

## Chapter 8 – PUBLIC HEALTH AND SAFETY

### Article 8-1 - GENERAL PROVISIONS

#### 8-1-101 - Intent of chapter—Scope.

It is declared to be the purpose of this chapter and the policy of the City of Lawton that all emergency management and hazard mitigation functions of the city be coordinated to the maximum extent with the comparable functions of the state and federal government, including its various departments and agencies, of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of available workforce, resources and facilities for dealing with disaster and hazard mitigation.

State Law reference— Emergency Management Act of 2003, 63 O.S. Secs. 683.2 to 683.18.

#### 8-1-102 - Definitions.

A. As used in this article, the following terms shall have the meanings ascribed to them in this section:

1. “Emergency management” means the preparation for and the coordination of all emergency functions by organized and trained persons, who will extend existing governmental functions and provide other necessary nongovernmental functions, to prevent, minimize and repair injury and damage resulting from natural or man-made disasters developing to such an extent to cause an extreme emergency situation to arise which by joint declaration of the mayor and the mayor pro tem jeopardizes the welfare of the citizens of the City Lawton. These emergency functions include, but are not limited to, firefighting, law enforcement, medical and health, search and rescue, public works, warnings, communications, hazardous materials and other special response functions, evacuations of persons from affected areas, emergency assistance services, emergency transportation, and other functions related to preparedness, response, recovery and mitigation;
2. “Emergency Operations Plan” means that plan which sets forth the organization, administration and functions for emergency management by the City of Lawton;
3. “Emergency” means any occasion or instance for which, in the determination of the President of the United States, the Governor of the State of Oklahoma and the mayor/mayor pro tem of the City of Lawton determine that federal and/or state assistance is needed to supplement local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert threat of a catastrophe in any part of the city;
4. “Significant events” means all hazardous material releases of any size and type, earthquakes, fires involving large buildings or facilities and large grass or wildfires, explosions, bomb threats, terrorist/civil disturbance, aircraft crash, natural disaster, utility disruption, dam breach, technological/man-made

incident, search and rescue, structural collapse, and any other incident that poses significant consequences to the City of Lawton;

5. "Hazard mitigation" means any cost-effective measure which will reduce or eliminate the effects of a natural or man-made disaster;

6. "Man-made disaster" means a disaster caused by acts of man including, but not limited to, an act of war, terrorism, chemical spill or release, or power shortages that require assistance from outside the local political subdivision;

7. "Natural disaster" means any natural catastrophe, including, but not limited to, a tornado, severe storm, high water, flood waters, wind-driven water, earthquake, landslide, mudslide, snowstorm, or drought which causes damage of sufficient severity and magnitude to warrant hazard mitigation or the use of resources of the federal government, or the state and political subdivisions thereof to alleviate the damage, loss, hardship or suffering caused thereby; and

8. "Political subdivision" shall mean any county, city, town or municipal corporation of the State of Oklahoma represented by an elected governing body

8-1-103 - Emergency management authority of the mayor and the mayor pro tem over public health and safety.

A. The mayor and mayor pro tem acting in concert may exercise emergency power management authority as specified in this chapter.

B. Under the following circumstances, the mayor and mayor pro tem jointly may assemble and utilize emergency management functions may prescribe the manner and condition of their use: 1. Whenever, on the basis of information received from authoritative sources, the mayor and mayor pro tem feel that a significant event in the city or a man-made or natural disaster is impending or imminent; or 2. During any period of disaster, man-made or natural, or due to emergency in the city, and thereafter so long as the mayor and mayor pro tem deem it necessary for hazard mitigation.

C. During any period where a disaster or emergency in the city is imminent or when the city has been subjected to a significant event, the mayor and mayor pro tem acting in concert may promulgate measures they deem necessary to protect life and property and preserve critical resources. Such measures may include, but shall not be limited to, the following: 1. Implementation and execution of an Emergency Management Plan; 2. Orders prohibiting or restricting the movement of vehicles in order to facilitate the mass movement of persons from critical areas of the city; 3. Orders pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to attack or a homeland security issue; or 4. Orders designed to mitigate the hazard(s) to property and citizens from disasters or emergencies.

