

Public Safety

PART 13

PUBLIC SAFETY

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GENERAL PROVISIONS

SECTION 13-101 ADOPTION OF FIRE PREVENTION CODE.

A. There is hereby adopted by the city council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as BOCA Fire Prevention Code recommended by the Building Officials and Code Administrators International, being particularly the latest edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by this code. At least one copy of the Fire Prevention Code is on file in the office of the city clerk. The Fire Prevention Code is hereby adopted and incorporated as fully as if set out at length herein; and from the date on which this code

shall take effect, the provisions thereof shall be controlling within the limits of the city.

B. For the purpose of the fire prevention code, the "fire official" shall mean the fire chief or his designee. The "appointing authority" shall be the city manager. (Prior Code, Sec. 8-1, as amended)

SECTION 13-102 FIRE DEPARTMENT TO ENFORCE CODE.

A. The Fire Prevention Code shall be enforced by the fire department of the city, under the supervision of the chief of the fire department.

B. The chief of the fire department may detail such members of the fire department as inspectors as may from time to time be necessary. (Prior Code, Sec. 8-2, 8-3)

SECTION 13-103 LIMITS WITHIN WHICH STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED.

A. The limits referred to in the Fire Prevention Code, in which storage of flammable liquids in outside aboveground tanks is prohibited, are established as in the city's zoning ordinance.

B. The limits referred to in the Fire Prevention Code, in which new bulk plants for flammable liquids are prohibited, are established in the city's zoning ordinance. (Prior Code, Sec. 8-4)

Cross Reference: Zoning regulations, see Section 12-201 et seq.

SECTION 13-104 LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED.

The limits referred to in the Fire Prevention Code, in which bulk storage of liquefied petroleum has been prohibited, are established in the zoning ordinance. (Prior Code, Sec. 8-5)

Cross Reference: See Sections 13-120 et seq. of this code for other provisions on liquefied petroleum gases.

SECTION 13-105 LIMITS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS ARE PROHIBITED.

The limits referred to in the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited, are established in the city's zoning ordinance. (Prior Code, Sec. 8-6)

SECTION 13-106 MODIFICATIONS.

The chief of the fire department, with the approval of the city manager, shall have power to modify any of the provisions of the Fire Prevention Code and the life safety code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the fire chief and city manager thereon shall be entered upon the records of the city manager, and a signed copy shall be furnished the applicant. (Prior Code, Sec. 8-7)

SECTION 13-107 NEW MATERIALS, PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The chief of the fire department, the city manager, and one person appointed by the mayor with the approval of the council shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies, which shall require permits, in addition to those now enumerated in the code. The fire chief shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. (Prior Code, Sec. 8-9)

SECTION 13-108 APPEALS.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city council within thirty (30) days from the date of the decision appealed.

SECTION 13-109 FLAMMABLE AND COMBUSTIBLE LIQUIDS CODE ADOPTED.

There is hereby adopted and incorporated herein by reference the "Flammable and Combustible Liquids Code", latest edition thereof, published by the National Fire Protection Association, pamphlet number 30, to govern flammable and combustible liquids in the city. At least one copy of the code shall be kept on file in the city clerk's office. (Prior Code, Sec. 8-1, in part)

SECTION 13-110 BURNING TRASH.

Bonfires and burning trash or rubbish outdoors are permitted only in accordance with the Fire Prevention Code. (Prior Code, Secs. 8-12, 8-13)

SECTION 13-111 PENALTIES.

A. Any person who violates any of the provisions of the Fire Prevention Code or other code hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed therein, shall severally for every such violation and noncompliance respectively, be guilty of an offense, punishable by a fine as provided in Section 1-108 of this code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Prior Code, Sec. 8-9)

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LIQUEFIED PETROLEUM GAS

SECTION 13-120 PERSONS MUST COMPLY WITH STATE LAW AND CODE.

It is unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install, or repair any system, container, apparatus, or appliance to be used for the transportation, storage, dispensing, or utilization of liquefied petroleum gas, or to transport, handle, or store such gas, unless such person has complied with and complies with all provisions of the law and ordinances relating thereto, and has any license or permit which may be required by state law. The National Fire Protection Association Pamphlet No. 58, Storage and Handling of Liquefied Petroleum Gases, also adopted by the Oklahoma Liquefied Petroleum Gas Board, is adopted and incorporated herein by reference and shall have full force and effect within this city. Any violation of these rules and regulations shall be deemed a violation of the ordinances of the city and shall be punished accordingly.

State Law Reference: State rules, liquefied petroleum gas code, 52 O.S. Section 520.1 et seq.

