

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2000 - 24

No. 471

AN ORDINANCE

SECTION 1 CHAPTER 7 OF THE CODE
OF ORDINANCES ENTITLED "CIVIL DEFENSE"
IS HEREBY AMENDED SO AS TO READ AS FOLLOWS:

Approved August 11, 2000

Be it ordained by the City of Providence:

Chapter 7 ~~CIVIL DEFENSE~~ EMERGENCY MANAGEMENT

*Charter reference(s)--Powers of city, § 2.1 et seq.

State law reference(s)--Scope of ordinances which may be enacted, § 45-6-1, Gen. Laws 1956.

Sec. 7-1. ~~Civilian defense~~ Emergency Management Council--Creation and composition.

Sec. 7-2. Same--Meetings.

Sec. 7-3. Same--General powers and duties.

Sec. 7-4. Powers and duties of director of ~~civilian defense~~ emergency management.

Sec. 7-5. Operational ~~civilian defense~~ emergency management organization.

Sec. 7-6. Oath of members of ~~civilian defense~~ Emergency Management Council and operational organization.

Sec. 7-7. Shelter managers--Designation as part of ~~civil defense~~ emergency management organization.

Sec. 7-8. Same--Powers and duties.

Sec. 7-9. Same--Commencement of duties.

Sec. 7-10. Orders, rules and regulations pursuant to chapter to supersede existing provisions.

Sec. 7-11. Construction of chapter.

Sec. 7-12. Liability for death, injury, damage, from ~~civilian defense~~ emergency management activities.

Sec. 7-13. Obstructing members of organization; violation of rules and regulations; unlawful wearing of insignia.

Sec. 7-14. Display of lights in violation of order or regulation.

Sec. 7-15. Unauthorized operation of blackout or air raid signal.

Sec. 7-16. Advance warning to public of impending major storm.

Sec. 7-1. ~~Civilian defense~~ Emergency Management Council--Creation and composition.

There shall be a Providence ~~civil defense~~ Emergency Management Council which shall consist of the following:

(a) The mayor of the city, who shall serve as chairman of the council.

(b) A director of ~~civilian defense~~ emergency management to be appointed by and serve at the pleasure of the mayor of the city. The director shall be charged with the preparation of the ~~civilian defense~~

No.

CHAPTER

AN ORDINANCE SECTION 1 CHAPTER 7
OF THE CODE OF ORDINANCES ENTITLED
"CIVIL DEFENSE" IS HEREBY AMENDED
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IN CITY COUNCIL
July 18, 1996
FIRST READING
REFERRED TO COMMITTEE ON
ORDINANCES

Michael B. Clemente
Clerk

THE COMMITTEE ON

Ordinances
Recommends *Be Continued*
Patricia A. Cairns
Clerk
2/11/97
10/14/99
4/25/00

THE COMMITTEE ON
ORDINANCES

Approves Passage of
The Within Ordinance, *as amended*
Claire Bettwick
June 14, 2000 Clerk

Council President Garguoli (By Request)

emergency management plan for the city, together with such other duties as the mayor may prescribe. He shall also serve as vice-chairman of the council.

(c) An assistant director of ~~civilian defense~~ emergency management appointed by and holding office at the pleasure of the director, subject to approval of the mayor, who shall exercise such duties as the director may prescribe.

(d) The deputy directors of divisions and the chiefs of services of such divisions as may be provided for by ordinance of the city council, said deputy director to be appointed by the director of ~~civilian defense~~ emergency management, with approval of the mayor.

(e) Representatives not to exceed twenty-five (25) in number from civic, business, industry, labor, veterans, professional or other groups, to be selected and appointed by the mayor.

(Ch. 8A, § 1, added by Ord. 1952, ch. 583, § 1)

Sec. 7-2. Same--Meetings.

The Providence ~~civilian defense~~ Emergency Management Council shall meet upon the call of either the chairman or the vice-chairman.

(Ch. 8A, § 2, added by Ord. 1952, ch. 583, § 2)

Sec. 7-3. Same--General powers and duties.

The powers and duties of the Providence ~~civilian defense~~ Emergency Management Council shall include the recommendation for adoption by the city council of a ~~civilian defense~~ Emergency Management Plan for the city and the recommendation for adoption by the city council of any and all mutual aid plans and agreements which are deemed essential for the implementation of such ~~civilian defense~~ Emergency Management Plan. The duties of such ~~civilian defense~~ Emergency Management Council shall also include a continuing study of the need for amendments and improvements in the ~~civilian defense~~ Emergency Management Plan adopted by the city council.

