

Chapter 13

CIVIL DEFENSE¹

Sec. 13-1. Joint organization-Created.

There is hereby created the Chattanooga-Hamilton County civil defense organization, which shall be a joint operation by the city and the county, 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 the county shall be considered as a total part of the countywide 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 Chattanooga-Hamilton County civil defense organization.

(Code 1986, § 13-1)

Sec. 13-2. Same-Authority.

In accordance with federal and state enactments of law, the civil defense organization created by this chapter 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 emergency or natural disasters, including but not limited to: Storms, floods, fires, explosions, tornadoes, hurricanes, drought, or peacetime man-made disasters, including, but not limited to, airplane crashes, bus wrecks, train wrecks, and other disasters which might occur affecting the lives, health, safety, welfare and property of the citizens of the county. The civil defense organization created by this chapter is hereby authorized to perform such duties and functions as may be necessary on account of such disasters. Such civil defense organization is hereby designated the official agency to assist regular government forces in time of such emergencies.

(Code 1986, § 13-2)

Sec. 13-3. Same-Responsibilities.

The civil defense organization created by this chapter shall be responsible for preparation and readiness against enemy caused and all other emergencies arising in this county, to establish and coordinate emergency plans, forces, means, and resources, and is hereby designated the official agency to establish such emergency plans.

(Code 1986, § 13-3)

¹ **Cross references** -- Administration generally, Ch. 2; city engineer, § 2-81 et seq.; air pollution, Ch. 4; aviation, Ch. 8; fire and police departments, Ch. 16; fire prevention, Ch. 17; health and sanitation, Ch. 20; metropolitan transit authority, Ch. 23; motor vehicles and traffic, Ch. 24; offenses and miscellaneous provisions, Ch. 25; sewers, mains and drainage, Ch. 31; streets and sidewalks, Ch. 32; water, Ch. 36; zoning regulations, Ch. 38.

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Sec. 13-4. Director-Office created.

The office of director of civil defense is hereby created.
(Code 1986, § 13-4)

Sec. 13-5. Same-May request or make declaration of emergency.

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. If the director deems such action necessary without delay, and if unable to readily obtain such declaration by the mayor of the city and county judge, or either of them, or higher authority if applicable, the director may immediately upon his own responsibility, declare the existence of an emergency; but, such action shall be subject to confirmation by the mayor and judge; however, the declaration of an emergency by the director shall continue for a period of twelve (12) hours unless rescinded by the director.
(Code 1986, § 13-5)

Sec. 13-6. Same-Responsibility for planning, recruitment, training.

The director shall have overall responsibility for the preparation of all plans, recruitment and training of personnel.
(Code 1986, § 13-6)

Sec. 13-7. Same-Delegation of responsibility, authority.

(a) 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 judge and mayor, as hereinafter outlined.

(b) Such delegated authority may be given, but shall not be restricted, to the following incumbent staff positions and to such other positions of command or administration as shall hereafter be determined.

- (1) The deputy director shall execute administrative plans, policies, and procedures for the director, and shall act for the director in his absence.
- (2) The operations officer shall execute operational plans, policies, and procedures, shall coordinate such plans, policies and procedures with other government agencies, and shall direct civil defense emergency operations.

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- (3) The deputy director, operations officer, and such other appointees of the director, are hereby given the authority to perform such duties and functions as may be necessary to the responsibilities of their offices.

(Code 1986, § 13-7)

Sec. 13-8. Same-Responsible to mayor, county judge.

The director shall be responsible to the judge and the mayor for the execution of the authorities, duties and responsibilities of the civil defense organization created by this chapter, for the preparation of all plans and administrative regulations and for recruitment and training of personnel.

(Code 1986, § 13-8)

Sec. 13-9. Civil defense corps.

The Chattanooga-Hamilton 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 to be prepared under the direction of the director of civil defense.

(Code 1986, § 13-9)

Sec. 13-10. Loyalty oath required of workers.

