

CHAPTER 8. CIVIL DEFENSE AND FIRE DEPARTMENT

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8.10. Civil Defense and Fire Department

8.11. Policy and Purpose.

8.11.1. Because of the existing and increasing possibility of the occurrence of disaster of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, or from fire, flood, earthquake, or other natural causes, and in order to insure that preparations of this City will be adequate to deal with such disasters, 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 this City, it is hereby found and declared to be necessary:

- (i) To establish a local organization for civil defense.
- (ii) To provide for the exercise of necessary powers during civil defense emergencies.
- (iii) To provide for the rendering of mutual aid between this City and other political subdivisions of this State and of other states with respect to the carrying out of civil defense functions.

8.11.2. It is further declared to be the purpose of this Chapter and the policy of the City that all civil functions of this City be coordinated to the maximum extent practicable with the comparable functions of the federal government, of this state, the county 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.

8.12. Definitions.

8.12.1 “**Civil defense**” means the preparation for and 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 caused by enemy attack, sabotage or natural causes. These functions include, without limitation, fire fighting services, police services, medical health services, rescue, engineering, warning services, medical health services, rescue, engineering, warning services, medical health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, utilization of best available fallout shelters, 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.

8.12.2. “**Civil defense emergency**” means an emergency declared by the governor, or an emergency proclaimed by the mayor under this Chapter.

8.12.3 “**Civil defense forces**” means any personnel employed by the City and other volunteer or paid member of the local civil defense agency engaged in carrying on civil defense function in accordance with the provisions of this Chapter or any rule or order thereunder.

8.13. **Establishment of Civil Defense Agency.**

8.13.1. There is hereby created within the city government an office of Civil Defense Director.

The director shall be appointed by the mayor for an indefinite term and may be removed by him at any time. The director may be compensated at a rate to be determined by the City Council and he shall be paid his necessary expenses. The director shall have direct responsibility for the organization, administration and operation of the civil defense agency, subject to the direction and control of the mayor. The civil defense agency shall be organized into divisions and bureaus, consistent with state and local civil defense functions during a civil defense emergency. The civil defense agency shall perform civil defense functions within the city and in addition, shall conduct such functions outside the city as may be required pursuant to the provisions of the Minnesota Civil Defense Act of 1951 as amended, or this Chapter.

8.14. **Powers and Duties of the Director.**

8.14.1. The director, with the consent of the mayor, shall represent the City on any

regional or state organization for civil defense. He shall develop proposed mutual aid agreements with other political subdivisions within or outside the state for reciprocal civil defense aid and assistance in a civil defense emergency too great to be dealt with unassisted, and he shall present such agreements to the Council for its action. Such arrangements shall be consistent with the state civil defense plan and during a civil defense emergency it shall be the duty of the civil defense agency and civil defense forces to render assistance in accordance with the provisions of such mutual aid arrangements. Any mutual aid arrangements with a political subdivision of another state shall be subject to the approval of the governor.

8.14.2. The director shall make such studies and surveys of the manpower, industries, resources and facilities of the city including fallout shelters as he deems necessary to determine their adequacy for civil defense, and to plan for their most efficient use in time of a civil defense emergency.

8.14.3. The director shall prepare a comprehensive general plan for the civil defense of the city which will include a community shelter plan utilizing the established fallout shelters and shall present such plan to the Council for its approval. When the Council has approved the plan by resolution, it shall be the duty of all municipal agencies and all civil defense forces of the city to 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 shall coordinate the civil defense activities of the city to the end that they shall be consistent and fully integrated with the civil defense plans of other political subdivisions within the state.

8.14.4. In accordance with the state and city civil defense plan, the director 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 plan in time of a civil defense emergency. He may, from time to time, conduct such practice air raid alerts or other civil defense exercises as he may deem necessary.

8.14.5. The director shall utilize 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 local civil defense agency and to the governor upon request. The head of each department and agency, in cooperation with and under the direction of the director, shall be responsible for the planning and the programming of such civil defense activities as will involve the utilization of the facilities of this department or agency.