(Ch. 8A, § 2, added by Ord. 1952, ch. 583, § 2)

Sec. 7-4. Powers and duties of director of ~~civilian defense~~ emergency management.

(a) There shall be a director of ~~civilian defense~~ emergency management, who shall have the authority to request the declaration of the existence of an emergency by the city council or by higher authority. In the event that it is deemed necessary to declare the existence of an emergency without delay if the city council is not in session, the mayor, upon his own initiative or upon request of the director, may do so, but such action shall be subject to confirmation by the city council at its next meeting.

(b) The duties and responsibilities of the director of ~~civilian defense~~ emergency management shall include the following:

(1) The control and direction of the actual or training efforts of the ~~civilian defense~~ emergency management organization of the city;

(2) The determination of all questions of authority and responsibility that may arise within the ~~civilian defense~~ emergency management organization of the city;

(3) The maintenance of necessary liaison with other municipal, area, state, regional, federal or other ~~civilian defense~~ emergency management organizations;

(4) The marshaling, after the declaration of an emergency as provided above, of all necessary personnel, equipment or supplies from any department of the city to aid in the carrying out of the ~~civilian defense~~ Emergency Management Plan;

(5) The issuance of all necessary proclamations as to the existence of an emergency and the immediate operational effectiveness of the ~~civilian defense~~ Emergency Management Plan;

(6) The issuance of reasonable rules and regulations which are necessary for the protection of life and property in the city, including but not limited to rules and regulations applicable to blackouts and air raids;

(7) The supervision of the drafting and execution of mutual aid agreements entered into by the city;

(8) The supervision of and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions; and

(9) The authorizing of agreements, after approval of the city solicitor, for the use of private property for air raid shelter and other purposes.

(c) The powers and duties referred to in paragraphs (4), (5), (6) and (8) of subsection (b) shall be exercisable only with the prior approval of the mayor.

(Ch. 8A, § 3, added by Ord. 1952, ch. 583, § 3)

Sec. 7-5. Operational ~~civilian defense~~ emergency management organization.

(a) The operational ~~civilian defense~~ emergency management organization of the city shall consist of the officers and employees of the city designated by the director of ~~civilian defense~~ emergency management as well as all volunteer municipal defense workers.

(b) The functions and duties of this organization shall be distributed among such divisions, services and special staff as the city council shall prescribe by ordinance. Any such ordinance shall set forth the forms of organization, establish and designate divisions and services, assign functions, duties and powers, and designate officers and employees to carry out the provisions of this chapter. Insofar as possible, the form of organization, title and terminology shall conform to the recommendations of the federal government and the recommendations of the ~~civilian defense~~ Emergency Management Agency of the State of Rhode Island.

(Ch. 8A, § 4, added by Ord. 1952, ch. 583, § 4)

Sec. 7-6. Oath of members of ~~civilian defense~~ Emergency Management Council and operational organization.

Each person serving as a member of the ~~civilian defense~~ Emergency Management Council, or as an officer, employee or volunteer in any capacity in the ~~civilian defense~~ emergency management organization created by ordinance pursuant to the authority herein conferred, shall, prior to assuming their duty or duties, take an oath which shall be substantially as follows:

"I _____, do solemnly swear (or affirm), that I will support and defend the Constitution of the United States and the Constitution of the State of Rhode Island, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely; without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member or an affiliate of any political party or organization, group or combination of persons that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such time as I am a member of the ~~Civilian defense~~ emergency management organization of the City of Providence I will not advocate nor become a member or an affiliate of any organization, group or combination of persons or of any political party that advocates the overthrow of the Government of the United States or of this State by force or violence."

(Ch. 8A, § 5, added by Ord. 1952, ch. 583, § 5)

Sec. 7-7. Shelter managers--Designation as part of ~~civil defense~~ emergency management organization.

Shelter managers who possess a certificate of proper training from the ~~civilian defense~~ Emergency Management Council shall be considered as a special staff forming part of the operational ~~civil defense~~ emergency management organization of the city.

(Ord. 1963, ch. 1536, § 1)

Sec. 7-8. Same--Powers and duties.

