothing, medical supplies, and shelter, and the extent to which they should be supplemented or increased.
- J. The maintenance of liaison with adjacent or other municipalities and with state and federal civil defense agencies, as well as a consideration of the need for mutual or reciprocal aid agreements with such other municipalities.
- K. The methods by which alternate supplies of electric, water, telephone, or other essential public utility services can be provided in the event of disruption of the present sources of supply.
- L. Any additional matters which are deemed necessary for the formulation of an adequate civil defense program for the city.

Source: 1952 Rev. Ord. 27-0104.

27-0105. Report to city commission.--At the earliest practicable date upon the completion of the survey required by § 27-0104, the defense council shall report its findings to the city commission in detail, and shall include in such report, for the purpose of authorizing an adequate civil defense plan for the city, recommendations as to each of the matters specified in § 27-0104. In addition, the defense council shall provide an estimate to the board of city commissioners of the cost which would be entailed through adoption of each or any of its recommendations, and shall also outline the sufficiency of existing legal authority in the city to accomplish and effectuate the specific recommendations of the defense council. In the event that the enabling authority is found by the defense council to be inadequate, its report shall then contain recommendations as to the type of authority needed, together with suggested ordinance provisions, charter amendments, or state legislation which would supply the required legal authority to the city to act. The findings and recommendations of the defense council, made pursuant to the survey required by § 27-0104, shall be promptly considered by the board, and may be adopted, modified, or returned to the defense council for change or further action.

Source: 1952 Rev. Ord. 27-0105.

27-0106. Personnel.--Subject to the prior approval of the board of city commissioners, the defense council is authorized to employ such persons as may be necessary to carry out its functions. Persons so employed shall be subject, however, to all laws, ordinances, and regulations governing the employees of this city except that said employees shall not be participants in any of the pension

plans of the city and shall not be entitled to any rights or privileges thereunder.

Source: 1952 Rev. Ord. 27-0106.

27-0107. Expenses and contracts.--The defense council shall have no right to expend any public funds of the city without prior written approval of the board of city commissioners, nor shall it have any right to bind the city by contract, agreement, or otherwise without prior written approval of the board.

Source: 1952 Rev. Ord. 27-0107.

27-0108. Immunity and exemption.--All functions hereunder and all other activities relating to civil defense are hereby declared to be governmental functions. Neither the state nor any political subdivision or their departments and agencies, nor any civil defense worker complying with or reasonably attempting to comply with this article, or any order, rule or regulation promulgated pursuant to the provisions of this article, or pursuant to any ordinance relating to blackout or other precautionary measures enacted by any political subdivision of the state, except in case of willful misconduct, gross negligence, or bad faith, shall be liable for the death of or injury to persons, or for damage to property, as a result of any such activity. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this article, or under the workmen's compensation law, or under any pension law, or the right of any such person to receive any benefits or compensation under any act of Congress.

Any requirement for a license to practice any professional, mechanical or other skill shall not apply to any authorized civil defense worker who shall, in the course of performing his duties as such, practice such professional, mechanical or other skill during a civil defense emergency.

Source: 1952 Rev. Ord. 27-0108.