8.14.6. The director shall, in cooperation with existing city departments and agencies affected, organize, recruit and train fallout shelter managers, radiological monitors, police reserves, rescue personnel, auxiliary firemen, emergency medical personnel and any other personnel that may be required on a volunteer basis to carry out the civil defense plans 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, they shall be assigned to such department or agency for purposes of administration and command. The director may dismiss any civil defense volunteer at any time and require him to surrender any equipment and identification furnished by the city.

8.14.7. Consistent with the civil defense plan, the director shall provide and equip emergency hospitals, casualty stations, ambulances, canteens, evacuation centers and other facilities or conveyances for the care of the injured or homeless persons.

8.14.8. The director shall carry out all orders, rules and regulations issued by the governor pertaining to civil defense.

8.14.9. The civil defense director shall direct and control the general operations of all local civil defense forces during a civil defense emergency in conformity with controlling regulations and instructions of state civil defense authorities. The heads of departments and agencies shall be governed by his orders in respect thereto.

8.14.10. Consistent with the civil defense plan, the director shall provide and equip at some suitable place in the city an emergency operating center, and, if required by the local civil defense plan, auxiliary centers to be used during a civil defense emergency as headquarters for direction and control of civil defense forces. He shall arrange for representation at the center by municipal departments and agencies, public utilities and other agencies authorized by federal or state authority to carry on civil defense activities during a civil defense emergency. He shall arrange for the installation at the emergency operating center of necessary facilities for communication with and between heads of civil defense divisions, the stations and operating units of municipal services and other agencies concerned with civil defense and for communication with other communities and emergency operating centers within the surrounding area and with the federal and state agencies concerned.

8.14.11. During the first 30 days of a civil defense emergency, if the legislature is in session or the governor has coupled his declaration of the emergency with a call for a special session of the legislature, the director may, when necessary to save life or property, require any person, except members of the federal or state military forces and officers of the state or any other political subdivision, to perform services for civil

defense purposes as he directs; and he may commandeer, for the time being, any motor vehicle, tools, appliances or any other property, subject to the owner's right to just compensation as provided by law.

8.15. General Provisions on Civil Defense Workers .

8.15.1. No person shall be employed or associated in any capacity in the civil defense agency who advocates or has advocated a change by force or violence in the constitutional form of government of the United States or in this state, or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment for information charging any subversive act against the United States. Each person who is appointed to serve in the civil defense agency shall, before entering upon his duties, take an oath in writing before a person authorized to administer oaths in this state, or before any officer of the state department of civil defense, or the county director.

The oath shall be substantially in the form prescribed by Minnesota Statutes, Section 12.43.

8.15.2. Civil defense volunteers shall be called into service only in case of a civil defense emergency or a natural disaster for which the regular municipal forces are inadequate or for necessary training and preparation for such emergencies. All volunteers shall serve without compensation.

8.15.3. 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 his identification. No person except an authorized volunteer shall use the identification of a volunteer or otherwise represent himself to be an authorized volunteer.

8.15.4. No civil defense volunteer shall carry any firearm while on duty except on written order of the chief of the police department or the highest ranking peace officer for the City.

8.15.5. Personnel procedures of the city applicable to regular employees shall not apply to volunteer civil defense workers, but shall apply to paid employees of the civil defense agency.

8.16. Emergency Regulations.

8.16.1. When used in this section, the term "civil defense emergency" includes, in addition to the meaning given in Section 8.12.2, disasters caused by fire, flood, windstorm or other natural causes.

8.16.2. Whenever necessary to meet a civil defense 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 may by proclamation promulgate regulation consistent with applicable federal or state law or regulation respecting: protection against nuclear missiles; the sounding of attack warning; the conduct of persons and the use of property during emergencies; the repair, maintenance and safeguarding of essential public services; emergency health, fire and safety regulation, 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 emergencies.

8.16.3. 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 Administrator, where a copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation 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 regulation 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 regulation.

8.16.4. The City Council may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation shall expire at the end of 30 days after its effective date or at the end of the civil defense emergency to which it relates, whichever occurs first. Any Chapter, rule or regulation inconsistent with an emergency regulation promulgated by the mayor shall be suspended during the period of time and to the extent that conflict exists.

