

ORDINANCE NO. 118

AN ORDINANCE RELATING TO CIVIL DEFENSE

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA IN THE STATE OF COLORADO:

Section 1. The declared purposes of this ordinance are to provide for the preparation and carrying out of plans, including mock or practice drills, for the civil defense of persons and property within this town in the event of a disaster, and to provide for the coordination of the civil defense and disaster functions of this town with all other public agencies and affected private persons, corporations and organizations. Any expenditures made in connection with such civil defense and disaster activities, including mutual aid activities, and mock or practice drills, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the Town of La Jara.

Section 2. As used in this ordinance, the term "civil defense" shall mean 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. It shall not include, nor does any provision of this ordinance apply to any condition relating to a labor controversy.

As used in this ordinance, the term "disaster" shall mean actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity.

Section 3. The Town of La Jara Civil Defense Council is hereby created and shall consist of the following:

- A. The Mayor, who shall be chairman.
- B. The director of civil defense, who shall be vice chairman.
- C. Such deputy directors and chiefs of operating civil defense and disaster departments, services or divisions as are provided for by resolution pursuant to this ordinance.
- D. Such representatives of civic, business, labor, veterans, professional or other organizations having an official group or organization civil defense responsibility as may be appointed by the mayor with the advice and consent of the town council.

Section 4. It shall be the duty of the Town of La Jara Civil Defense Council, and it is hereby empowered, to review and recommend for adoption by the town council, civil defense and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The civil defense council shall meet upon call of the chairman or in his absence from the town or inability to call such meeting, upon the call of the vice chairman.

Section 5. There is hereby created the office of director of civil defense. Such officer shall be appointed by the mayor with the advice and consent of the town council.

The director is hereby empowered:

A. To control and direct the effort of the civil defense organization of this town for the accomplishment of the purposes of this ordinance;

B. To direct coordination and cooperation between divisions, services and staff of the civil defense organization of this town, and to resolve questions of authority and responsibility that may arise between them;

C. To represent the civil defense organization of this town in all dealings with public or private agencies pertaining to civil defense and disaster.

Section 6. In the event of disaster as herein provided, the director is hereby empowered:

A. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the town council;

B. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people, and bind the town for the fair value thereof, and if required immediately, to commandeer the same for public use;

C. To require emergency services of any town officer or employee, to command the aid of as many citizens of this community as he thinks necessary in the execution of his duties; such persons shall be entitled

to all privileges, benefits and immunities as are provided by state law for registered civil defense worker volunteers;

D. To requisition necessary personnel or material of any town department or agency;

Section 7. All officers and employees of this town, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of Section 6 (c) of this ordinance, be charged with duties incident to the protection of life and property in this town during such disaster, shall constitute the civil defense organization of the Town of La Jara.

Section 8. The functions and duties of the town civil defense organization shall be distributed among such divisions, services and special staff as the town council shall prescribe by resolution.

The town council shall concurrently with the adoption of this ordinance, adopt a resolution setting forth the form of organization, establishment and designation of divisions and services, the assignment of functions, duties and powers, the designation of officers and employees. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the Federal government and the Civil Defense, an Agency, of the State of Colorado.

Section 9. It shall be a misdemeanor, punishable by a fine of not to exceed \$250.00, or by imprisonment for not to exceed three months, or both, for any person during a disaster;

A. Wilfully to obstruct, hinder or delay any member of the civil defense organization in the enforcement of any lawful rule or regulation issued pursuant to this ordinance, or in the performance of any duty imposed upon him by virtue of this ordinance;

B. To do any act forbidden by any lawful rules or regulations issued pursuant to this ordinance, if such act is of such a nature as to give, or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of this town, or to prevent, hinder or delay the defense or protection thereof;

C. To wear, carry or display, without authority, any means of identification specified by the Colorado Civil Defense Agency.

Section 10. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately.

Section 11. No individual firm, association, corporation or other party, owning, maintaining or controlling any building or premises who voluntarily and without compensation grants to the Town of La Jara a license or privilege or otherwise permits said town to inspect, designate and use the whole or any part or parts of such building or premises for the purpose of sheltering persons during an actual impending, mock or practice attack, or their successors in interest, or the agents or employees of any of them, shall be subject to liability for injuries sustained by any person while in or upon said building or premises as a result of the condition of said building or premises or as a result of any act or omission in connection with the upkeep or maintenance thereof, (except a wilful act of misconduct) when such person has entered or gone into or upon said building or premises for the purpose of seeking refuge therein during destructive operations or attacks by enemies of the United States or during a mock or practice attack or test ordered by lawful authority.

Section 12. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Introduced, read, passed, adopted and approved this 10th day of June, A.D. 1958.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk