

133.07 DECLARATION OF CIVIL EMERGENCY

(a) Definitions.

(1) "Civil Emergency" is defined as the following:

A. A riot or unlawful assembly characterized by the use of force or violence or any threat to use such force by three or more persons acting together without the authority of law; or

B. Any natural disaster or man-made calamity, including but not limited to flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the city, resulting or reasonably expected to result in the death or injury of persons or the destruction of property to such an extent that extra-ordinary measures must be taken to protect the public health, safety and welfare.

(2) "Curfew" is defined as 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 persons officially designated to duty with reference to a civil emergency.

(b) Consultation by the Mayor. Upon receipt by the Mayor of information that a civil emergency may exist or that a threat of civil emergency may exist, the Mayor shall consult with the Director of Law, the Chiefs of the Police and Fire Departments, the Director of Public Service, the Director of Public Safety, and any other City officials as the Mayor deems appropriate.

(c) Determination of State of Civil Emergency and Powers of Mayor. Based on information received by the City officials whenever in the judgment of the Mayor, or his or her designee, there is substantial evidence that a state of civil emergency exists or the threat of a state of civil emergency exists as defined herein, the Mayor or his or her designee shall, in addition to all other powers granted him by the laws of this State and the ordinances of the city, be empowered, in order to suppress such actions and preserve the peace and order of the city and to protect its citizens and their property, to issue a proclamation declaring a state of civil emergency to exist, and may thereby exercise the powers granted in the following subsections, during the period for which the state of emergency exists or during the curfew hours:

(1) To impose a curfew upon all or any portion of the city, as designated therein, as he or she may deem advisable during such hours of the day or night as he or she determines necessary in the interest of the public safety and welfare, and during which all persons shall remove themselves to their places of residence and remain off and away from the public streets, sidewalks, parkways, parks and all other public or open places, and no persons shall assemble, gather, loiter or otherwise congregate in any manner in groups, assemblies or meetings in any place for any purpose whatsoever. However, persons performing medical services, essential public utility services, public officials,



police officers, firefighters and all other persons explicitly enumerated in such proclamation, may be exempted from curfew.

(2) To order the closing of any and all business establishments throughout the city or any portion thereof.

(3) To 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.

(4) To order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution or dispensing of gasoline or other liquid flammable or combustible products.

(5) To designate any public place, public street, thoroughfare, boulevard, parking area and any other place closed to motor vehicles and pedestrian traffic.

(6) To order all regular, special and auxiliary police officers, firefighters, and other conservators of the peace to report for duty assignment, such reporting to be in accordance with prearranged plans or under the direction of lawful authority.

(7) To call upon the National Guard and/or State Highway Patrol for assistance.

(d) Proclamations. The proclamation of emergency shall become effective immediately upon its execution and issuance by the Mayor, and the original thereof shall be filed and remain in the office of the City Auditor. Dissemination of information as to the proclamation shall be made to the public by appropriate news media, or, if time does not permit, any other form of oral or written public announcement calculated to inform the public as to the existence of the proclamation.

(e) Duration of Emergency. Any emergency proclaimed in accordance with the provisions of this section shall terminate after forty-eight hours from the issuance thereof, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first. However, such emergency order may be extended by an additional proclamation by the Mayor for an additional period of time up to 7 days from the initial date of the order. A civil emergency that lasts longer than 7 days from the date of initial issuance of the order, must be ratified by City Council to continue longer than 7 days.

(f) Any person who willfully fails or refuses to comply with the orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the proclamation of emergency authorized herein, shall be deemed guilty of a misdemeanor of the first degree.