During a civil defense emergency, the city is, notwithstanding any statutory or charter provision to the contrary, empowered through its governing body acting within or without the corporate limits of the city to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. The city may exercise such powers in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of

supplies and materials, limitations upon tax levies and the appropriation and expenditure of public funds including, but not limited to, publication of Chapters and resolutions, publication of calls for bids, provisions of civil service laws and rules, provisions relating to low bids, and requirements for budgets.

8.16.5. During a civil defense emergency the mayor is authorized to contract on behalf of the city for services or for the purchase of merchandise of materials where the amount of the contract or purchase does not exceed \$500.00. The mayor may take such action without prior approval of the council, and without compliance with regular purchasing and bidding procedures, but all claims resulting therefrom shall be audited and approved by the council as in the case of other purchases and contracts.

8.17. Civil Defense Agency Procedure.

8.17.1. There is hereby established in the city treasury a special fund to be known as the civil defense fund. Into this fund shall be placed the proceeds of taxes levied for civil defense, money transferred from other funds, gifts and other revenues of the civil defense agency. From it shall be made expenditures for the operation and maintenance of the civil defense agency and other expenditures for civil defense. Regular accounting, disbursements, purchasing, budgeting and other financial procedures of the city shall apply to the civil defense fund insofar as practicable; but budgeting requirements and other financial procedures shall not apply to expenditures from the fund in any case when their application will prevent compliance with terms and conditions of a federal or state grant of money or property for civil defense purposes.

8.18. Fallout Shelter in Public Structures.

8.18.1. It is the policy of the city that fallout shelters be incorporated in all public buildings of the City to the extent practicable in order to provide protection against radiation in the event of nuclear attack.

8.18.2. The City Council may require that all contracts for the design or construction of public buildings, including additions to or alterations of existing structures, incorporate fallout protection for at least the normal anticipated daily population of the building. The fallout shelter protection provided for shall meet or exceed the minimum space and fallout protection criteria recommended by the Office of Civil Defense, United States Department of Defense, unless exempted from such shelter requirement as provided in Subdivision 3.

8.18.3. The Council may exempt buildings or structures from the requirements of this section where it finds that such incorporation of fallout shelter will create an additional

cost in the construction of such structure in excess of 5% of the estimated cost thereof without shelter so incorporated, or if it finds that other factors make unnecessary or impracticable the incorporation of fallout shelter in such structures.

8.19. Conformity and Cooperation with Federal and State Authority.

8.19.1. 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.

8.19.2. The City Council may appoint any qualified person holding a position in any agency created under federal or state authority for civil defense purposes as a special policeman of the city with such police powers and duties within the city incident to the functions of his position, not exceeding those of a regular policeman of the city, as may be prescribed in the appointment. Every such policeman shall be subject to the supervision and control of the chief of police and such other police officers of the city as the chief may designate.

8.20. Participation in Labor Dispute or Politics.

8.20.1. The civil defense agency 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.

8.21. Penalty.

8.21.1 Any person who violates any provision of this Chapter or of any regulation adopted thereunder relating to acts, omissions or conduct other than official acts of city officers or employees, is guilty of a misdemeanor.

8.22. Fire Department.

8.23. **Elections, Appointments.** The Chief of the Fire Department shall be nominated appointed as provided in section 3.02 of Chapter 3 of this Code. The Chief shall each year select two Assistant Chiefs and a Fire Marshal who shall be subject to confirmation by the Council. One Assistant Chief shall be designated as Assistant Chief For Firefighters. One Assistant Chief shall be designated as Assistant Chief For First Responders. All officers shall hold office for one year and until their

respective successors have been selected and appointed; except that any of them may be removed by the Council for cause after a public hearing. All Fire Department personnel and probationary personnel shall be recommended by the Chief of the Fire Department, subject to confirmation by the City Council. Fire Department personnel shall continue as members of the Department during good behavior, and may be removed by the Council only for cause after a public hearing. Fire Department personnel may be suspended as a disciplinary matter by the Chief for failure to follow instructions, failure to attend drills, insubordination or other behavior which is contrary to the best interest of the Department. Any personnel so suspended shall, upon request, be entitled to a hearing before the City Council. The Chief shall submit a record of all persons serving with the Fire Department for the records of the City Council.

8.24. Reserved.

8.25. Suspension of Members. The Chief may suspend any member for refusal or neglect to obey orders pending final action by the Council on his discharge or retention.