SECTION 13-121 INSPECTION, FEE.

All liquefied petroleum installations within the city, upon completion, shall be inspected by the plumbing inspector, or by the gas inspector if a gas inspector is appointed, and shall not be used by the occupants until approved by the inspector as complying with this chapter and the rules and regulations adopted thereby. The fee for such inspection shall be as set by the council by motion or resolution.

SECTION 13-122 DEFINITION.

The term "liquefied petroleum gas" as used in this chapter shall mean and include any material which is composed predominately of any of the following hydrocarbons, or mixtures of: propane, propylene, butanes (normal butane or iso-butane) and butylenes, regardless of by what means any such substances may be hereafter known.

SECTION 13-123 APPLICATION.

A. The term "liquefied petroleum gas equipment" as herein referred to shall be construed to embrace all devices, piping and equipment pertinent to the use of liquefied petroleum gas, except gas-burning appliances.

B. The term "appliances" as herein referred to, shall be construed to embrace all gas-burning appliances intended for use with liquefied petroleum gas.

SECTION 13-124 INSTALLATION, NOTICE, APPROVAL.

No system for the use or dispensation of liquefied petroleum gases shall be installed within the city until written notice thereof is given to the building official of the city, and the plans and specifications for such system have been submitted and approved by the official. Every such system installed or used in the city shall have been tested and listed either by the Underwriters Laboratories, Inc., or by a nationally recognized testing laboratory, and shall be approved by the state liquefied petroleum gas administrator, of the state.

SECTION 13-125 RECORDS OF INSTALLATION.

Every person, firm or corporation installing liquefied petroleum gas equipment, other than gas-burning appliances, and replacing of portable cylinder, shall keep a record of each installation showing the name and address of the customer at whose place the liquefied petroleum gas equipment has been installed and the date of installation. Such reports shall be disclosed to the building official of the city at any time upon request during regular business hours. However, the building official shall, at any time he deems it necessary as a precautionary measure, inspect such records. The building official may, at any reasonable time, inspect the installation of liquefied petroleum gas equipment.

SECTION 13-126 STANDARDS FOR USE AND INSTALLATION OF LIQUEFIED PETROLEUM GAS EQUIPMENT.

The use and installation of liquefied petroleum gas equipment shall be in conformity with the provisions of this chapter, with the statutes of the state, and the orders, rules or regulations issued by authority thereof, the liquefied petroleum gas administrator of the state, and with generally recognized standards for safety to persons and property. Where no specific standards are prescribed by this chapter or by statutes of the state or by any orders, rules or regulations issued by authority thereof, the liquefied petroleum gas administrator of the state, conformity with the standards of the National Board of Fire Underwriters for the design, installation and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases, as amended, as recommended by the National Fire Protection Association, shall be prima facie evidence of conformity with generally recognized standards for safety to persons and property.

SECTION 13-127 PERMIT.

Before any person, firm or corporation shall install any equipment in the city for the storage, dispensation, or handling of liquefied petroleum gases, such person, firm, or corporation shall first obtain a permit therefor from the city. In granting or refusing such permit, the building official shall take into consideration the proposed location of such equipment, and the probable hazards involved by reason of the proposed location thereof, and must have the approval of the state liquefied petroleum gas administrator in conformity with the state laws regulating such approval by the state liquefied petroleum gas administrator.

SECTION 13-128 TRANSPORTING LIQUEFIED PETROLEUM GAS.

Liquefied petroleum gas transport or semi-trailer trucks shall not travel over any street within the city limits except such streets as are designated as truck routes by the city council of the city.

CHAPTER 2

FIRE DEPARTMENT AND SERVICE

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FIRE DEPARTMENT

SECTION 13-201 FIRE DEPARTMENT, CHIEF OF THE DEPARTMENT.

There shall be a fire department, the head of which shall be the chief of the fire department appointed by the city manager for an indefinite term. The chief of the fire department shall be an officer of the city, and shall have supervision and control of the fire department. There shall be such additional fire fighters as may authorized. All firefighters shall be officers of the city. It is the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to, persons injured in or about burning structures, or elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire and explosions in theaters, stores, and other public buildings. (Prior Code, Sec. 1-90 to 1-95, in part)

State Law Reference: Fire departments in general, 11 O.S. Sections 29-101 et seq.; volunteer departments, 11 O.S. Sections 29-201 et seq.

SECTION 13-202 DUTIES OF THE FIRE CHIEF.

