

2.34 – Civil Emergency

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2.34.010 – Definitions

- A. A "civic emergency" includes a "state of emergency," and a "local disaster emergency," and is defined to be:
 - 1. A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law; or
 - 2. Any natural disaster or manmade calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the city, resulting in the death or injury of persons, or the destruction of property, to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare. (Ord. 1996-M-53 § 7.)
- B. "Curfew" means a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the city, excepting officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.

(1978-M-35 : § 1 (part); 1968-20 : § 1)

2.34.020 – Proclamation of emergency - Authority of Mayor

Whenever an emergency as defined in Section 2.34.010 exists, the mayor shall declare the existence by means of a written declaration setting forth the facts which constitute the emergency.

(1968-20 : § 2)

2.34.030 – Proclamation of emergency - Effective period

The proclamation authorized in this chapter shall be effective for a period of forty-eight hours unless sooner terminated by a proclamation of the mayor indicating that the civil emergency no longer exists. The mayor shall have the power to re-proclaim the existence of a civil emergency at the end of each forty-eight hour period during the time the civil emergency exists. However, the power to proclaim the existence of a local disaster emergency shall further have a maximum limitation of seven days, except by or with the consent of the city council; and the declaration of a state of emergency shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared.

(1978-M-35 : § 1 (part); 1968-20 : § 5)

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2.34.040 – Proclamation of emergency - Posting required where

Upon issuing the proclamation authorized in this chapter, the chief of police shall notify the news media situated within the city, and shall cause three copies of the proclamation declaring the existence of the emergency to be posted at the following places within the city:

- A. The municipal building;
- B. The police station; and
- C. The post office.

(1968-20 : § 6)

2.34.050 – Curfew - Authority - Applicability

After proclamation of a civil emergency by the mayor, he may order a general curfew applicable to such geographical areas of the city or to the city as a whole, as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.

(1968-20 : § 3)

2.34.060 – Executive order

After the proclamation of a civil emergency, the mayor of the city may also in the interest of public safety and welfare make any or all of the following executive orders:

- A. Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted;
- B. Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer;
- C. Order the discontinuance of selling, distributing, dispensing or giving of any firearms or ammunition of any character whatsoever;
- D. Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;
- E. Issue such other orders as are imminently necessary for the protection of life and property.

(1968-20 : § 4)

2.34.070 – Provisions not to impair power of police and fire departments

Nothing contained in this chapter shall be construed to impair the powers contained in the municipal code of the city, giving powers to the police and fire departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the city.

(1968-20 : § 9)

2.34.080 – Violation - Penalty

Any person violating the provisions of this chapter or executive order issued pursuant thereto shall be guilty of an offense against the city and shall be punishable by a fine not to exceed five hundred dollars.

(1968-20 : § 7)