Shelter managers shall be assigned to specific shelter areas by the ~~civilian defense~~ Emergency Management Council, and shall be in complete charge of such specified shelter areas subject to orders of the ~~civilian defense~~ Emergency Management Council or the director and/or deputy director of ~~civilian defense~~ emergency management when communication is possible. In the absence of such communication, the shelter manager of an assigned shelter area shall possess all the powers and duties of the ~~civilian defense~~ emergency management director as stated in section 7-4. Shelter managers who find themselves in a shelter not specifically assigned to them shall act as deputy shelter managers to the assigned shelter manager. In the absence of the assigned shelter manager, any shelter manager present shall assume the duties of the assigned shelter manager.

(Ord. 1963, ch. 1536, § 3)

Sec. 7-9. Same--Commencement of duties.

The duties of the special staff of shelter managers shall begin upon the declaration of an emergency as stated in section 7-4, and shall continue so long as the declaration of the emergency is in force.

(Ord. 1963, ch. 1536, § 2)

Sec. 7-10. Orders, rules and regulations pursuant to chapter to supersede existing provisions.

At all times during the existence of an actual emergency 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, unless the city council shall otherwise determine.

(Ch. 8A, § 8, added by Ord. 1952, ch. 583, § 8)

Sec. 7-11. Construction of chapter.

This chapter shall not be so construed as to conflict with any state or federal statute or with any military or naval order, rule or regulation.

(Ch. 8A, § 9, added by Ord. 1952, ch. 583, § 9)

Sec. 7-12. Liability for death, injury, damage, from ~~civilian defense~~ emergency management activities.

(a) This chapter shall be construed as an exercise by the city of its governmental functions for the protection of the public peace, health and safety, and neither the city, the agents and representatives of said city, nor 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 to the city a license or privilege, or otherwise permits the city 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, together with his successors in interest, if any, shall not be civilly liable for the death of, or injury to, any person 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.

(Ch. 8A, § 10, added by Ord. 1952, ch. 583, § 10)

Sec. 7-13. Obstructing members of organization; violation of rules and regulations; unlawful wearing of insignia.

It shall be unlawful for any person wilfully to obstruct, hinder or delay any member of the ~~civilian defense~~ emergency management organization in the enforcement of any rule or regulation issued pursuant to this chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this chapter. It shall likewise be unlawful for any person to wear, carry, or display any emblem, insignia, or any other means of identification as a member of the ~~civilian defense~~ emergency management organization of the city unless authority so to do has been granted to such person by the proper officials.

(Ch. 8A, § 11, added by Ord. 1952, ch. 583, § 11)

Sec. 7-14. Display of lights in violation of order or regulation.

Any light displayed contrary to any order, rule or regulation promulgated pursuant to the provisions of this chapter shall constitute a public nuisance and when deemed necessary in order to protect life or property during blackouts or air raids, the police shall be authorized and directed to enter upon any premises within the city, using reasonable force, and extinguish lights or take other necessary action to make effective any order, rule or regulations promulgated under the authority conferred by this chapter.

(Ch. 8A, § 6, added by Ord. 1952, ch. 583, § 6)

Sec. 7-15. Unauthorized operation of blackout or air raid signal.

It shall be unlawful for any unauthorized person to operate a siren or other device so as to simulate a blackout signal or air raid, or the termination of a blackout or air raid.

(Ch. 8A, § 7, added by Ord. 1952, ch. 583, § 7)

Sec. 7-16. Advance warning to public of impending major storm.

Whenever an impending major storm is predicted that may effect the City of Providence, the director of the department of public works of said city, is hereby directed to announce publicly, not less than twenty-four (24) hours in advance, that said storm may adversely effect said city, via the news, radio and television media; and further shall, by enlisting the aid of the director of the ~~civil defense~~ emergency management preparedness agency, use ~~civil defense~~ emergency management sirens to alert the citizenry starting not less than eight (8) hours, on each hour, in advance of the storm's arrival over said city; the purpose of said siren alerts is to warn motorists to cause all motor vehicles to be removed from the streets of said city.

(Ord. 1978, ch. 78-22, § 1, 8-10-78)

Editor's note--Ord. 1978, ch. 78-22, § 1, effective Aug. 10, 1978, did not specifically amend the Code. Codification herein as § 7-16 was, therefore, at the discretion of the editor.

IN CITY COUNCIL
JUL 6 2000
FIRST READING
READ AND PASSED

Michael L. Clement CLERK

IN CITY
COUNCIL

AUG 3 2000
FINAL READING
READ AND PASSED

Michael L. Clement
PRESIDENT
CLERK

APPROVED

AUG 11 2000
Michael L. Clement
MAYOR