The chief shall be at the head of the department, subject to the laws of the state, ordinances of the city, and the rules and regulations adopted in this chapter. The chief shall have the following powers and duties:

1. The chief shall be responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him;
2. The chief may inspect or cause to be inspected by members of the department, the fire hydrants, cistern and other sources of water supply at least twice each year;
3. The chief shall maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members;
4. The chief shall make every effort to attend all fires and direct the officers and members in the performance of their duties;
5. The chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department;
6. The chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism shall notify proper authorities and secure and preserve all possible evidence for future use in the case;
7. The chief is authorized to enter any building or premise in the city at any reasonable hour for the purpose of making inspections and to serve written notice on the owners or occupants to correct any hazards or violations that may be found; and
8. The chief shall see that complete records are kept of all fires, inspections, apparatus and equipment, personnel and other information of the department and shall make reports to the city manager as he may require.

(Prior Code, Secs. 1-95, 1-97, 1-108, in part)

SECTION 13-203 DUTIES OF THE ASSISTANT CHIEF.

In the absence of the chief, the assistant chief on duty shall command the department and be held responsible therefor in all respects with the full powers and responsibilities of the chief. The assistant chief shall be appointed by the city manager. Other officers or employees as deemed necessary shall be appointed by the city manager after consultation with the fire chief. (Prior Code, Secs. 1-95, 1-109, in part)

SECTION 13-204 USE OF FIRE EQUIPMENT, INVENTORY AND REPAIR.

A. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person wilfully and without proper authority take away or conceal any article used in any way by the department. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by, or having the special permission of, an officer or authorized member of the department.

B. The chief shall prepare and keep a complete inventory of all property belonging to the fire department, and shall at the expiration of his term turn over such inventory and all such property to his successor, together with all books, records, reports and data of the department.

C. The chief shall report to the city manager any necessary repairs, alterations or improvements needed by the fire department with an estimate of their probable cost, and shall superintend the making of the repairs, alterations or improvements. If any apparatus shall become disabled for immediate use, he shall repair the same and report his action to the city manager.

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VOLUNTEER DEPARTMENT

SECTION 13-210 VOLUNTEER DEPARTMENT, COMPANY OFFICERS.

The company officers of the volunteer department shall be selected upon their ability to meet the following requirements:

1. Their knowledge of fire fighting;
2. Their leadership ability; and
3. Their knowledge of fire fighting equipment.

(Prior Code, Sec. 1-110)

State Law Reference: Volunteer fire departments, 11 O.S. Section 29-201 et seq.

SECTION 13-211 NEW MEMBERS OF VOLUNTEER DEPARTMENT.

A. All new members shall be on probation for one year after their appointment. New probationary members shall be recommended by majority of members of the full-time and volunteer fire department appointed by the city manager.

B. New volunteer members upon completion of their probation period must be approved by the majority of the full time and volunteer members of the fire department and appointed by the city manager. (Prior Code, Sec. 1-112)

SECTION 13-212 RULES AND REGULATIONS.

The volunteer fire department shall be subject to the following rules and regulations which shall be incorporated in the bylaws of the department:

1. A volunteer firefighter is required, when notified, to respond to alarms of fire and other emergencies;
2. A volunteer firefighter is required to be present at all regular meetings, call meetings and schools presented for the benefit of the firefighters;
3. There shall be at least one regular business meeting each month;

4. Any volunteer firefighter having two (2) unexcused absences in succession or three (3) unexcused absences in a period of three (3) months will be dropped from the fire department rolls;

5. Volunteer firefighters leaving the city for an extended period of time will be required to notify the chief;

6. Any volunteer firefighter refusing to attend training classes provided for him will be dropped;

7. Any volunteer member of the fire department shall be dropped from the rolls for the following offenses:

- a. Conduct unbecoming a firefighter;
- b. Any act of insubordination;
- c. Neglect of duty;
- d. Any violation of rules and regulations governing the fire department; or
- e. Conviction of a felony.

(Prior Code, Sec. 1-113)

ARTICLE C

CALLS OUTSIDE LIMITS

SECTION 13-220 CONTRACTS AUTHORIZED OUTSIDE CITY LIMITS.

The city is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the state for fire protection outside the corporate limits of the city, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the state. (Prior Code, Sec. 1-106, in part)

State Law Reference; Mutual aid, fire contracts outside limits 11 O.S. Sections 29-106 to 29-109.

SECTION 13-221 CONTRACT TERMS, FEES FOR SERVICE.

Any contract entered into by the city with an individual owner, firm, private corporation, or association, for outside aid, or mutual aid for fire protection, shall provide for the payment by the owner, firm, private corporation or association, or political subdivision to the city for such fire apparatus and personnel at the rate as set by the council. All monies received from the calls shall go into the general fund. (Prior Code, Sec. 1-106, in part)

SECTION 13-222 AUTHORITY TO ANSWER CALLS.

