

Amending Title 6, Chapter 128 of the Minneapolis Code of Ordinances relating to Civil Defense and Disaster Relief: Civil Defense, by designating the Chief of the Minneapolis Fire Department as the person in the City responsible for emergency preparedness and management.

CHAPTER 128. CIVIL DEFENSE EMERGENCY PREPAREDNESS AND MANAGEMENT

128.10. Declaration of necessity and policy. Because of the existing and increasing possibility of the occurrence of disasters and emergencies of unprecedented size and destruction, ~~and by reason of any natural disturbance or catastrophe,~~ in order to ensure that the preparations of the city will be adequate to deal with such disasters and emergencies, and generally to ~~provide for the common defense and to~~ protect the public peace, health and safety, and to preserve the lives and property of the people of the city, it is hereby found and declared to be necessary:

- (a) To establish a local ~~civil defense agency~~ Office of Emergency Preparedness and Management;
- (b) To provide for the exercise of necessary powers during ~~civil defense~~ declared emergencies;
- (c) To provide for the rendering of mutual aid between the city and other political subdivisions of this state and of other states with respect to the carrying out of ~~civil defense~~ emergency preparedness and management functions;
- (d) To provide for the promotion and protection of the public health, safety and welfare in the event of ~~natural catastrophes or disturbances~~ declared emergencies.

It is further declared to be the purpose of this chapter and the policy of the city that all ~~civil defense~~ emergency preparedness and management functions of the city be coordinated to the maximum extent practicable with the comparable functions of the federal government, of the State of Minnesota, and of other states and localities, and of private agencies of every type, to the end that the most effective preparations and use may be made of the nation's ~~manpower,~~ resources and facilities for dealing with any disaster that may occur. (Code 1960, As Amend., § 900.010)

128.20. Definitions. For the purposes of this chapter, the terms defined in this section shall have the following meanings:

~~Civil defense~~ *Emergency Preparedness and Management.* The preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters, whether caused by enemy attack, sabotage or other hostile action, or by any natural catastrophe or disturbance. These functions shall include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering and warning services, communications, radiological, chemical and other special weapons of defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration

of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to preparation for and carrying out of the foregoing functions.

~~Civil defense emergency~~ Emergency Declaration. An emergency declared by the governor under the Minnesota Statutes, Section 12.31, or where declared as hereinafter provided by the city because of any large-scale or complex emergency unprecedented or severe natural catastrophe.

~~Civil defense forces~~ Emergency Preparedness and Management Forces. Except in a declared emergency, Emergency preparedness and management forces shall mean any personnel employed by the city and assigned by city department heads for service and for specific activities in preparation for civil defense emergency preparedness and any other volunteer or paid member of the civil defense agency office of emergency and preparedness and management engaged in carrying on civil defense emergency preparedness and management functions in accordance with the provisions of this chapter or any rule or order thereunder. (Code 1960, As Amend., § 900.020; 81-Or-150, § 1, 6-12-81)

128.30. ~~Civil defense agency~~ Office of Emergency Preparedness and

Management. There shall be, within the executive office of the mayor, a ~~civil defense agency~~ an office of emergency preparedness and management which shall be under the supervision and control of a ~~director of civil defense, hereinafter called the director~~ the chief of the Minneapolis fire department, hereinafter called the fire chief. ~~The mayor, with the approval and consent of the city council, shall have the power to appoint or remove the director.~~ The city council shall determine the salary to be paid to the ~~director~~ fire chief and provide for the necessary expenses of the civil defense agency office of emergency preparedness and management. The ~~director~~ fire chief shall have direct responsibility for the organization, administration and operation of the civil defense agency office of emergency preparedness and management, subject to the direction and control of the mayor. The civil defense agency office of emergency preparedness and management shall be organized, consistent with state and city defense emergency management plans, as the ~~director~~ fire chief deems necessary to provide for efficient performance during a local civil defense a declared emergency, to coordinate city planning and preparation for disaster emergency relief, to provide liaison and coordination with federal, state, county and local jurisdictions relative to civil defense emergency preparedness and management activities, and to assure implementation of federal and state civil defense emergency preparedness and management program requirements. (Code 1960, As Amend., § 900.30; 81-Or-150, § 2, 6-12-81)

128.40. Transportation of radioactive material. The ~~director~~ fire chief shall transmit, immediately upon the passage of this section and annually thereafter during the month of December, to the mayor and to the city council an assessment of the adequacy of emergency response capability, and the safety of the transportation of radioactive material, as defined, licensed and regulated in Title 10 CFR part 71 and 49 CFR parts 171--177, through, into, or out of the City of Minneapolis.

