

**TITLE 20****MISCELLANEOUS****CHAPTER****1. CIVIL DEFENSE.****CHAPTER 1****CIVIL DEFENSE****SECTION**

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**20-101. Definitions.** (1) "Civil defense." As used in this chapter, the words "civil defense" shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, natural disasters such as storms, floods, fires, explosions, tornadoes, hurricanes, drought, and such other natural disasters which might occur affecting the lives, health, safety, welfare and property of the citizens of the city. These functions include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering services, air-raid warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility service and other functions relating to civilian protection, together with all other activities necessary or incidental to the preparation for the carrying out of the foregoing emergency functions.

(2) "Enemy-caused emergency." For the purposes of this chapter, the term "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 life and property in the city. Such emergency shall be deemed to exist only when the mayor of the city, or the

mayor, acting through the city manager, shall so declare by public proclamation. Such emergency shall be deemed to continue to exist until the mayor shall declare its termination by public proclamation or until the city council shall declare its termination by resolution.

(3) "Natural emergency." As used in this chapter, the term "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, and involving imminent peril to lives and property in the city. Such emergency shall be deemed to exist and to be terminated under the same conditions as prescribed for an "enemy-caused emergency." (1969 Code, § 11-1)

**20-102. Office created; appointment of director.** The city manager is hereby authorized and directed to create a city civil defense office and to appoint a director of civil defense. (1969 Code, § 11-2)

**20-103. Powers and duties of director—generally.** The director of civil defense shall have general direction and control of the office of civil defense and, subject to the direction and control of the city manager, shall have the following functions and duties:

(1) To prepare a civil defense operating plan for the city conforming to the state and federal civil defense agencies' plan and program, to be integrated and coordinated so as to control and cooperate with civil defense organizations of the city for the accomplishment of the purposes of this chapter.

(2) To direct, coordinate and cooperate between departments, services and staff of the civil defense organization of the city.

(3) To represent the civil defense organization in all activities, which include public and private agencies operating in the field of civil defense and disaster. (1969 Code, § 11-3)

**20-104. Powers and duties of director—prior to an emergency.** Prior to an emergency as defined in this chapter, and subject to the direction and control of the city manager, the director of civil defense 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 or her herein, with the consideration to be given to the plans and powers of the federal government, the government of Tennessee, 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 civil defense 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 Tennessee, 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 civil defense volunteer corps.

(5) To conduct drills, exercises and similar programs as may be necessary to develop a well-trained, alert, fully prepared civil defense organization.

(6) To make such studies and surveys of the industries, resources and facilities of this city as he or she deems necessary to ascertain its capabilities for civil defense, and plan for the most efficient emergency use therefor.

(7) On behalf of the city, to enter into mutual-aid arrangements with surrounding communities, subject to the approval of the city council.

(8) To delegate any administrative authority vested in him or her under the chapter, and to provide for the subdelegations of any such authority.

(9) To take any other action proper and lawful under his or her authority to prepare for either an enemy-caused or a natural emergency. (1969 Code, § 11-4)

**20-105. Powers and duties of director--during enemy-caused emergency.** In the event of any actual enemy-caused emergency proclaimed as provided in § 20-101, the director of civil defense, with the approval of the mayor or with the approval of the mayor acting through the city manager, may exercise, during such emergency, the power to enforce all rules and regulations relating to civil defense and acting under the authority of this chapter or under the authority of the mayor or the city manager as an agent of the Governor of Tennessee, may take control of all means of transportation and communications, all stocks of fuel, food, clothing, medicines and supplies and all facilities including buildings and plants and exercise all power necessary to secure the safety and protection of the civilian population. In exercising such powers, he or she shall be guided by regulations and orders issued by the federal government and the Governor of Tennessee relating to civil defense and shall take no action contrary to orders which may be issued by the governor under the powers conferred upon him or her by Tennessee Code Annotated, § 7-601, et seq. (1969 Code, § 11-5)

**20-106. Powers and duties of director--during natural emergency.** In the event of any natural emergency proclaimed as provided in § 20-101, the director of civil defense, with the approval of the mayor or with the approval of the mayor acting through the city manager and acting under his or her instructions, shall coordinate in every way the activities of the civil defense organization. He or she is specifically charged in such emergency with the collection, evacuation and dissemination of information to all agencies

participating in the city's civil defense organization, or cooperating in any such emergency. As director, he or she shall have the power to recommend appropriate action, but he or she shall not otherwise exercise control over the participating agency. He or she shall also recommend to the mayor and the city manager the allocation of any funds received from the federal or state government or from any source to alleviate distress and to aid in restoring normal conditions. (1969 Code, § 11-6)

**20-107. Emergency contracts, obligations, etc.** In carrying out the provisions of this chapter, the city, upon the happening of any disaster as described in this chapter, shall have the power to enter into contract and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. The city is authorized to exercise the powers vested under this section and elsewhere in this chapter in the light of exigencies of the extreme emergency situation without regard to time-consuming procedures and formalities prescribed by ordinance or statute (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials and levying of taxes and the appropriations and expenditures of public funds. (1969 Code, § 11-7)

**20-108. Immunity from liability for civil defense activities.** As provided in Tennessee Code Annotated, § 7-630, and in accordance therewith, neither the city nor the agents or representatives of the city shall be liable for personal injury or property damage sustained by any person appointed or acting as a civil defense worker or member of any agency engaged in civil defense activity. The right of any person to receive benefits of compensation to which he or she might otherwise be entitled to under workmen's compensation law or any pension law or any act of Congress, shall not be affected by this section. (1969 Code, § 11-8)

**20-109. Receipt of gifts, grants or loans for civil defense purposes.** Whenever the federal government or the State of Tennessee or any person shall offer to the city any services, equipment, supplies, materials, or any funds by way of gift, grant or loan for purposes of civil defense, the mayor may accept such offer and may authorize the city manager to receive the same subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. (1969 Code, § 11-9)