

Chapter 5

CIVIL DEFENSE*

* **Editors Note:** An ordinance of Sept. 21, 1981, did not expressly amend the Code; hence codification of Art. I, §§ 1--9 and 11 as Ch. 5, §§ 5-1--5-10, has been at the editor's discretion.

Cross References: Administration, Ch. 2.

Charter References: Powers and duties of town administrator, Art. V, § 6.

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Sec. 5-1. Short title.

This chapter shall be known and may be cited and referred to as the "Civil Defense Ordinance of the Town of North Smithfield."

(Ord. of 9-21-81, Art. I, § 1)

Sec. 5-2. Intent and purpose.

(a) It is the intent and purpose of the chapter to establish an office that will insure the complete and efficient utilization of all of the town's facilities to combat disaster resulting from enemy actions or other disasters as defined herein.

(b) The North Smithfield Office of Civil Defense will be the coordinating agency for all activity in connection with civil defense; it will be the instrument through which the town administrator may exercise the authority and discharge the responsibilities vested in him in Rhode Island Civil Preparedness Act, State of Rhode Island Public Acts of 1973, as amended, Article V, section 6.11 of the Town Charter, as amended, and this chapter.

(c) This chapter will not relieve any town department of the moral responsibilities or authority given to it in the Town Charter or by local ordinance, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

(Ord. of 9-21-81, Art. I, § 2)

Sec. 5-3. Definitions.

The following definitions shall apply in the interpretation of the article:

Attack shall mean a direct or indirect assault against the town, its government, its environs, or the nation, by the forces of a hostile nation or the agents thereof, including assault by bombing, radiological, chemical or biological warfare, or sabotage.

Civil defense in its broad meaning is to carry out basic government functions of maintaining the public peace, health and safety during an emergency. This shall include plans and coordination of effort and resources for the nonmilitary defense and disaster recovery for the town.

Civil defense forces shall mean the employees, equipment and facilities of the town departments, boards, institutions and commissions; and, in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.

Civil defense volunteer shall mean any person duly registered, identified and appointed by the coordinator of the office of civil defense and assigned to participate in the civil defense activity.

Director [town administrator] shall mean the town administrator or his designated alternate duly appointed in accordance with Article XV of the Town Charter.

Director [coordinator of the office of civil defense] shall mean the coordinator of the North Smithfield Office of Civil Defense, appointed as prescribed in this chapter.

Disaster includes but is not limited to actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic or other impending or actual calamity endangering or threatening to endanger health, life or property or constituted government.

Regulations shall include plans, programs, and other emergency procedures deemed essential to civil defense.

Volunteer shall mean contributing a service, equipment or facilities to the civil defense organization without remuneration.

(Ord. of 9-21-81, Art. I, § 3)

Sec. 5-4. Organization and appointment.

(a) The town administrator is hereby authorized and directed to create an organization for civil defense utilizing to the fullest extent the existing agencies within the town. The town administrator, as executive head of the municipal government, shall be responsible for their organization, administration and operations.

(b) The organization shall consist of the following:

(1) An office of civil defense within the executive department of the town government and under the direction of the town administrator. There shall be an executive head of office of civil defense, who shall be known as the director of office of civil defense, and such assistants and other employees as are deemed necessary for the proper functioning of the organization. On some occasions the coordinator may be referred to as the director, office of civil defense.

(2) The employees, equipment and facilities of all town departments, boards, institutions and commissions, will participate in the civil defense activity. Duties assigned to a town department shall be the same or similar to the normal duties of the department.

(3) Volunteer persons and agencies offering service to, and accepted by, the town.

(c) The civil defense director (town administrator) shall appoint a director of the North Smithfield Office of Civil Defense who shall be a person well versed and trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of danger from enemy action or disaster as defined in this chapter.

(d) The civil defense director shall designate and appoint deputy directors to assume the emergency duties of the director in the event of his absence or inability to act. (This designation to be compatible with the provisions of Article V of the Town Charter.) The intent being that there will always and at all times be a town administrator civil defense director in charge in the town.

(Ord. of 9-21-81, Art. I, § 4)

Sec. 5-5. Emergency powers and duties.

(a) *The town administrator.*

(1) The civil defense director may exercise the emergency power and authority necessary to fulfill his general powers and duties as defined in Article V of the Town Charter. The judgment of the civil defense director shall be the sole criteria necessary to invoke emergency powers provided in the Town Charter, the Ordinance Code and other appropriate authorities. The town council may convene to perform its legislative and administrative powers as the situation demands, and shall receive reports relative to civil defense activities. Nothing in this chapter shall be construed as abridging or curtailing the powers or restrictions of the town council as defined in Article IV of the Town Charter.

(2) During any period when disaster threatens or when the town has been struck by disaster within the definition of this chapter the town administrator may promulgate such regulations as he deems necessary to protect life and property and preserve critical resources. Such regulations may include, but shall not be limited to, the following:

- a. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of civil defense forces, or to facilitate the mass movement of persons from critical areas within or without the town.
- b. Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.
- c. Such other regulations necessary to preserve public peace, health and safety.
- d. Regulations promulgated in accordance with the authority above will be given widespread circulation by proclamations published and uttered by newspaper and radio. These

regulations will have the force of ordinance when duly filed with the town clerk and violations will be subject to the penalties provided in Chapter I, section 1-9 of the Town Code.