The fire department of the city is hereby authorized and directed to answer all outside calls unless in the opinion of the fire chief it is inexpedient to do so on account of another fire in the city, broken apparatus, impassable or dangerous highways, or other physical conditions. (Prior Code, Sec. 1-106, in part)

SECTION 13-223 FIREFIGHTERS SERVING IN REGULAR LINE OF DUTY.

All firefighters of the fire department of the city attending and serving at fires or doing fire prevention work outside the corporate limits of the city, as herein provided, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the city. The firefighters shall be entitled to all the benefits of any firemen's pension and relief fund in the same manner as if the fire fighting or fire prevention work was being done within the corporate limits of the city. (Prior Code, Sec. 1-106, in part)

SECTION 13-224 DEPARTMENT CONSIDERED AGENT OF STATE.

The fire department of the city answering any fire alarm, or call, or performing any fire prevention services outside the corporate limits of the city shall be considered as an agent of the state, and acting solely and alone in a governmental capacity, and the municipality shall not be liable in damages for any act of commission, omission, or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by virtue of this article. Prior Code, Sec. 1-106, in part)

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GENERAL PROVISIONS

SECTION 13-301 POLICE DEPARTMENT CREATED, CHIEF.

There is a police department, the head of which is the chief of police, or police chief, appointed by the city manager for an indefinite term, and removable by the city manager. The chief of police is an officer of the city, and has supervision and control of the police department. All police officers are officers of the city.

State Law Reference: Municipal police department generally, 11 O.S. Section 34- 101 et seq.

SECTION 13-302 DUTIES.

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the city; to suppress all riots, affrays, and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers. The police department has charge of and operates the city jail.

SECTION 13-303 POLICE OFFICERS.

Police officers shall perform such duties as shall be required of them by the chief of police,

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city ordinances, federal, state and county regulations and any other actions required in the maintenance of good order and public peace. Employees or officers deemed necessary shall be appointed by the city manager after consultation with the chief of police.

Ed. Note: See city Ordinance Table and Personnel Policies qualifications and duties of police officers, Sec. 2-506.

SECTION 13-304 EMERGENCY DUTIES IN OTHER CITIES.

A. Approval is hereby given for service of members of the regular police department of this city as police officers of any other city or town, in an emergency situation, in the state, not more than one hundred (100) miles distant from this city, when such service is requested by the mayor or chief of police of the city or town.

B. Requests for service under this section shall be made by writing or by telephone, or other means of communications, to the city manager and, in his absence, the mayor, who, if he determines that the request can be granted consistently with the continuance of the proper police protection to the inhabitants of this city, and after consultation with the chief of police, shall direct the chief of police to furnish the number of officers requested and to arrange their transportation to the requesting municipality.

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RESERVE POLICE DEPARTMENT

SECTION 13-310 CREATION OF RESERVE POLICE DEPARTMENT.

A reserve police department is hereby established to be a volunteer organization. The members shall be a part of the police department of the city. The number of reserve officers shall be determined by resolution. Each reserve police officer shall serve at the pleasure of the chief of police with the concurrence of the city manager. (Ord. No. 573, 8/25/92)

SECTION 13-311 PURPOSE OF RESERVE POLICE DEPARTMENT.

The purposes of the department are to:

1. Assist, on a voluntary basis, the police department in the discharge of their duties;
2. Promote a better public understanding of the vital role of law enforcement and its value to citizens;
3. Promote or encourage activities to assist with better crime prevention, law enforcement and civic improvements; and
4. Be a credit to our community, county, state and nation.

(Ord. No. 573, 8/25/92)

SECTION 13-312 AUTHORITY.

The chief of police shall be the final authority in all matters pertaining to the reserve police

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officers and department with the concurrence of the city manager. (Ord. No. 573, 8/25/92)

SECTION 13-313 POLICIES AND PROCEDURES.

Policies and procedures for service in the reserve police department shall be set by resolution of the city council and the same may be amended from time to time. (Ord. No. 573, 8/25/92)

SECTION 13-314 RULES AND REGULATIONS.

Rules and regulations for the reserve police department shall be set by resolution of the city council and the same may be amended from time to time. (Ord. No. 573, 8/25/92)

SECTION 11-315 COMPENSATION.

No member of the reserve police department shall be entitled to compensation or any other monetary benefit. (Ord. No. 573, 8/25/92)

CHAPTER 4

EMERGENCY MANAGEMENT

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EMERGENCY MANAGEMENT

SECTION 13-401 PURPOSE OF EMERGENCY MANAGEMENT ORGANIZATION, DEFINITIONS.

