

TITLE V: PUBLIC SAFETYCHAPTER 50: LOCAL STATE OF EMERGENCY

50-1: LOCAL STATE OF EMERGENCY. The following shall regulate a local state of emergency within the City.

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

Emergency: (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, epidemic, or manmade calamity, including outbreak of disease, flood, conflagration, cyclone, tornado, earthquake or explosion, or eminent threat of any of those events within the corporate limits of the city, resulting in or threatening 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.

Curfew: a prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the city except officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.

(B) DECLARATION. Whenever an emergency, as defined in subsection (a) of this section exists, the Mayor is authorized to declare the existence of a Local State of Emergency by means of a written declaration of the Mayor, under oath, setting forth the facts which constitute the emergency, describing the nature of the emergency and declaring that a Local State of Emergency exists in accordance with the definitions set forth in this section. This declaration must be filed with the municipal clerk as soon as practicable after issuance.

(C) CURFEW AUTHORIZED. After proclamation of a Local State of Emergency by the Mayor, he or she may order a general curfew applicable to such geographical areas of the city or to the city as a whole, as he or she deems reasonable and advisable, and applicable during such hours of the day or night as he or she deems necessary in the interest of the public safety and welfare.

(D) ORDERS AUTHORIZED. After the proclamation of a Local State of Emergency, the Mayor may also, in the interest of public safety and welfare, and to address the issues caused or threatened by the emergency, may take any or all of the following actions by executive order during the state of emergency:

(1) All actions reasonably necessary to respond to the emergency;

(2) Approve previously appropriated expenditures of the city for the purpose of continuing the operations of the municipality; and

(3) In the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the Mayor shall be authorized to approve new spending by the City during the existence of the Local State of Emergency;

(4) 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;

(5) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer;

(6) 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;

(7) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(E) DURATION. The declaration herein authorized shall be effective for a period of up to the adjournment of the next regular or special meeting of the city council, whichever comes first, unless sooner terminated by a proclamation of the Mayor, or his or her interim emergency successor, indicating that the civil emergency no longer exists. The Mayor, or his or her interim emergency successor, shall have the power to re-proclaim the existence of an emergency at the end of each period during the time said emergency exists.

(F) NOTICE. Upon issuing the proclamation herein authorized, the municipal clerk shall notify the news media situated within the City, and shall cause at least four copies of the proclamation declaring the existence of the emergency and any curfew to be posted at the following places within the city: the city hall, the police station, the post office, and in the area of any curfew.

(G) VIOLATIONS. Any person violating the provisions of this section or executive orders issued pursuant hereto shall be guilty of an offense against the City and shall be punished as provided by Chapter 4 of the Code.

(H) EFFECT ON OTHER ORDINANCES. Nothing contained in this section shall be construed to impair the powers contained in this Code, 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.

50-2 TO 50-3: RESERVED.