

**FRIDLEY CITY CODE**  
**CHAPTER 106. CIVIL DEFENSE**  
(Ref. 112, 1070)

**106.01. POLICY AND PURPOSE**

Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from, sabotage, or other hostile action, or from fire, flood, tornado or other natural causes, and in order to insure that preparations of the 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:

1. To establish a local Emergency Management Organization.
2. To provide for the exercise of necessary powers during emergencies and disasters.
3. 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 emergency preparedness functions.

It is further declared to be the purpose of this Chapter and the policy of the City that all emergency preparedness functions of this City be coordinated to the maximum extent practicable with the comparable functions of the federal government, of this State, 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 human-power, resources, and facilities for dealing with any disaster that may occur.

**106.02. DEFINITIONS**

1. Emergency 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 disaster caused by sabotage, or other enemy hostile action, or from fire, flood, tornado, or other natural causes, or from industrial hazardous material mishaps. These functions include, without limitation, fire-fighting, police services, emergency medical and health services, rescue, engineering, warning communications, radiological, chemical evacuation congregate care, 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.

2. Disaster.

A situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

3. Emergency.

An unforeseen combination of circumstances which calls for immediate action to prevent from developing or occurring.

4. Emergency Management Forces.

The total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this resolution or any rule or order thereunder. This includes personnel from City departments, authorized volunteers, and private organizations and agencies.

5. Emergency Management Organization.

The staff element responsible for coordinating city-level planning and preparation for disaster response. This organization provides city liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

### **106.03. ESTABLISHMENT OF AN EMERGENCY MANAGEMENT ORGANIZATION**

There is hereby created within the City government an Emergency Management Organization, which shall be under the supervision and control of an Emergency Management Director, hereinafter called the Director. The Director shall be appointed by the Mayor for an indefinite term and may be removed by the Mayor at any time. The Director shall receive a salary, as may be prescribed by the City Council, and any necessary expenses. The Director shall have the responsibility for the organization, administration and operation of the Emergency Management Organization, subject to the direction and control of the Mayor. The Emergency Management Organization shall be organized into such divisions and bureaus, consistent with the state and local emergency preparedness plans, as the Director deems necessary to provide for the efficient performance of local emergency management functions during an emergency. The Emergency Management Organization shall perform emergency management 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.

**106.04. POWERS AND DUTIES OF DIRECTOR**

1. The Director, with the consent of the Mayor, shall represent the City on any regional or State organization dealing with emergency management. The Director shall develop proposed mutual aid agreements with other political subdivisions within or outside the State for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present such agreements to the Council for its action. Such arrangements shall be consistent with the State emergency plan and during an emergency, it shall be the duty of the Emergency Management Organization and emergency management forces to render assistance in accordance with the provisions of such mutual aid arrangements. Any mutual aid arrangement with a political subdivision of another state shall be subject to the approval of the Governor.
2. The Director shall make such studies and surveys of manpower to determine the Emergency Management Organization's adequacy for emergency management and to plan for its most efficient use in time of an emergency.
3. The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the City 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 emergency management forces of the City to perform the duties and functions assigned by the plans as approved. The plan may be modified in like manner from time to time. The Director shall coordinate the emergency preparedness activities of the City to the end that they shall be consistent and fully integrated with the emergency plan of the federal government and the State and correlated with the civil defense plans of other political subdivisions within the State.
4. In accordance with the State and City emergency 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 emergency management forces in advance of actual disaster, as may be necessary to the prompt and effective operation of the City emergency plan in time of an emergency. The Director may, from time to time, conduct such practice drills or other emergency preparedness exercises as are deemed necessary to assure prompt and effective operation of the City Emergency Plan when disaster occurs.
5. The Director shall utilize the personnel, 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 Emergency Management Organization 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 programming of such emergency prepared activities as will involve the utilization of the facilities of their department or agency,
6. The Director shall, in cooperation with existing City departments and agencies affected, organize, recruit, and train emergency medical personnel that may be required on a volunteer basis to carry out the emergency plans of the City and the State.

To the extent that such emergency personnel is recruited to augment a regular City department or agency for emergencies, they shall be assigned to such department or agency for purposes of administration and command. The Director may dismiss any emergency volunteer at any time and require that person to surrender any equipment and identification furnished by the City.

7. Consistent with the emergency plan, the Director shall coordinate the activity of the city emergency management organizations with the city and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services (Minnesota Statutes, Chapter 12, 12.25)

8. The Director shall carry out all orders rules and regulations issued by the Governor with reference to emergency management.

