

CHAPTER 5 CIVIL EMERGENCY

[ARTICLE I - - CIVIL DEFENSE](#)

[ARTICLE II - - PARADES AND DEMONSTRATIONS](#)

ARTICLE I - CIVIL DEFENSE

[§ 5-1 Civil Defense Defined](#)

[§ 5-2 Civil Defense Director](#)

[§ 5-3 Civil Defense Organization - Composition](#)

[§ 5-4 Volunteers](#)

[§ 5-5 Civil Defense Organization - Powers and Duties](#)

[§ 5-6 Provisions of Chapter Emergency Measures](#)

[§ 5-7 Fallout Shelters - Definition](#)

[§ 5-8 Provisions According to Law](#)

[§ 5-9 Fallout Shelters in New Construction](#)

[§ 5-10 Fallout Shelters - Exceptions](#)

[§ 5-11 Authority of Planning Commission](#)

§ 5-1 Civil Defense Defined

As used in this chapter, the term "civil defense" shall include measures for the mobilization, organization and direction of the civilian population and necessary support agencies to prevent, or minimize, the effects of fire, flood, earthquake and epidemic, as well as the effects of nuclear war, or any subversive activities against the populace, communities, industrial plants, facilities and other installations.

(Ord. of May 15, 1961, § 1; for state law regarding civil defense, see: Code of Alabama, §§ 31-9-10 through 31-9-24.)

§ 5-2 Civil Defense Director

There is hereby created the office of the Fayette Civil Defense Director. Such officer shall be nominated by the mayor and approved by the council. The civil defense director is hereby charged:

- a. To represent the mayor on all matters pertaining to civil defense.
- b. During periods of emergency, to direct the services of all municipal civil defense forces.
- c. To obtain and utilize the cooperation of city, county, and state officials in the preparation and implementation of all civil defense operation survival plans.
- d. During periods of emergency, to obtain vital supplies and equipment needed for the protection of life and property of people.

(Ord. of May 15, 1961, § 3.)

§ 5-3 Civil Defense Organization - Composition

Officers and employees of the City of Fayette, with volunteer forces enrolled to aid them during an emergency, and with all groups, organizations and persons who make the agreements on operation of law, be and are hereby charged with duties necessary for the protection of life and property in the City of Fayette during an emergency.

(Ord. of May 15, 1961, § 4.)

§ 5-4 Volunteers

All persons, other than officers and employees of the city, volunteering in service pursuant to compliance with this chapter, shall serve with, or without, compensation. While engaged in such service, they shall have the same immunities as persons and employees of the city performing similar duties.

(Ord. of May 15, 1961, § 5.)

§ 5-5 Civil Defense Organization - Powers and Duties

It shall be the duty of the Fayette Civil Defense Organization, and it is hereby empowered to:

- a. Develop a municipal civil defense operational survival plan. This plan shall provide for the effective mobilization of all resources of the municipality, both private and public.
- b. Prepare and recommend for consideration by the council, ordinances necessary to implement the civil defense operation survival plan.
- c. Consider and recommend to the council for approval all mutual aid plans and agreements.

(Ord. of May 15, 1961, § 2.)

§ 5-6 Provisions of Chapter Emergency Measures

The provisions of this chapter are hereby declared to be emergency measures necessary for the immediate preservation of public business, health and safety and they shall take effect immediately. A complete and adequate civil defense operational survival plan will be formulated at once. This plan will be based upon plans formulated by and in the Alabama operational survival plan.

(Ord. of May 15, 1961, § 6.)

§ 5-7 Fallout Shelters - Definition

As used in this chapter, a "publicly owned building or structure" shall mean any building or structure owned, or to be used exclusively for public purposes, by any department or branch of government, state, county, or municipal.

(Ord. of July 6, 1970, § 1.)

§ 5-8 Provisions According to Law

The following provisions shall apply to any publicly owned building or structure, as hereinabove defined, to the extent legally permitted.

(Ord. of July 6, 1970, § 2.)

§ 5-9 Fallout Shelters in New Construction

All new public buildings or structures, hereafter planned or constructed, and any additions to existing buildings or structures, hereafter planned or constructed in the City of Fayette, Alabama, or within its police jurisdiction, shall be so planned and constructed that fallout protection from radioactivity for at least the normal anticipated occupancy will be provided and must meet the minimum space and fallout protection criteria recommended by the Office of Civil Defense, United States Department of Defense in Part A, [Chapter 1](#), Appendix 1, of the Federal Civil Defense Guide - September, 1967 - and Department of the Army Technical Memorandum 61-3, dated March, 1965, copies of which are on file with the city clerk of the City of Fayette, Alabama, where the same may be inspected by the public. No building permit shall be issued for construction of such building or structure without incorporation of the requirements hereof at the time of the beginning of the planning of such building or structure.

(Ord. of July 6, 1970, § 3; for authority, see: Act No. 757, Sept. 12, 1969.)