- (3) The civil defense director shall order civil defense forces to the aid of other communities when required in accordance with the statutes of the state, and he may request the state, or a political subdivision of the state, to send aid to the town in case of disaster when conditions in the town are beyond the control of the local civil defense forces.
 - (4) The civil defense director may obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people, and bind the town for the fair value thereof.
 - (5) The civil defense director may require emergency services of any town officer or employees. If regular town forces are determined inadequate, the director may require the services of such other personnel as he can obtain that are available, including citizen volunteers. All duly authorized persons rendering emergency service shall be entitled to the privileges and immunities as are provided by state law, the Town Charter and ordinances for regular town employees and other registered and identified civil defense and disaster workers and, upon demand, may receive appropriate compensation for their emergency employment.
 - (6) The civil defense director will cause to be prepared the basic plan herein referred to and to exercise his ordinary powers as town administrator, all of the special powers conferred upon him by the Town Charter and the Ordinance Code of the town all powers conferred upon him by any statute, or any other lawful authority.
- (b) *Director of the office of civil defense.*
- (1) The director of the office of civil defense shall be responsible to the town administrator in regard to all phases of the civil defense activity. Under the supervision of the town administrator he shall be responsible for the planning, coordination and operation of the civil defense activity in the town.
 - (2) Under the supervision of the town administrator, he shall maintain liaison with the state and federal authorities and the authorities of other nearby political subdivisions as to insure the most effective operation of the civil defense plan. His duties shall include, but not be limited to, the following:
 - a. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the town for civil defense purposes.
 - b. Development and coordination of plans for the immediate use of all the facilities, equipment, manpower and other resources of the town for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.

- c. Negotiating and concluding agreements with owner or persons in control of buildings or other property for the use of such buildings or other property for the civil defense purposes and designating suitable buildings as public shelters.
- d. Through public informational programs, educating the civilian population as to action necessary and required for the protection of their persons and property in case of enemy attack, or disaster, as defined herein, either impending or present.
- e. Conducting public practice alerts to insure the efficient operation of the civil defense forces and to familiarize residents with civil defense regulations, procedures and operations.
- f. Coordinating the activity of all other public and private agencies engaged in any civil defense activity.
- g. Assuming such authority and conducting such activities as the town administrator may direct to promote and execute the civil defense plan.

(Ord. of 9-21-81, Art. I, § 5)

Sec. 5-6. Civil defense and disaster basic plan.

(a) A comprehensive civil defense and disaster basic plan shall be adopted and maintained by resolution of the town council upon the recommendation of the town administrator. In the preparation of this plan as it pertains to town organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all municipal departments and agencies to perform the function assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The basic plan shall be considered supplementary to this chapter and have the effect of law whenever a disaster, as defined in this chapter, has been proclaimed.

(b) The director shall prescribe in the basic plan those positions within the disaster organization, in addition to his own, for which lines of succession are necessary. In each instance the responsible person will designate and keep on file with the director a current list of three persons as successors to his position. The list will be in order of succession and will as nearly as possible designate persons best capable of carrying out all assigned duties and functions.

(c) Each service chief and department head assigned responsibility in the basic plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned town employees and volunteers. Each chief shall formulate the operational plan for his service which, when approved, shall be an annex to and a part of the basic plan.

(d) Amendments to the basic plan shall be submitted to the town administrator. If approved, the town administrator will submit the amendments to the town council with his recommendations for their approval. Such amendments shall take effect 30 days from the date of approval unless action is taken by the town council disapproving the town administrator's submission. In the event an amendment is pending at the time that a disaster is proclaimed under provisions of this chapter, the amendment will be considered approved immediately and will remain effective unless specifically revoked by the town council.

(e) When a required competency or skill for a disaster function is not available within the town government, the director is authorized to seek assistance from person outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons so assigned to carry out such duties prior to, during, and after the occurrence of a disaster. Such services from persons outside of government may be accepted by the town on a volunteer basis. Such citizens shall be enrolled as civil defense volunteers in cooperation with the heads of town departments affected.

(f) Some of the duties ascribed to the director in this section will ordinarily be handled as a matter of routine by the coordinator, but responsibility and authority stem from and remain with the director.
(Ord. of 9-21-81, Art. I, § 6)

Sec. 5-7. No municipal or private liability.

(a) This chapter is an exercise by the town of its governmental function for the protection of the public peace, health and safety, and neither the town nor agents and representatives of the town, or any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this chapter, shall be liable for any damage sustained to persons or property as the result of said activity.

(b) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the town the right to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack shall not be civilly liable for the death of, or injury to, any persons on or about such real estate or premises under such license, privilege or other permission, or for loss of, or damage to, the property of such person.
(Ord. of 9-21-81, Art. I, § 7)

Sec. 5-8. Violation of regulations.

It shall be unlawful for any person to violate any of the provisions of this chapter or of the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the civil defense organization as herein defined in the enforcement of the provisions of this chapter or any regulation or plan issued thereunder.
(Ord. of 9-21-81, Art. I, § 8)

Sec. 5-9. Penalty.

Any person, firm or corporation violating any provision of this chapter, or any rule or regulation promulgated thereunder, upon conviction thereof, shall be punished by a fine of not more than \$500.00, and costs of prosecution, or in the discretion of the court.
(Ord. of 9-21-81, Art. I, § 9)

Sec. 5-10. Conflicting ordinances, orders, rules and regulations suspended.

At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be

inconsistent therewith.
(Ord. of 9-21-81, Art. I, § 11)