The ~~director~~ fire chief shall make such assessment:

- (1) After consultation and coordination with the owner and/or consignee of the material, the transporter of the material, the health, police, and fire departments

of the city, and the State of Minnesota;

- (2) After consideration of the requirements of and certifications to other agencies responsible for the regulation of such transportation and the performance capabilities of the equipment to be utilized; and
- (3) After consideration of the method of transportation to be used, the route or routes of travel, timing, and any unique local features of the route or routes involving potential disturbance to the shipment or susceptibility to harm of the locale or persons nearby.

In such transmittal, the ~~director~~ fire chief shall delineate the resources available for emergency response, the sources of such resources, the training level of the resources, the rapidity of response from each source, the coordination of the responses as planned, and the plans of other agencies, owner, transporter, and the state to respond to any incident. (84-Or-216, § 1, 11-21-84)

128.50. Declaration of emergency. (a) A local emergency may be declared only by the mayor or the mayor's legal successor. It shall not be continued for a period in excess of three (3) days except by or with the consent of the city council, any order, or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed promptly by the city clerk. Whenever in the judgment of the mayor any unprecedented or severe ~~manmade or natural~~ catastrophe or disaster shall warrant it, an emergency may be declared and the provisions of this chapter may be invoked. However, within seventy-two (72) hours after such declaration of emergency, a regular meeting or special meeting of the city council shall be called for the ratification of such emergency declaration, and if such emergency declaration is not approved at this city council meeting, or is disapproved at any subsequent city council meeting, it shall terminate forthwith.

- (b) During any such emergency the mayor shall have the further authority to impose curfew hours on public streets or other public places, the closing of businesses that sell guns or materials such as dynamite or gasoline that could be converted easily to explosives, and the closing of liquor stores, bars and 3.2 beer taverns.
- (c) Any declaration or emergency may be limited by the mayor so as to initiate only the curfew and closing of businesses provisions of this chapter and such portions of the ~~civil defense~~ emergency management plan which are deemed necessary to meet the particular emergency. (Code 1960, As Amend., § 900.50; 81-Or-150, § 4, 6-12-81; Pet. No. 249957, § 1, 7-28-89)

128.60. Mayor may proclaim emergency regulations. Whenever necessary to ~~meet a civil defense~~ prepare for or manage an emergency or to ~~prepare for such an~~ emergency for which adequate regulations have not been adopted by the governor or the city council, the mayor, by proclamation, may promulgate regulations, consistent with applicable federal or state law or regulation, respecting: Protection against enemy attacks; the sounding of warning devices; the conduct of persons and the use of property during alarms; the repair, maintenance and safeguarding of essential public services; emergency health, fire and safety regulations; trial drills or practice periods required for preliminary training; and all other matters which are required to protect

public safety, health and welfare in ~~civil defense~~ declared emergencies. No regulation governing observation of enemy aircraft, enemy attack, alarms or illumination during enemy attacks shall be adopted or take effect unless approved by the state ~~director, division of emergency services,~~ department of public safety. (Code 1960, As Amend., § 900.200; 81-Or-150, § 5, 6-12-81)

128.70. Posting emergency regulations. Every proclamation of emergency regulations shall be in writing and signed by the mayor, shall be dated, shall refer to the particular ~~civil defense~~ emergency to which it pertains, if so limited, and shall be filed in the office of the city clerk, where a copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulations and its availability for inspection at the clerk's office shall be conspicuously posted at the front of the city hall or other headquarters of the city and at such other places in the affected area as the mayor shall designate in the proclamation. Thereupon, the regulations shall take effect immediately or at such later time as may be specified in the proclamation. By like proclamation, the mayor may modify or rescind any such regulations. (Code 1960, As Amend., § 900.210)

128.80. Effective period of emergency regulations. The city council may rescind any such regulations at any time. If not sooner rescinded, every such regulation shall expire at the end of thirty (30) days after its effective date or at the end of ~~the civil defense~~ emergency to which it relates, whichever occurs first. (Code 1960, As Amend., § 900.220)

128.90. Suspension of inconsistent rules. Any ordinance, rule or regulation inconsistent with any emergency regulation promulgated by the mayor shall be suspended during the period of time and to the extent that such conflict exists. (Code 1960, As Amend., § 900.230)

128.100. Mutual aid agreements. The ~~director~~ fire chief, with the consent of the mayor, shall represent the city on any regional or state organization for ~~civil defense emergency preparedness and management~~. The ~~director~~ fire chief shall develop proposed mutual aid agreements with other political subdivisions within or outside the state for reciprocal ~~civil defense aid and~~ emergency preparedness and management assistance in a ~~civil defense an~~ emergency too great to be dealt with unassisted, and shall present such agreements to the city council for its approval or disapproval. (Code 1960, As Amend., § 900.060; Pet. No. 249957, § 2, 7-28-89)

