

TITLE 20

MISCELLANEOUS

CHAPTER

1. CIVIL EMERGENCIES.
2. JOINT CIVIL DEFENSE ORGANIZATION.

CHAPTER 1

CIVIL EMERGENCIES¹

SECTION

- 20-101. "Civil emergency" and "curfew" defined.
- 20-102. Proclamation of civil emergency.
- 20-103. Curfew authorized.
- 20-104. Authority to issue other orders.
- 20-105. Exceptions to curfew.
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20-101. "Civil emergency" and "curfew" defined. (1) A "civil emergency" is defined to be:

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

(b) Any natural disaster or man-made calamity including but not limited to flood, conflagration, cyclone, tornado, earthquake, or explosion within the geographic limits of a municipality 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.

(c) The destruction of property, or the death or injury of persons brought about by the deliberate acts of one or more persons acting either alone or in concert with others when such acts are a threat to the peace of the general public or any segment thereof.

(2) "Curfew" is hereby 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 municipality except persons officially designated to duty with reference to said

¹State law reference

Tennessee Code Annotated, title 38, chapter 9.

civil emergency or those lawfully on the streets as defined hereinafter. (1976 Code, § 1-1101)

20-102. Proclamation of civil emergency. When, in the judgement of the mayor, a civil emergency as defined herein is determined to exist, he shall forthwith proclaim in writing the existence of same, a copy of which proclamation will be filed with the recorder. (1976 Code, § 1-1102)

20-103. Curfew authorized. After proclamation of a civil emergency by the mayor, he may order a general curfew applicable to such geographical areas of the municipality or to the municipality as a whole, as he deems advisable, and applicable during which hours of the day or night as he deems necessary in the interest of the public safety and welfare. Said proclamation and general curfew shall have the force and effect of law and shall continue in effect until rescinded in writing by the mayor, but not to exceed fifteen (15) days. (1976 Code, § 1-1103)

20-104. Authority to issue other orders. After proclamation of a civil emergency the mayor may, at his discretion, in the interest of public safety and welfare:

- (1) Order the closing of all retail liquor stores.
- (2) Order the closing of all establishments wherein beer or alcoholic beverages are served.
- (3) Order the closing of all private clubs or portions thereof whereon the consumption of intoxicating liquor and/or beer is permitted.
- (4) Order the discontinuance of the sale of beer.
- (5) Order the discontinuance of 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) Order 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) Order the discontinuance of selling, distributing, dispensing or giving away any firearms or ammunition of any character whatsoever.
- (8) Order 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.
- (9) Issue such other orders as are necessary for the protection of life and property. (1976 Code, § 1-1104)

20-105. Exceptions to curfew. Any curfew as defined hereby shall not apply to persons lawfully on the streets and public places during a civil emergency who have obtained permission of the local chief of police or other law enforcement officer then in charge of municipal law enforcement which

permission shall be granted on good cause shown. This curfew also shall not apply to medical personnel in the performance of their duties. (1976 Code, § 1-1105)

20-106. Violation of orders. Any person violating the provisions of orders issued by the mayor pursuant to the authorization of Tennessee Code Annotated, title 38, chapter 9, and this chapter during a proclaimed civil emergency shall be guilty of a misdemeanor. (1976 Code, § 1-1106)

CHAPTER 2

JOINT CIVIL DEFENSE ORGANIZATION¹

SECTION

20-201. Creation.

20-202. Authority and responsibilities.

20-203. Office of director, his authority and responsibility.

20-204. Civil defense corps.

20-205. No municipal or private liability.

20-206. Expenses of civil defense.