Each person serving as a member of the civil defense organization created by this chapter as an officer, employee, or volunteer shall, prior to assuming their duties be required to take an oath which shall be as follows:

OATH OF LOYALTY

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 Tennessee against all enemies, both 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 discharge the duties upon which I am about to enter. I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of the State of Tennessee by force or violence; and that during such time as I am a member of the Chattanooga-Hamilton County Civil Defense I

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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 the State of Tennessee by force or violence.

(Code 1986, § 13-10)

Sec. 13-11. Obedience to official orders.

In time of emergency officially declared by the governor or other higher authority, the mayor, county judge or director of civil defense, all persons shall obey the official orders of lawfully assigned and acting personnel of the civil defense corps. Refusal or disobedience thereto is hereby declared a misdemeanor, punishable upon conviction as hereinbefore provided.
(Code 1986, § 13-11)

Sec. 13-12. Unauthorized use of warning or all-clear signals.

Any unauthorized person who shall operate a siren or other device so as to simulate an air raid, or the termination an air raid, shall be guilty of a misdemeanor.
(Code 1986, § 13-12)

Sec. 13-13. Designation, right-of-way of vehicles.

When summoned by proper authorities in time of emergency civil defense vehicles are declared to be emergency vehicles and are hereby granted right-of-way over other traffic upon sounding of a proper warning signal or display of lights as prescribed by the Tennessee Code Annotated. All such vehicles will be identified by special license plates and/or civil defense (CD) insignia.
(Code 1986, § 13-13)

Sec. 13-14. Financing and expenditures.

(a) 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 city council, the county council or both; nor shall any person have any right to bind the city or county by contract, agreement or otherwise without prior and specific approval by the city council, county council, or both.

(b) The county shall pay its proportionate share of the cost of operation of the civil defense organization over to the city treasurer.

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(c) The civil defense director shall have control of and is responsible for the disbursement of such monies as may be provided annually by appropriation of the city and county for the operation of the civil defense organization. He shall be responsible for the preparation and submission of a budget with recommendations as to its adoption by the city and county.

(d) All funds shall be disbursed upon vouchers properly executed by the director of civil defense, or a lawfully authorized and appointed assistant or deputy, to the city finance officer.

(e) 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.

(Code 1986, § 13-14; Ord. No. 9654, §§ 2 and 8, 1-6-92)

Sec. 13-15. Civil emergencies.

(a) *Proclamation.* Pursuant to the terms and authorities of section 38-9-101 et seq.; Tennessee Code Annotated, the following officials are hereby authorized to proclaim a civil emergency in the city:

- (1) The mayor.
- (2) In the absence of the mayor, the chairman of the council.
- (3) In the absence of the mayor and chairman of the council, any available member of the city council of the city.
- (4) In the absence of all of the foregoing officials, the chief of police of the city.
- (5) In the absence of the chief of police, the deputy chief of police; if he is absent, the chief of detectives.

A proclamation by any of the foregoing officials under the terms hereinbefore set out of a civil emergency shall be conclusive as to the necessity thereof.

(b) *Violations.* When a civil emergency, as defined in section 38-9-101 et seq., Tennessee Code Annotated, shall have been declared and proclaimed by any of the persons hereinbefore authorized under any of the terms and conditions enumerated in such statute, any

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person violating any provision of the proclamation or orders issued by the mayor, or any official hereinbefore authorized to proclaim a civil emergency, shall be guilty of a misdemeanor.
(Code 1986, § 13-15; Ord. No. 9654, § 89, 1-6-92)

Sec. 13-16. Effect on liabilities.

The duties prescribed by this chapter are an exercise by the city and county of its governmental functions for the protection of the public peace, health and safety and neither the city nor the county, the agents and representatives of such city and county nor any individual, receiver, firm, partnership, corporation, association or 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 provision of this chapter shall be liable for any damage sustained to person or property as the result of such 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 of for loss of, or damage to, the property of such person.
(Code 1986, § 13-16)