A. The purpose of this chapter is to create an emergency management organization for the city to be prepared for, and to function in the event of, emergencies endangering the lives and property of the people of such city. The duty of such emergency management organization shall

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be the protection of the lives and health of the citizens of the city and of property rights, both private and public, and to perform all functions necessary and incident thereto.

B. As used in this chapter, the following terms shall be construed as follows, unless a contrary intent appears clear from the context:

1. "Emergency management" means the preparations for and the carrying out of all emergency functions, other than functions for which primary responsibility is assigned elsewhere by federal, state, or local law or ordinance, to protect public peace, health, and safety, and to preserve lives and property, in the city during any emergency resulting from enemy attack, sabotage, or other hostile action, or from any flood, drought, fire, hurricane, tornado, earthquake, storm, or other catastrophe in or near the city and involving imminent or actual peril to life and property in the city. These functions include administration, organization, planning, recruiting, training, education, information, welfare service, relief service, police service, warden service, fire service, rescue service, medical service, health service, transportation service, communications service, street and sewer service, utilities service, general engineering service, plant protection service, supply service, mutual aid, mobile support, evacuation, and all other functions necessary or incidental to the preparation for and carrying out of the foregoing functions;

2. "Enemy-caused emergency" means any state of emergency caused by actual or impending attack, sabotage, or other hostile action, anywhere within the United States, and involving imminent peril to lives and property in the city. Such emergency shall be deemed to exist only when the mayor of the city so declares by public proclamation, or when the governing body so declares. Such emergency shall be deemed to continue to exist until the mayor declares its termination by public proclamation, or until the governing body declares its termination by resolution; and

3. "Natural emergency" means any state of emergency caused by any actual or impending flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in or near the city. Such emergency shall be deemed to exist and to be terminated under the same conditions as are prescribed for an enemy-caused emergency.

(Prior Code, Sec. 1-140; Ord. No. 570, 12/10/91)

State Law Reference: Local emergency management organizations, 63 O.S. Section 683.11, Section 683.12.

SECTION 13-402 OFFICE OF EMERGENCY MANAGEMENT CREATED.

There is hereby established under the executive branch of the government of the city an office of emergency management, which shall consist of:

1. A director of emergency management who shall be appointed by the city manager of the city and serve at his pleasure;

2. A emergency management advisory committee may be established. This committee may consist of the mayor as chairman and five (5) members appointed by the mayor and serving at his pleasure. The committee shall select from its members a vice-chairman and secretary. Except as otherwise provided in this chapter, the committee shall function in an advisory capacity on all matters pertaining to emergency management. The committee members shall serve without compensation; and

3. Such other volunteer emergency management advisory committees as may be created by the director for the evaluation of technical, professional, or other phases of the work of the office of emergency management and which may provide advisory assistance on any matters pertaining to the city's emergency management.

(Prior Code, Sec. 1-141; Ord. No. 570, 12/10/91)

SECTION 13-403 DIRECTOR OF EMERGENCY MANAGEMENT, POWERS AND DUTIES.

The director of emergency management shall be the executive head of the office of emergency management, and shall be responsible to the city manager for carrying out the emergency management program of the city. He shall have all necessary power and authority to form committees or other bodies and to appoint and designate the chairman or chief officer of such bodies as may be necessary to perfect such an organization. He shall coordinate the activities of all organizations for emergency management within the city and shall maintain liaison with and cooperate with emergency management agencies of other governmental units, both within and without the state, including the state and federal government. He shall have such additional authority, duties and responsibilities as may be authorized by this chapter or other law. (Prior Code, Sec. 1-142; Ord. No. 570, 12/10/91)

SECTION 13-404 FURTHER POWERS AND DUTIES.

The director shall have general direction and control of the office of emergency management. He is further authorized to formulate written plans and gather information and keep written records thereof to govern the functions of the emergency management organization. He is also instructed to carry out plans with the state officials of emergency management in cooperating with the federal government and to make available to the city and county program the benefits of Public Law 85-606, subject to the approval of the city, the county, and emergency management committee. The director shall be responsible for carrying out the provisions of this chapter and in doing so he is expressly authorized to cooperate with federal and state government agencies and political subdivisions, and with other states and their subdivisions, and with private agencies, in all matters pertaining to emergency management in the city. (Prior Code, Sec. 1-143; Ord. No. 570, 12/10/91)

SECTION 13-405 DIRECTOR'S USUAL POWERS.

