

AN ORDINANCE

PROVIDING FOR A CIVIL DEFENSE ORGANIZATION AND FOR
PROTECTION AND PROMOTION OF PUBLIC SAFETY, HEALTH,
AND WELFARE IN THE (CITY) (VILLAGE) OF Superior
DURING CIVIL DEFENSE
EMERGENCIES

The The Town Board Town Superior
(Common Council) (Village Board) Of the (City) (Village) Of
Do Ordain As Follows:

SECTION 1. Policy and Purpose.

(a) "Civil Defense" shall mean the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or by fire, flood or other natural causes.

(b) By reason of the increasing possibility of disasters of unprecedented size and destructiveness, and to insure that preparations will be adequate to cope with such disasters, and to provide for the common defense, to protect the public peace, health, safety, and general welfare, and to preserve the lives and property of the people, it is hereby declared necessary:

- (1) To establish a local civil defense organization,
- (2) To provide for the exercise of necessary powers during civil defense emergencies; and
- (3) To provide for the rendering of cooperation and mutual aid between this (city) (village) and other political subdivisions. Town

Town (c) It is further declared to be the purpose of this ordinance and the policy of the (city) (village) that all civil defense functions of this (city) (village) be coordinated to the maximum extent practicable with existing services and facilities of this (city) (village) and with comparable functions of the federal, state and county government and other political subdivisions, and of various private agencies to the end that the most effective preparation and use may be made of manpower, resources, and facilities for dealing with any disaster that may occur.

SECTION 2. Civil Defense Commission.

(a) How Constituted.

Chairman There is hereby created a civil defense commission composed of the (mayor*) (village president) and as many additional members as may be determined by the (common council) (village board), by resolution who shall be appointed by the (mayor) (village president), subject to the confirmation of the (common council) (village board), and who shall serve without compensation. The (mayor) (village president) shall serve as chairman of the commission and the civil defense director shall serve as secretary of the commission. Town Chairman Board Town

(b) Duties of Defense Commission.

The civil defense commission shall be an advisory and planning group and shall advise the (mayor) (village president), director and the (common council) (village board) on all matters pertaining to civil defense. The civil defense commission shall meet upon the call of the chairman. Town Board

SECTION 3. Civil Defense Director.

(a) Appointment.

The office of director of civil defense is hereby created. The director shall be appointed by the (mayor) (village president) subject to confirmation by the (common council) (village board) and shall receive such salary as may be authorized by the (common council) (village board). He shall take and file an official oath. Town Board

Deputy and assistant directors may be appointed by the director, subject to the approval of the civil defense commission, as may be deemed necessary, and such appointees shall receive such compensation as may be determined by the (common council) (village board). *Town Board*

(b) Duties and Authority of Director.

(1) The director shall be the executive head of the civil defense organization and shall have direct responsibility for the organization, administration and operation of the civil defense organization subject to the direction and control of the (mayor) (village president) and the (common council) (village board). He shall coordinate all activities for civil defense within the (city) (village), and shall maintain liaison and cooperate with civil defense agencies and organizations of other political subdivisions and of the state and federal government, and shall participate in county and state civil defense activities upon request, and shall have such additional authority, duties, and responsibilities as are authorized by this ordinance and as may from time to time be required by the (common council) (village board). *Town Board*

Town Board
(2) The director shall prepare a comprehensive general plan for the civil defense of the (city) (village) and shall present such plan to the (common council) (village board) for its approval. When the (common council) (village board) has approved the plan by resolution, it shall be the duty of all municipal agencies and all civil defense forces of the (city) (village) to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner.

SECTION 4. Utilization of Existing Services and Facilities.

In preparing and executing the civil defense plan, the director shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the (city) (village) to the maximum extent practicable; and the officers and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities to the director.

SECTION 5. Emergency Regulations.

Whenever necessary to meet a civil defense emergency for which adequate regulations have not been adopted by the (common council) (village board), the (mayor) (Village president) and in his absence, the director of civil defense, may by proclamation promulgate and enforce such orders, rules and regulations relating to the conduct of persons and the use of property as shall be necessary to protect the public peace, health and safety, and preserve lives and property and to insure the cooperation necessary in civil defense activities. Such proclamations shall be posted in three public places and may be rescinded by the (common council) (village board) by resolution at any time. *Town Board*

SECTION 6. Mutual Aid Agreements.

The director of civil defense may, subject to the approval of the (common council) (village board), enter into mutual aid agreements with other political subdivisions. Copies of such agreements shall be filed with the state director of civil defense.

SECTION 7. Declaration of Emergencies.

Town Chairman
Upon the declaration by the governor, by the (mayor) (village president) or the civil defense director in the absence of the (mayor) (village president), or by the (common council) (village board) of a state of emergency, the director of civil defense shall issue all necessary proclamations as to the existence of such state of emergency and shall issue such disaster warnings or alerts as shall be required in the civil defense plan.

The civil defense organization shall take action in accordance with the civil defense plan only after the declaration of an emergency and the issuance of

official disaster warnings. Such state of emergency shall continue until terminated by the issuing authority, provided that any such declaration not issued by the governor may be terminated at the discretion of the (common council) (village board).

SECTION 8. Penalties.

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 order, rule, regulation, or plan issued pursuant to this ordinance, or to do any act forbidden by any order, rule, regulation, or plan issued pursuant to the authority contained in this ordinance. For a violation of any of the provisions of this ordinance he shall forfeit not less than \$100 nor more than \$500, and in default of payment thereof, shall be imprisoned in the county jail for a period not exceeding 90 days.

SECTION 9.

This ordinance shall take effect and be in force from and after its passage and (publication) (posting). 26- 12- 57
J. T. Flynn ec

-Approved by Model Ordinance Committee, League of Wisconsin Municipalities:
Chairman - City Attorney Robert J. Cunningham, Janesville
Village Attorney - A. J. Aschenbrener, Kohler
City Attorney - John J. Jeffrey, Wisconsin Rapids
League Legal Counsel - Robert D. Sundby, ex officio

LOYALTY OATHS

The new state law provides:

"No person shall be employed or associated in any capacity in any civil defense organization established under this section who advocates a change by force or violence in the constitutional form of the government of the United States or in this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States."

In view of this provision it is not necessary that the ordinance include provisions requiring the taking of oath or setting forth the form of oath. The federal civil defense act also requires loyalty as a condition for receiving federal aid. However, some municipalities may wish to include this provision, and there is presented below a sample provision suggested by the state office of civil defense. The form may be used even though not included in the ordinance.

"I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States and the state of Wisconsin against all enemies, foreign and domestic; that I will bear true faith and allegiance and that I will well and faithfully discharge the duties I have entered or am about to enter.

"And I do further swear (or affirm) that I do not advocate nor am I a member or affiliate of any political party or organization 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 affiliated with the _____ civil defense organization I will not advocate nor become a member or an affiliate of any political party or organization that advocates the overthrow of the Government of the United States by force or violence.

"And I do further swear (or affirm) that I have not been convicted of, nor am I under indictment or information charging any subversive act against the United States."

Signature

~~Notary Public~~ Signature of
Person Authorized to Administer Oaths

Date _____