128.110. Surveys of ~~manpower,~~ resources. The ~~director~~ fire chief shall make such studies and surveys of the ~~manpower,~~ industries, resources and facilities of the city as ~~he deems~~ necessary to determine their adequacy for ~~civil defense~~ emergency preparedness and management and to plan for their most efficient use in time of a ~~civil defense~~ declared emergency. (Code 1960, As Amend., § 900.070)

128.120. ~~Civil defense~~ Emergency management plan. The ~~director~~ fire chief shall

prepare a comprehensive general emergency management plan for the ~~civil~~ defense of the city, and for relief from any ~~natural catastrophe~~ emergency, and shall present such plan to the council for its approval. When the council has approved the plan by resolution, all city departments and agencies and all ~~civil defense~~ emergency preparedness and management forces of the city shall perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The ~~director~~ fire chief shall coordinate the ~~civil defense~~ emergency preparedness and management activities of the city to the end that they shall be consistent and fully integrated with the ~~civil defense plan~~ emergency management plans of the federal government, and the state and ~~correlated with the civil defense plans of~~ other political subdivisions within the state. (Code 1960, As Amend., § 900.080)

128.130. Training and information programs. In accordance with the state and the city ~~civil defense~~ emergency management plans, the ~~director~~ fire chief shall institute such training programs and public information programs, and shall take all other preparatory steps, ~~including the partial or full mobilization of civil defense forces in advance of actual disaster,~~ as may be necessary to the prompt and effective operation of the city ~~civil defense~~ emergency management plan in time of a ~~civil defense~~ declared emergency. The ~~director~~ fire chief may, from time to time, conduct such tests of warning devices as ~~the director may deem~~ necessary. (Code 1960, As Amend., § 900.090; 81-Or-150, § 6, 6-12-81; Pet. No. 249957, § 3, 7-28-89)

128.140. Use of city personnel and equipment. The ~~director~~ fire chief shall use the personnel, services, equipment, supplies and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all such departments and agencies shall, to the maximum extent practicable, cooperate with and extend such services and facilities to the ~~civil defense agency~~ office of emergency preparedness and management and to the governor upon request. The head of each department and agency, in cooperation with and under the direction of the ~~director~~ fire chief, shall be responsible for the planning and programming of ~~such civil defense~~ emergency preparedness and management activities as will involve the utilization of the facilities of his each department or agency. (Code 1960, As Amend., § 900.100)

128.150. Volunteers generally. The ~~director~~ fire chief, ~~in cooperation with existing city departments and agencies affected,~~ shall may organize, recruit and train police reserve, fire reserves, emergency medical personnel and any other personnel that may be required on a volunteer basis to carry out the ~~civil defense plans~~ emergency management plan of the city ~~and the state~~. To the extent that such emergency personnel are recruited to augment a regular city department or agency ~~for civil defense emergencies,~~ it shall be assigned to such department or agency for purposes of administration and command. The ~~director~~ fire chief may dismiss any ~~civil defense~~ volunteer at any time and require the volunteer to surrender any equipment and identification furnished by the city. (Code 1960, As Amend., § 900.110; 81-Or-150, § 7, 6-12-81; Pet. No. 249957, § 4, 7-28-89)

128.160. When call of volunteers authorized. ~~Civil defense~~ Volunteers shall be called into service only in case of a ~~civil defense~~ declared emergency for which the regular city forces are inadequate, or for necessary training and preparation for such emergencies, or when deemed necessary by the mayor to carry out the provisions of this chapter relating to ~~relief from natural catastrophes or disturbances~~ the management of emergencies. (Code 1960, As Amend., § 900.160)

~~**128.170. Identifying insignia of volunteers.** Each civil defense volunteer shall be provided with such suitable insignia or other identification as may be required by the director. Such identification shall be in a form and style approved by the federal government. No volunteer shall exercise any authority over the persons or property of others without such identification. No person except an authorized volunteer shall use the identification of a volunteer or otherwise represent oneself to be an authorized volunteer. (Code 1960, As Amend., § 900.170; Pet. No. 249957, § 5, 7-28-89)~~

128.180. Volunteers carrying firearms. No ~~civil defense~~ volunteer shall carry any firearm while on duty except on written order of the chief of police. (Code 1960, As Amend., § 900.180)

128.190. Volunteers not under city personnel procedures. Personnel procedures of the city applicable to regular employees shall not apply to volunteers, ~~civil defense workers~~. (Code 1960, As Amend., § 900.190)

128.200. Emergency facilities. Consistent with the ~~civil defense~~ emergency management plan, the ~~director~~ fire chief shall provide and equip emergency hospitals, casualty stations, ambulances, canteens, evacuation centers and other facilities or conveyances for the care of injured or homeless persons. (Code 1960, As Amend., § 900.120)