Prior to any emergency as defined in this chapter, the director shall have the following powers:

1. To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this chapter within the limits of the authority conferred upon him herein, with due consideration to be given to the plans and powers of the federal government, the government of the state, and other public and private agencies and organizations empowered to act in either enemy-caused emergencies or natural emergencies, or both;

2. To prepare comprehensive plans for the emergency management of the city in both enemy-caused and natural emergencies, such plans and programs to be integrated and coordinated with the plans and programs of the federal government, of the government of the state, and of other public and private agencies and organizations empowered to act in either enemy-caused or

natural emergencies or both;

3. To establish, within the limits of funds available, a public warning system, composed of sirens, horns, or other acceptable warning devices;

4. To establish and carry out recruitment and training programs as may be necessary to develop an adequate, qualified emergency management volunteer corps;

5. To conduct drills, exercises, and similar programs as may be necessary to develop a well-trained, alert, fully prepared emergency management organization;

6. To make such studies and surveys of the industries, resources, and facilities of this city as he deems necessary to ascertain its capabilities for emergency management, and plan for the efficient emergency use therefor;

7. On behalf of the city, to enter into mutual-aid arrangements with surrounding communities, both in the states of Oklahoma and Texas, subject to the approval of the city council; and

8. To delegate any administrative authority vested in him under this article, and to provide for the subdelegation of any such authority to prepare for either any enemy-caused emergency or a natural emergency.

(Prior Code, Sec. 1-144; Ord. No. 570, 12/10/91)

SECTION 13-406 POWERS IN ENEMY CAUSED EMERGENCY.

In the event of an enemy-caused emergency, as proclaimed by the mayor, the director of emergency management, after approval of the mayor, may exercise during the emergency the power and authority to enforce all rules and regulations relating to emergency management and, acting under authority to enforce all rules and regulations relating to emergency management and, acting under authority of any statutes or under the authority of the mayor as an agent of the governor of the state, may take control of transportation, communications, stocks of fuel, food, clothing, medicine, supplies, and all facilities, including buildings and plants, and exercise all powers necessary to secure the safety and protection of the civilian population. In exercising such powers, he shall be guided by regulations and orders issued by the federal government and the governor of the state relating to emergency management, and shall take no action contrary to orders which may be issued by the governor under similar emergency powers. He shall cooperate in every way with the activities of other governmental agencies or emergency management organizations. (Prior Code, Sec. 1-145; Ord. No. 570, 12/10/91)

SECTION 13-407 POWERS IN NATURAL EMERGENCY.

In the event of any natural emergency as proclaimed by the mayor, the director of emergency management, with the approval of the mayor and acting under his instructions, shall coordinate in every way proper the activities of the emergency management organization. He is specifically charged in such emergency with the collection, evaluation, and dissemination of information to all agencies, both public and private, participating in the city's emergency management organization or cooperating in any such emergency. He shall, as director, have the power to recommend appropriate action, but he shall not otherwise exercise control over the participating agencies. He shall also recommend to the mayor the allocation of any funds received

from the federal or state governments or from any other source to alleviate distress and aid in restoring normal conditions. (Prior Code, Sec. 1-146; Ord. No. 570, 12/10/91)

SECTION 13-408 NOT LIABLE FOR PERSONAL INJURY OR PROPERTY DAMAGE.

Neither the city nor any officer or member of the emergency management organization provided for in this chapter shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer emergency management worker or member of any agency engaged in emergency management activity prior to or during either an enemy-caused or a natural emergency. Neither the city nor any such officer nor a member shall be liable for the death or injury of any person, or damage to property, resulting from such emergency management activity prior to or during either an enemy-caused or a natural emergency. (Prior Code, Sec. 1-147; Ord. No. 570, 12/10/91)

SECTION 13-409 MAY ACCEPT GIFTS, LOANS.

Whenever the federal government or the state or any person shall offer to the city any services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of emergency management, the mayor may accept such offer and may authorize the director of emergency management to receive same subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. The title to any such gift donation or grant shall be in the name of the city. (Prior Code, Sec. 1-148; Ord. No. 570, 12/10/91)

SECTION 13-410 PENALTY.

Any person violating any of the provisions of this chapter in the city or who shall fail to carry out any of the provisions of this chapter or to comply therewith or with any of the orders, rules, or regulations made under the authority hereof, shall upon conviction be punished by a fine as provided in Section 1-108 of this code. (Prior Code, Sec. 1-149; Ord. No. 570, 12/10/91)

ARTICLE B

CONTINUITY IN GOVERNMENT

SECTION 13-420 SHORT TITLE.

This article shall be known and may be cited as the "continuity of government ordinance of the city." (Prior Code, Sec. 1-206)

State Law Reference: Cities to develop emergency succession provisions 63 O.S. Section 685.6.

SECTION 13-421 DEFINITIONS.