20-201. Creation. There is hereby created the City of Henderson, Chester County Civil Defense Organization, which shall be a joint operation by the City of Henderson and the County of Chester, for the purpose of organizing and directing civil defense for the citizens of the entire county. All other civil defense agencies within the corporate limits of Henderson and Chester County shall be considered as a total part of the county-wide civil defense emergency resources and when such agencies operate out of its corporate limits it shall be at the direction of, subordinate to, and as a part of the City of Henderson, Chester County Civil Defense Organization. (1976 Code, § 1-1001)

20-202. Authority and responsibilities. (1) Authority. In accordance with federal and state enactments of law, the City of Henderson, Chester County Civil Defense Organization is hereby authorized to assist the regular government of the county, and governments of all political subdivisions therein, as may be necessary due to enemy caused emergencies or natural disasters, including but not limited to: storms, floods, fires, explosions, tornadoes, hurricanes, droughts, or peace-time man-made disasters, which might occur affecting the lives, health, safety, welfare, and property of the citizens of Chester County. The City of Henderson, Chester County Civil Defense Organization is hereby authorized to perform such duties and functions as may be necessary on account of said disasters. The City of Henderson, Chester County Civil Defense Organization is hereby designated the official agency to assist regular forces in times of said emergencies.

(2) Responsibilities. The City of Henderson, Chester County Civil Defense Organization shall be responsible for preparation and readiness against enemy caused and natural emergencies arising in Chester County, to establish and coordinate emergency plans, forces, means and resources, and is hereby

¹State law reference

Tennessee Code Annotated, title 58, chapter 2.

designated the official agency to establish such emergency plans. (1976 Code, § 1-1002)

20-203. Office of director, his authority and responsibility.

(1) Primary authority. The office of the director of civil defense is hereby created. The director shall have the authority to request the declaration of the existence of an emergency by the mayor and county judge, or either, or by higher authority as appropriate.

The director shall have overall responsibility for the preparation of all plans and for recruitment and training of personnel. All local civil defense plans will be in consonance with state plans and shall be approved by the state civil defense office.

The director is hereby given the authority to delegate such responsibility and authority as is necessary to carry out the purposes of this chapter, subject to the approval of the chief executive officers of the city and county.

(2) Responsibility of the director. The director shall be responsible to the chief executive officers of the city and county for the execution of the authorities, duties, and responsibilities of the City of Henderson, Chester County Civil Defense Organization for the preparation of all plans and administrative regulations and for recruitment and training of personnel. (1976 Code, § 1-1003)

20-204. Civil defense corps. The City of Henderson, Chester County Civil Defense Corps is hereby created. The corps shall be under the direction of the director of civil defense and his staff members with delegated authority; it shall consist of designated regular government employees and volunteer workers. Duties and responsibilities of the corps members shall be outlined in the civil defense emergency plan. (1976 Code, § 1-1004)

20-205. No municipal or private liability. The adoption and implementation of the provisions in this chapter is an exercise by the city and county of their governmental functions for the protection of the public peace, health, and safety and neither the City of Henderson nor Chester County, the agents and representatives of said city and county, nor any individual, receiver, firm, partnership, corporation, association of trustee, nor any of the agents thereof, in good faith carrying out, complying with, or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to any person or property as the result of said activity. Any person owning or controlling real estate or other premises for the purpose of sheltering persons during an actual, impending, or practice enemy attack, shall together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege, or other

permission or for loss of, or damage to, the property of such person. (1976 Code, § 1-1005)

20-206. Expenses of civil defense. No person shall have the right to expend any public funds of the city or county in carrying out any civil defense activities authorized by this chapter without prior approval by the governing bodies of the city and/or county or both; nor shall any person have any right to bind the city or county by contract, agreements or otherwise without prior and specific approval by the governing bodies of the city and/or county, or both. The civil defense director shall disburse such monies as may be provided annually by appropriation of the city and county for the operation of the civil defense organization. Control of disbursements will be as prescribed by agreement between the treasurers of the city and county. The director shall be responsible for the preparation and submission of a budget with recommendations as to its adoption by the city and county. All funds shall be disbursed upon vouchers properly executed by the director of civil defense, subject to audit by either the City of Henderson or Chester County. The civil defense director is hereby authorized to accept federal contributions in money, equipment, or otherwise when available, or state contributions, and is further authorized to accept contributions to the civil defense organization from individuals and other organizations, such funds becoming liable for audit by the city and county. (1976 Code, § 1-1006)

