

PRELIMINARY DRAFT

CHAPTER 8

CIVIL DEFENSE

Department Of Civil Defense Established, sec. 8.101
Director Of Civil Defense, sec. 8.102
Appointment Of Director, sec. 8.103
Function Of Department, sec. 8.104
Personnel Of Department, sec. 8.105
Emergency Powers, sec. 8.106
Aid To Other Areas During Riot Or Violence, sec. 8.107
Civil Defense Advisory Council, sec. 8.108
Acceptance Of Gifts, Loans Of Service, Equipment, Etc., sec. 8.109
Executive Orders, Regulations And Directives Of Governor, sec. 8.110
Filing Of Executive Orders, Regulations And Directives, sec. 8.111
Operation Of Chapter Contingent Upon State Law, sec. 8.112

SECTION 8.101. DEPARTMENT OF CIVIL DEFENSE ESTABLISHED. There is hereby established the Department of Civil Defense. The Department may also be referred to as the Civil Defense Agency.. (Ord. No. 283, Part of sec. 1, Aug. 7, 1950)

sec 8-1 (161)

SECTION 8.102. DIRECTOR OF CIVIL DEFENSE. The Department shall be under the supervision of the Director of Civil Defense. The Director shall have the direct responsibility for the organization, administration and operation of the Department subject to the general control of the City Manager. (Ord. No. 283, Parts of secs. 1 and 2, Aug. 7, 1950)

sec 8-2 (162)

SECTION 8.103. APPOINTMENT OF DIRECTOR. The Director shall be appointed by and shall serve at the pleasure of the City Manager. The Director shall receive such salary as shall be from time to time established by ordinance. (Ord. No. 283, Part of sec. 2, Aug. 7, 1950)

sec 8-3 (162)

SECTION 8.104. FUNCTION OF DEPARTMENT. It shall be the function of the Department to carry out the duties prescribed by Acts of 1950, Chapter 639, and any acts amendatory thereof or supplemental thereto and such other functions and duties as may be set forth herein or established by ordinance from time to time not inconsistent with the laws of the Commonwealth, namely, to prepare for and carry out all emergency functions, other than functions for which military forces other than the National Guard are primarily responsible; for the purpose of minimizing and repairing injury and damage resulting from disasters caused by attack, sabotage or other hostile action or by fire, flood, earthquake or other natural causes; said functions shall include specifically, but

*sec 8-4
(162-163)*

CIVIL DEFENSE

without limiting the generality of the foregoing, fire fighting and police services, medical and health services, rescue, engineering, and air raid warning services, evacuation of persons from stricken areas, emergency welfare services, communications, radiological, chemical and other special weapons of defense, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions. (Ord. No. 283, Part of sec. 1, Aug. 7, 1950)

SECTION 8.105. PERSONNEL OF DEPARTMENT. For the purpose of carrying out the provisions of this Chapter the City Manager, or if so delegated by him, the Director of Civil Defense, may, within the limits of amounts appropriated therefor, appoint and employ such experts, clerks and other employees as the work of the Department may require and may remove them and in general may make such expenditures within the limits of appropriations and as may be necessary to execute effectively the purposes of Acts of 1950, Chapter 639 and of this Chapter and any acts amendatory thereof or supplemental thereto. The Department shall be provided with suitable office space, equipment and supplies. (Ord. No. 283, sec. 3, Aug. 7, 1950)

Sec 8-5(163)

SECTION 8.106. EMERGENCY POWERS.¹ In the event of disaster, the City, acting through the Director of Civil Defense, shall have those powers enumerated in G.L. 33 App., sec. 13-13. (New)

Sec 8-6(164)

SECTION 8.107. AID TO OTHER AREAS DURING RIOT OR VIOLENCE. The Chief of Police with the approval of the Director of Civil Defense and of the City Manager is authorized to send to the aid of any other city or town in the event of disaster such equipment and personnel of his department as in the judgment of the Chief of Police shall be advisable for the suppression of riot or other form of violence in such other city or town in the event of a request therefor from the Mayor or City Manager of such City or selectmen of such Town. (Ord. No. 283, sec. 5, Aug. 7, 1950)

Sec 8-7(164)

SECTION 8.108. CIVIL DEFENSE ADVISORY COUNCIL. There is hereby created an unpaid Civil Defense Advisory Council, the members, of which shall be appointed by the City Manager. The Defense Council shall consist of experts on all matters affecting civil defense, and the Director of Civil Defense. The City Manager shall appoint the Chairman of said Defense Council to serve at his pleasure. The Defense Council shall be in the executive branch of the government and shall serve under the City Manager and shall be subject to his supervision and control. The Defense Council shall advise the City Manager and Director on matters pertaining to civil defense. (Ord. No. 283, sec. 6, Aug. 7, 1950)

Sec 8-8(165)

¹As to the power to impose curfews during the existence or threat of riot or other civil disturbance, see Acts 1968, c. 563.

CIVIL DEFENSE

SECTION 8.109. ACCEPTANCE OF GIFTS OR LOANS OF SERVICES. In accordance with the authority referred to in Section 15 of Acts of 1950, Chapter 639, the City shall accept gifts, grants, loans of services, equipment, supplies, materials or funds for the purposes of civil defense from the Federal Government or any agency or officer thereof or from any person. The acceptance of such gifts, grants or loans on behalf of the City shall be made by the Director of Civil Defense subject to the approval of the City Manager. Appropriate records shall be kept by the Director of Civil Defense of all matters relating to such gifts, grants, or loans. (Ord. No. 283, sec. 7, Aug. 7, 1950)

Sec 8-9 (165)

SECTION 8.110. EXECUTIVE ORDERS, REGULATIONS AND DIRECTIVES OF GOVERNOR. Upon the promulgation of executive orders or of general regulations by the Governor of the Commonwealth, or upon a directive by the Governor to the City Manager, or to the Director of Civil Defense or other municipal department officers or employees of the City to carry out the provisions of any such executive order, regulation or directive, the Director of Civil Defense is hereby authorized and directed to take all necessary steps to carry out such executive order, regulation or directive in spite of any municipal ordinance or procedure which may in whole or in part conflict with such executive order, regulation or directive. All such actions shall be taken and such executive orders or regulations shall be carried out for the purpose of meeting conditions arising from emergency or disasters without delay caused by observance of ordinances or procedures customary in periods of normal life. (Ord. No. 283, sec. 8, Aug. 7, 1950)

Sec 8-10 (166)

SECTION 8.111. FILING OF EXECUTIVE ORDERS, REGULATIONS OR DIRECTIVES. Upon the receipt of any executive order, general regulation or directive from the Governor under the powers conferred upon him by Acts of 1950, Chapter 639, the Director of Civil Defense or the officer or employee of the City receiving such order, regulation or directive shall cause copies thereof with all due diligence to be filed with the City Clerk, the City Manager, the City Auditor, the City Solicitor, the Director of Civil Defense and the department affected thereby. (Ord. No. 283, sec. 9, Aug. 7, 1950)

Sec 8-11 (166)

SECTION 8.112. OPERATION OF CHAPTER CONTINGENT UPON STATE LAW. This Chapter shall become of no effect when Acts of 1950, Chapter 639 shall by action of the legislature, become inoperative or upon the expiration of any time limit for the operation of said Chapter 639 now or hereafter imposed by the legislature. Any part of this Chapter shall become inoperative when any Section or provision of said Chapter 639 upon which such part depends for its validity shall become inoperative by act of the legislature or by the expiration of any time limit now or hereafter imposed by the legislature. (Ord. No. 283, sec. 11, Aug. 7, 1950)

Sec 8-13 (167)