As used in this article, unless the context otherwise clearly indicates:

1. "Attack" means any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner, by sabotage or by the use of bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological, or biological means or other weapons or processes;

2. "Duly authorized deputy" means a person who is presently authorized to perform all of the functions, exercise all of the powers and discharge all of the duties of an office in the event the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer;

3. "Emergency interim successor" means a person designated pursuant to this chapter for possible temporary succession to the powers and duties, but not the office, of a city officer in the event that such officer or any duly authorized deputy is unavailable to exercise the powers and discharge the duties of the office; and

4. "Unavailable" means either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office (including any deputy exercising the powers and discharging the duties of an office because of a vacancy) and his duly authorized deputy are absent or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of the office.

(Prior Code, Sec. 1-207)

SECTION 13-422 DESIGNATION, STATUS, QUALIFICATIONS, AND TERM OF
EMERGENCY INTERIM SUCCESSORS.

A. Within thirty (30) days following the effective date of this article, and thereafter within thirty (30) days after first entering upon the duties of his office, the mayor, each member of the city council, shall, in addition to any duly authorized deputy, designate such number of emergency interim successors to his office and specify their rank in order of succession after any duly authorized deputy so that there will not be less than one duly authorized deputies or emergency interim successors or combination thereof for the office.

B. The mayor and city council shall within the time specified in Subsection A of this section, in addition to any duly authorized deputy, designate for appointive officer including the city manager, the city attorney, the judge, such number of emergency interim successors to these officers and specify their rank in order of succession after any duly authorized deputy so that there will be not less than one duly authorized deputies or emergency interim successors or combination thereof for each officer.

C. The incumbent in the case of those elective officers specified in Subsection A of this section, and the city council in the case of those appointive officers specified in Subsection B of this section, shall review and, as necessary, promptly revise the designations of emergency interim successors or duly authorized deputies or any combination thereof for each officer specified.

D. No person shall be designated or serve as an emergency interim successor unless he may under the constitution and statutes of this state and the charter or ordinances of this city, hold the office of the person to whose powers and duties he is designated to succeed, but no provision of any ordinance prohibiting an officer or employee of this city from holding another office shall be applicable to an emergency interim successor.

E. A person designated as an emergency interim successor holds that designation at the pleasure of the designator; provided, that he must be replaced if removed. He retains this designation as emergency interim successor until replaced by another appointed by the authorized designator. (Prior Code, Sec. 1-208)

SECTION 13-423 ASSUMPTION OF POWERS AND DUTIES OF OFFICER BY
EMERGENCY INTERIM SUCCESSOR.

If in the event of an attack any officer named in Subsections A and B of Section 13-422 of this code and any duly authorized deputy is unavailable, his emergency interim successor highest in rank in order of succession who is not unavailable shall, except for the power and duty to appoint emergency interim successors, exercise the powers and discharge the duties of such officer. An emergency interim successor shall exercise these powers and discharge these duties only until such time as the lawful incumbent officer or any duly authorized deputy or an emergency interim successor higher in rank in order of succession exercises, or resumes the exercise of, the powers and discharge of the duties of the office, or until, where an actual vacancy exists, a successor is appointed to fill such vacancy or is elected and qualified as provided by law. (Prior Code, Sec. 1-209)

SECTION 13-424 RECORDING AND PUBLICATION.

The name, address and rank in order of succession of each duly authorized deputy shall be filed with the city clerk and each designation, replacement, or change in order of succession of an emergency interim successor shall become effective when the designator files with the city clerk the successor's name, address and rank in order of succession. The city clerk shall keep on file all such data regarding duly authorized deputies and emergency interim successors and it shall be open to public inspection. (Prior Code, Sec. 1-210)

SECTION 13-425 FORMALITIES OF TAKING OFFICE.

At the time of their designation, emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to exercise the powers and discharge the duties of the office to which they may succeed. (Prior Code, Sec. 1-211)

SECTION 13-426 QUORUM AND VOTE REQUIREMENTS.

In the event of an attack:

1. Quorum requirements for the city council shall be suspended; and
2. Where the affirmative vote of a specified proportion of members for approval of an ordinance, resolution or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient.

(Prior Code, Sec. 1-112)

ARTICLE C

CIVIL EMERGENCIES, POWERS GRANTED

SECTION 13-430 DEFINITIONS.

A. For the purpose of this chapter, "civil emergency" is defined to be:

1. A riot or unlawful assembly characterized by the use of actual force of violence or any threat to use force if accompanied by immediate power to execute by three (3) or more persons acting together without authorization of law; or

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2. Any natural disaster or man-made calamity including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the city resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

B. For the purpose of this chapter, "curfew" is defined as a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the city excepting persons officially designated to duty with reference to the civil emergency. (Ord. No. 420, 9/12/72)

SECTION 13-431 PROCLAMATION OF MAYOR.