§ 5-10 Fallout Shelters - Exceptions

In no case, however, shall a requirement be made if the cost of inclusion of radioactive fallout protection in such building or structure would create an additional net cost in the cost of any such building or structure in excess of the percentages of the estimated costs of such building or structure as follows:

4% for costs of \$50,000 to \$500,000

3% for costs of \$500,001 to \$1,500,000

2% for costs exceeding \$1,500,001.

In the event other factors make unnecessary or impracticable the incorporation of such fallout shelter, the person, official, board, commission, or council causing such building or structure to be constructed may appeal to the planning commission of the City of Fayette, Alabama, sitting as a board of adjustment or appeals of the City of Fayette, Alabama, in the manner and as provided for other appeals.

(Ord. of July 6, 1970, § 4.)

§ 5-11 Authority of Planning Commission

The planning commission of the City of Fayette when so appealed to and after a hearing, may exempt, vary, or modify the requirements of [§ 5-9](#) to any particular case when, in its opinion, the enforcement thereof would be unnecessary or impracticable or would be contrary to the public interest. A decision of the planning commission of the City of Fayette, Alabama, to vary or modify the application of any provisions of [§ 5-9](#) shall specify in what manner such variation or modification shall be permitted and the reasons therefore.

(Ord. of July 6, 1970, § 5.)

ARTICLE II - PARADES AND DEMONSTRATIONS

[§ 5-12 Public Demonstration in Streets - Permit Required; Exception](#)

[§ 5-13 Penalty for Violation](#)

[§ 5-14 Civil Emergency - Definitions](#)

[§ 5-15 Civil Emergency - Proclamation by Mayor](#)

[§ 5-16 Civil Emergency - Curfew](#)

[§ 5-17 Civil Emergency - Powers of Mayor](#)

[§ 5-18 Penalty for Violation](#)

§ 5-12 Public Demonstration in Streets - Permit Required; Exception

It shall be unlawful to promote, organize or hold or assist in organizing or holding, or to take part or participate in, any parade or procession or other public demonstration in the streets or other public ways of the city, unless a permit therefor has been secured from the city council of the City of Fayette, Alabama.

To secure such permit, written application shall be made to the city council of the City of Fayette, Alabama, setting forth the hour and date, and the probable number of persons, vehicles and animals which will be engaged in such parade, procession or other public demonstration, the purpose for which it is to be held or had and the streets or other public ways over, along or in which it is desired to have or hold such parade, procession or public demonstration. The city council of the City of Fayette, Alabama, shall grant a written permit for such parade, procession or public demonstration, prescribing the streets or other public ways which may be used therefor unless, in its judgment, the public welfare, peace, safety, health, decency, good order, morals or convenience require that it be refused. It shall be unlawful to use for such purposes, at the hour and on the date requested, any other street or public way than those set out in the said permit. This permit shall not apply to funeral processions.

(Ord. of May 3, 1962, § 1; for authority of cities to regulate processions or assemblies on streets and highways, see: Code of Alabama, § 32-5-1.)

§ 5-13 Penalty for Violation

Any person, violating any of the provisions of the section hereinabove shall, upon conviction, be fined not less than ten (\$10.00) dollars nor more than five hundred (\$500.00) dollars or be sentenced to hard labor for the City of Fayette, Alabama, not exceeding six (6) months, one or both at the discretion of the court.

(Ord. of May 3, 1965, § 2.)

§ 5-14 Civil Emergency - Definitions

As used herein the following words and terms shall have the meanings herein stated:

- a. A civil emergency is hereby defined to be:
 1. A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three (3) or more persons acting together without authority of law; and/or
 2. Any natural disaster or man-made calamity including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the City of Fayette 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. 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 City of Fayette, excepting persons officially designated to duty with reference to said civil emergency.

(Ord. of May 6, 1968, § 1.)

§ 5-15 Civil Emergency - Proclamation by 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, and the mayor is hereby authorized, empowered and directed to publish such proclamation both by radio and newspaper or newspapers.

(Ord. of May 6, 1968, § 2.)

§ 5-16 Civil Emergency - Curfew

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. of May 6, 1968, § 3.)

§ 5-17 Civil Emergency - Powers of Mayor

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

- a. Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank property affixed to a motor vehicle;
- b. Order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution or dispensing of flammable liquids or combustible products;
- c. Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever;
- d. 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; and
- e. Issue such other orders as are imminently necessary for the protection of life and property.

(Ord. of May 6, 1968, § 4.)

§ 5-18 Penalty for Violation

Any person, found guilty of violating any provision of the section hereinabove, or any executive order issued by the mayor pursuant to the authority herein contained, shall be guilty of an offense against the City of Fayette, Alabama, and shall be punished by a fine not exceeding five hundred (\$500.00) dollars, or may be imprisoned in the city jail or sentenced to hard labor for the city for a period of not exceeding six (6) months, or by both such fine and imprisonment or sentence to hard labor, at the discretion of the judge trying the case.

(Ord. of May 6, 1968, § 5.)