

## Chapter 77-Emergencies

(ORD #7-87)

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#### Subchapter A--Civil Emergencies

##### 77.010. (ORD #7-87) Policy.

Because fire, flood, civil disturbances or riots may from time to time (ORD #7-87) occur within the City of Holden, Missouri, the following powers are hereby granted to the mayor of said city, which shall be exercised only in the event of a emergency found and declared to exist by said mayor, and only for the duration of such emergency, which powers shall be invoked only after a declaration and proclamation of an emergency by said mayor.

##### 77.020. Emergency Powers.

In addition to any and all powers now granted to and exercised by the mayor of the City of Holden, Missouri, such officer is hereby granted the future emergency powers:

1. The mayor shall have the right to declare an emergency to exist when, in his opinion, one or more of the following conditions exists.
  - a. Imminent danger of destruction of life or property due to unusual conditions.
  - b. Imminent danger of unusual or extreme weather conditions, making use of city streets or areas difficult or impossible.
  - c. Imminent danger of civil commotion, uprising or riot.
  - d. Stoppage or loss of electrical power affecting a major portion of or service to the City.
2. After declaration of emergency, and public notification thereof to the extent practicable, said mayor shall have the right to exercise any or all of the following powers:
  - a. The power to use employees of the City of Holden to assist in the preservation of life, limb and property.
  - b. The power to close streets and sidewalks to the use of the public.
  - c. The power to impose emergency curfew regulations.
  - d. The power to close business establishments.
  - e. The power to close any municipally owned buildings and other facilities to the use of the general public.
3. (ORD #7-87) Emergency powers may be rescinded by the mayor or the city council at such time as conditions may dictate.

#### Subchapter B--Local Emergency Preparedness Establishment.

##### 77.110.

There is hereby created within and for the territory of Holden, Missouri an Emergency Preparedness Organization to be known as the Holden Emergency

## Chapter 77-Emergencies

Preparedness Organization, which is responsible for the preparation and implementation of emergency functions required to prevent, minimize and repair injury and damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, Revised Statutes of Missouri, 1961, and the Missouri Disaster Operations Plan adopted thereunder.

### **77.120. Organization.**

This office shall consist of a Director and other members appointed by the mayor to conform to the state organization and procedures for the conduct of emergency operations as outlined in the Missouri Disaster Operations Plan.

### **77.130. Functions.**

The organization shall perform emergency preparedness function within the territorial limits of the City of Holden, Missouri and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of Chapter 44, Revised Statutes of Missouri, 1960.

### **77.140. Director.**

1. The director will be appointed by the mayor and shall serve during the pleasure of the mayor.
2. The Director shall have direct responsibility for the organization, administration and operations of local emergency preparedness activities.
3. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the emergency management office.

### **77.150. Executive officer.**

The mayor of Holden, Missouri, and the Director, in accordance with Chapter 44, Revised Statutes of Missouri, may:

1. Expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency preparedness purposes, provide for the health and safety of persons, including emergency assistance to victims of an enemy attack; the safety of property, and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the federal and state disaster and emergency planning;
2. Appoint, provide or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve without compensation;
3. In the event of enemy attack, waive the provisions of statutes requiring advertisement for bids for the performance of public work or entering into contracts;
4. With the approval of the Governor and consistent with the Missouri Disaster Operations Plan, enter into mutual-aid agreements with other public and private agencies within and without the State for reciprocal emergency aid;

## Chapter 77-Emergencies

5. Accept services, materials, equipment, supplies or funds granted or loaned by the federal government for disaster planning and operation purposes.

### **77.160. Oath.**

No person shall be employed or associated in any capacity in any organization established under this act who advocated or has advocated a change by force or violence in the constitutional form of the government of the United States or in this State or the overthrow of any government in the United States by force or violence, or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates an overthrow of the government of the United States or of this State by force or violence; and that during such a time as I am a member of the Holden Emergency Preparedness Organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence."

### **77.170. Office Space.**

The mayor is authorized to designate space in any city owned or leased building for the Holden Emergency Management Office.