When in the judgment of the mayor a civil emergency as defined herein is deemed to exist, he shall forthwith proclaim in writing the existence of same. (Ord. No. 420, 9/12/72)

SECTION 13-432 CURFEW POWERS.

After proclamation of a civil emergency by the mayor, he may order a general curfew applicable to such geographical areas of the city or to the city as a whole, as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare. (Ord. No. 420, 9/12/72)

SECTION 13-433 OTHER EMERGENCY POWERS.

After proclamation of a civil emergency, the mayor of the city may order, in the interest of public safety and welfare:

1. The closing of all retail liquor stores;
2. The closing of all beer taverns;
3. The closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor or beer is permitted;
4. The discontinuance of the sale of beer;
5. The discontinuance of the selling, distribution or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;
6. The closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution or dispensing of liquid flammable or combustible products;
7. The discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever;
8. The closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms and/or ammunition; and
9. Other actions as are imminently necessary for the protection of life and property,

or any or all of the above.

(Ord. No. 420, 9/12/72)

SECTION 13-434 PENALTY.

Any person violating the provisions of this article or executive order issued pursuant thereto shall be guilty of an offense against the city and shall be punishable by a fine as provided in Section 1-108 of this code. (Ord. No. 420, 9/12/72)

CHAPTER 5

UNCLAIMED PROPERTY

Section 13-501	Complete record required.
Section 13-502	Disposition of unclaimed property.
Section 13-503	Property found by a private person.
Section 13-504	Recovery by owner.

SECTION 13-501 COMPLETE RECORD REQUIRED.

All personal property which comes into the possession of any police officer, which has been found or stolen or taken off the person or out of the possession of any prisoner or person suspected of, or charged with, being a criminal, and which is not known to belong to some person laying claim thereto, shall be, by the officer securing possession thereof, delivered into the charge of the chief of police. The chief shall, in a permanent record book kept for that purpose, make a record sufficient to identify the property, with the date and circumstances of the receipt thereof, the name of the person from whom it was taken and the place where it was found; and the record shall also disclose the subsequent disposal thereof, giving the date of sale, name and address of the purchaser, and the amount for which it was sold. (Prior Code, Sec. 17-1)

State Law Reference: Relating to finders of lost goods, see 15 O.S. 1971, Subsection 511 et seq. As regards disposal of stolen or embezzled property coming into hands of policemen, see 22 O.S. 1971, Subsection 1321 et seq. As regards disposal of liquor and gambling equipment seized by policemen, see 22 O.S. 1971, Subsection 1261 et seq.

SECTION 13-502 DISPOSITION OF UNCLAIMED PROPERTY.

Any unclaimed personal property, other than animals, which remains in the possession of the chief of police, unclaimed, or the ownership of which is not to him satisfactorily established, for a period of thirty (30) days, shall be sold, and the proceeds of the sale shall be paid over to the city clerk, who shall issue his receipt therefor, and deposit the same to the credit of the general fund of the city, except such personal property as in the opinion of the city manager can be more advantageously used by some department or office of the city government. Ten (10) days before a sale of such unclaimed property, the chief of police shall sign and have posted in a conspicuous place in the city clerk's office, where it will be plainly visible to persons who visit that office, notice of the time, place, and manner of such sale, and general description of the property to be sold. However, if in the opinion of the city manager, all or any portion of the personal property may be more advantageously used in any city department or office, he shall so instruct the chief of police in writing, and the chief shall thereupon deliver the personal property designated to that department or office of city government and make a permanent record of its disposition. (Prior Code, Sec. 17- 2)

SECTION 13-503 PROPERTY FOUND BY A PRIVATE PERSON.

Any personal property found by a person other than a public official or employee, which is delivered to any police officer for identification, if not claimed or identified within thirty (30) days, shall, within ten (10) additional days thereafter, if requested by the finder, be returned to him, and a record of such disposal made thereof. If the finder does not request return of the property to him within such additional ten (10) days, then the chief of police shall sell the property as if it had been found by a public official or employee, or on instruction by the city manager deliver

it to some department or office of the city government for its use. (Prior Code, Sec. 17-3)

SECTION 13-504 RECOVERY BY OWNER.

If any property is sold as herein provided, and the owner thereof takes and recovers possession of same from the purchaser, the amount paid therefor shall be returned to the purchaser, upon verified claim being submitted and approved by the city council. (Prior Code, Sec. 17-4)