128.210. Compliance with state regulations. The ~~director~~ fire chief shall carry out all orders, rules and regulations issued by the governor with reference to ~~civil defense emergency preparedness and management~~. The ~~director~~ fire chief shall direct and coordinate the general operation of all city ~~civil defense forces~~ emergency preparedness and management resources during a ~~civil defense~~ an emergency in conformity with controlling regulations and instructions of state ~~civil defense~~ authorities. The heads of departments and agencies shall be governed by the ~~director's~~ fire chief's orders in respect thereto. (Code 1960, As Amend., § 900.130; Pet. No. 249957, § 6, 7-28-89)

~~**128.220. Control Emergency operation centers.** Consistent with the civil defense emergency management plan, the director fire chief shall provide and equip at some suitable place in the city a control an emergency operation center and, if required by the state civil defense emergency management plan, an auxiliary control emergency operation center to be used during a civil defense declared emergency as headquarters for direction and coordination of civil defense forces emergency management activities. The director fire chief shall arrange for representation at the control emergency~~

operation center by city departments and agencies authorized by federal or state authority to carry on ~~civil defense~~ emergency management activities ~~during a civil defense emergency~~. The ~~director~~ fire chief shall arrange for the installation at the ~~control~~ emergency operation center of necessary facilities for communication between heads of departments and agencies, the ~~civil defense agency~~ office of emergency preparedness and management, the stations and operating units of city services and other agencies concerned with ~~civil defense~~ emergency preparedness and management, and for communication with other communities and ~~control~~ emergency operation centers within the surrounding area and with the federal and state agencies concerned. (Code 1960, As Amend., § 900.140; 81-Or-150, § 8, 6-12-81; Pet. No. 249957, § 7, 7-28-89)

~~**128.230. Oath of workers.** Each person who is appointed to serve in the civil defense agency shall, before entering upon his duties, take an oath in writing as prescribed by Minnesota Statutes, Section 12.43. (Code 1960, As Amend., § 900.150; 81-Or-150, § 9, 6-12-81)~~

128.240. Reserved.

128.250. Director Fire chief's report. The ~~director~~ fire chief shall prepare and submit such reports on ~~civil defense~~ the activities of the office of emergency preparedness and management as may be requested by the mayor or the city council. (Code 1960, As Amend., § 900.250; 81-Or-150, § 10, 6-12-81)

128.260. Cooperation of city officials, agencies. Every officer and agency of the city shall cooperate with federal and state authorities and with authorized agencies engaged in ~~civil defense and~~ emergency measures to the fullest possible extent consistent with the performance of their other duties. The provisions of this chapter and of all regulations made thereunder shall be subject to all applicable and controlling provisions of federal and state laws and of regulations and orders issued thereunder, and shall be deemed to be suspended and inoperative so far as there is any conflict therewith. (Code 1960, As Amend., § 900.260)

128.270. Special police officer. The mayor may appoint any qualified person holding a position in the ~~civil defense agency~~ office of emergency preparedness and management or in any other agency created under federal or state authority for ~~civil defense~~ emergency management purposes as a special police officer of the city, with such police powers and duties within the city incident to the functions of the position, not exceeding those of a regular police officer of the city, as may be prescribed in the appointment. Every such special police officer shall be subject to the supervision and control of the chief of police and such other police officers of the city as the police chief may designate. (Code 1960, As Amend., § 900.270; Pet. No. 249957, § 8, 7-28-89)

Cross references: Special police generally, § 171.90 et seq.

128.280. Nonliability of civil defense workers. All functions under this chapter and

all other activities relating to ~~civil defense~~ emergency preparedness and management shall be governmental functions. The city and, except in cases of willful misconduct, its officers, agents, employees or representatives engaged in ~~civil defense~~ emergency preparedness and management activities, while complying with or attempting to comply with the ~~Minnesota Civil Defense Act of 1951 as amended or with this chapter or any rule, regulation or order made thereunder,~~ all applicable laws, rules, orders or regulations shall not be liable for the death of or injury to persons, or damage to property, as a result of such activity. The provisions of this section shall not affect the right of any officer or employee of the city to receive benefits to which such officer or employee would otherwise be entitled under this chapter or under the workers' compensation law, or under any pension law. (Code 1960, As Amend., § 900.280; 81-Or-150, § 11, 6-12-81; Pet. No. 249957, § 9, 7-28-89)

128.290. Agency Office of emergency preparedness and management not to participate in certain activities. The ~~civil defense agency~~ office of emergency preparedness and management shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a legitimate labor dispute. (Code 1960, As Amend., § 900.290)