8.25.1. The Fire Department personnel shall consist of two classes. One class shall be designated as "Fire Fighters" and shall consist of only those persons determined by the Fire Chief to have sufficient training, expertise and capabilities to be able to respond to fire fighting emergencies. A class of personnel shall be identified as "First Responders". All such personnel shall be those persons determined by the Fire Chief to have sufficient training, expertise and knowledge to respond to personal injury, emergencies or other life threatening situations as a First Responder. Nothing shall prohibit a person from serving in both classifications, providing their service in one classification does not, in the opinion of the Fire Chief, leave the City insufficiently protected for other emergencies. Under no circumstances shall a Fire Fighter or First Responder respond to an emergency call until such time as they have been certified as having the proper training to do so and have been recommended by the Fire Chief and accepted by the City Council upon completion of all appropriate testing.

8.26. Records. The Chief shall keep in convenient form a complete record of all emergency situations responded to. Such records shall include the time of the alarm, location of the emergency, if the emergency was a fire, First Responder call or other situation. If the response was a fire, the Chief shall further identify the cause of the fire (if known), the type of building, name of owner and tenant, purpose for which it was occupied, value of the building and contents. In any case, the Fire Chief shall retain information as to the members of the Department responding to the emergency, as well as such other information as he may deem advisable or may be required, from time to time, by the City, County or State.

8.27. Practice Drills. It shall be the duty of the Chief to hold regular practice meetings of at least one hour duration to give personnel instruction and practice in methods.

8.28. **Assistant Chief.** In the absence or disability of the Chief, the Assistant Chief for Firefighters shall perform all functions and exercise all of the authority of the Chief.

8.29. **Firepersons.** The Chief, the Assistant Chiefs, and all fire personnel and probationary firepersons shall be not less than 18 years of age and able-bodied. No one under 18 may be a member of a volunteer department. They shall become members of the Fire Department only after six (6) months' probationary period. The Council may require that each candidate, before he may become a probationary fireperson, must satisfy certain minimum requirements of height, weight, education and any other qualifications which may be specified by the Council; and that they must pass satisfactorily a mental and physical examination. There shall be a minimum of ten (10) firepersons and a maximum of forty (40).

8.29.1. **Reserve Firepersons.** There is hereby created a class of firepersons to be designated as Reserve Firepersons. Reserve Firepersons shall abide by all of the rules and regulations imposed by law or required by the Fire Chief except that the Fire Chief may direct that reserve members need not respond to each fire call, but rather should respond only when they are designated as being "on-call" and that said reserve members need not attend each regular practice drill, so long as they shall attend at least one (1) practice drill in each month. This shall not limit the ability of the Fire Chief to require Reserve Firepersons to attend particular practice drills or training sessions whether the same shall be regularly scheduled or otherwise.

8.30. **Loss of Membership.** Firepersons absent from three (3) consecutive drills or calls shall be subject to a forfeiture of their membership in the Department, unless such absences have been excused by the Fire Chief.

8.31. **Compensation.** The members and officers of the Fire Department shall receive compensation as set by the City Council from time to time.

8.32. **Minimum Pay.** In computing compensation for fires, one hour shall be considered as the minimum to be paid to any fireman or officer.

8.33. **Relief Association.** The members and officers of the fire department may organize themselves into a Firemen's Relief Association.

8.34. **Interference with Department.** No person shall give or make, or cause to be given or made, an alarm of fire without probable cause, or to neglect or refuse to obey any reasonable order of the Chief at a fire, or to interfere with the fire department in the discharge of its duties; and any person convicted of violating this section shall be guilty of a misdemeanor.

8.35. **Fires Outside the City.** When any property owners, association of property owners,

insurance company or society, or political subdivision enters into a contract with the city for fire protection on property owned, leased or represented by such person, persons, organization or political subdivision, and agrees to pay for such services at the rates prescribed, the City Administrator shall inform the chief of the fire department of such agreement, and thereafter the department shall go outside the city limits to answer fire calls or alarms from such property or properties, but in no case shall the fire department send apparatus to such property if the fire chief or other individuals in charge of the fire department at the time decides that it is needed for local services, and in no case shall it send more equipment or men than it anticipated in the agreement.