9. The Director shall direct and coordinate the general operations of all emergencies in conformity with controlling regulations and instructions of State emergency management authorities. The heads of departments and agencies shall be governed by the Director's orders in respect thereto.

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

11. During the first thirty (30) days of an emergency, if the legislature is in session, or the Governor has coupled his or her 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 subdivisions, to perform services for emergency management purposes and may commandeer, for the time being, any motor vehicles, tools, appliances or any other property, subject to the owner's right to just compensation as provided by law.

12. The director shall prepare and submit such reports on emergency preparedness activities as may be requested by the City Council.

#### **106.05. EMERGENCY PREPAREDNESS WORKERS**

1. Emergency management volunteers shall be called into service only in case of an emergency for which the regular municipal forces are inadequate or for necessary training and preparation for such emergencies. All volunteers shall serve without compensation.

2. Each emergency management 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 displaying his or her identification. No person, except an authorized volunteer, shall use the identification of a volunteer or otherwise represent himself or herself to be an authorized volunteer.
3. No emergency management volunteer shall carry any firearm while on duty except on written order of the Director of Public Safety for the City of Fridley.
4. Personnel procedures of the City of Fridley applicable to regular employees shall not apply to paid employees of the Emergency Management Organization.

### **106.06. LOCAL EMERGENCIES**

1. A local emergency may be declared only by the Mayor of Fridley or their legal successors. It shall not be continued for a period in excess of three 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/Records Coordinator.
2. A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional disaster plans, and may authorize aid and assistance thereunder.
3. Subdivision 3. No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

### **106.07. EMERGENCY REGULATIONS**

1. Whenever necessary to meet a declared emergency or to prepare for such emergency for which adequate regulations have not been adopted by the Governor or by the City Council, the Mayor may by proclamation promulgate regulations consistent with applicable federal or State law or regulation, respecting: 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 regulations; drills, or practice period required for preliminary training; and all other matters which are required to protect public safety, health, and welfare in emergencies.

2. Every resolution of emergency regulations shall be in writing, signed by the Mayor, dated, refer to the particular civil defense emergency to which it pertains, if so limited, and 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 regulation and its availability for inspection at the Clerk's office shall be conspicuously posted at the front of 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.

3. The City Council may rescind any such regulation by resolution at any time. Every such regulation shall expire at the end of thirty (30) days after its effective date or at the end of the emergency to which it relates, whichever occurs first. Any ordinance or regulation inconsistent with an emergency regulation promulgated by the Mayor shall be suspended during the period of time to the extent that such conflict exists.

4. During a declared 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 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, for example, but not limited to, publication of ordinances and resolutions, publication of calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirements for budgets.

#### **106.08. PROCEDURE**

1. There is hereby established an account in the general fund to be known as the Emergency Management Account. Into this fund shall be placed the proceeds of taxes levied for emergency management, money transferred from other accounts, gifts and other revenues of the Emergency Management Organization. From such account, expenditures shall be made for the operation and maintenance of the Emergency Management Organization and other expenditures for emergency preparedness. Regular accounting disbursement, purchasing, budgeting and other financial procedures of the City shall apply to the Emergency Management Organization insofar as practicable, but budgeting requirements and other financial procedures shall not apply to expenditures from the account in any case when their application will prevent compliance with terms and conditions of a federal or state grant of money or property for emergency preparedness purposes.

2. The Director shall, as soon as possible after the end of each fiscal year, prepare and present to the City Council for the information of the Council and the public, a comprehensive report of the activities of the Emergency Preparedness Organization during the year.

**106.09. CONFORMITY OF COOPERATION**

Every officer and agent of the City shall cooperate with the 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. The Public Safety Director may appoint any qualified person holding a position in any agency created under federal or State authority for emergency purposes as a special police officer of the City, with such police powers and duties within the City incident to the functions of that person's 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 Public Safety Director and such police officers of the City as are designated.

**106.10. GOVERNMENTAL FUNCTION**

1. All functions hereunder and all other activities relating to emergency management are hereby declared to be governmental functions. The City and, except in cases of willful misconduct, its officers, agent, employees, or representatives engaged in any emergency activities, while complying with or attempting to comply with the Minnesota Civil Defense Act of 1951 as amended (Minn. Stats. 12.01 to 12.46) or with this Chapter or any rule, regulation or order made hereunder, shall not be liable for the death of or any injury to persons or damage to property as a result of such activity.

2. The provisions of this Section shall not affect the right of any person to receive benefits to which that person would otherwise be entitled under this Chapter or under Worker's Compensation Law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

**106.11. POLITICAL PARTICIPATION**

The Emergency Management Organization 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.

**106.12. PENALTIES**

Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.