D. When obtaining formal approval would result in delay of homeland security, the mayor and mayor pro tem jointly may, until council convenes, waive procedures and formalities otherwise required pertaining to the performance of public works, entering contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase and distribution of supplies,

materials and facilities and expenditures of existing funds. The council is also empowered to waive any such procedures and formalities.

E. Whenever the mayor and mayor pro tem jointly find that any condition in the city has attained, or threatens to attain, the proportions of a natural or man-made disaster, they may assemble and utilize municipal firefighters, policemen and other city employees and may prescribe the manner and conditions of their use. The mayor and mayor pro tem, when they jointly deem it in the public interest, may send police and other emergency responders of the city to the aid of other communities stricken by natural or man-made disasters when such disasters are affecting the health, welfare or security of the stricken community; however, after the council convenes, the further continuance of any such disaster relief and the period thereof shall be subject to the action of the council.

#### 8-1-104 - Utilization of existing services and facilities.

In carrying out the provisions of this chapter, the mayor and mayor pro tem acting in concert are authorized to utilize the services, equipment, supplies and facilities of the existing departments, bureaus, offices, commissions, committees, authorities and agencies of the city to the maximum extent practicable. The officials, agents, employees and personnel of all such departments, bureaus, offices, commissions, committees, authorities and agencies of the city shall cooperate with and extend all services and facilities to the mayor and mayor pro tem in order to execute emergency management activities.

State Law reference— Utilization of services, equipment, etc. 63 O.S. Sec. 683.18.

#### 8-1-105 - Expenditures for emergency management activities.

A. The council shall appropriate from time to time such money as may be necessary for carrying out the provisions of this chapter. B. Except as provided in Section 8-1-103, no person shall expend any public funds in carrying out any emergency management activity authorized by this chapter without prior approval of the council. C. Except as provided in Section 8-1-103, no person shall have the right to bind the city by contract, agreement or otherwise without prior and specific approval of the council.

#### 8-1-106 – Exemption from civil liability.

A. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons, or providing a mass immunization and prophylaxis site or during an actual or impending emergency or exercise shall, together with any successors in interest, if any, not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises for loss of, or damage to, the property of such person; provided, that the injury or death was caused by or incidental to the actual use of such

premises for such real, actual or impending emergency or exercise, and further provided that nothing herein contained shall grant immunity from gross, willful or wanton acts of negligence.

B. Neither the City of Lawton nor any of its political subdivisions thereof nor any official or employee of the City of Lawton nor any of its political subdivisions thereof nor volunteer whose services have been accepted and utilized by an official or employee of the City of Lawton nor any of its political subdivisions thereof for carrying out the functions of this act shall be civilly liable for any loss or injury resulting to any person's company, corporation or other legal entity as a result of any decision, determination, order or action of such employee in the performance of assigned duties and responsibilities under this chapter during a stated emergency unless such loss or injury was caused by the gross negligence, or willfully and unnecessarily or by the wanton act of such state officer or employee or volunteer. Nothing in this chapter shall be construed to waive the sovereignty or immunity of the City of Lawton, nor any of its political subdivisions thereof, from being sued.

State Law reference— Exemption of civil liability, 63 O.S. Sec. 683.14.

#### 8-1-107 - Accept gifts, grants or loans.

Whenever the federal government or the state or any agency or officer thereof, or any person offers to the City of Lawton any services, equipment, supplies, materials or funds by way of gift, grant or loan for purposes of emergency management and disaster relief, the city, acting through the mayor and mayor pro tem jointly, may authorize any official of the city, as the case may be, to receive such services, equipment, supplies, materials or funds on behalf of the city, and subject to the terms of the offer and the orders and regulations, if any, of the agency making the offer. Such acceptance, however, shall not create any liability on the part of the city, city official, agent or employee thereof for failure to comply with the terms of such offer and the orders and regulations, if any, of the agency making the offer.

State Law reference— Appropriation powers--Gifts, grants and loans, 63 O.S. Sec. 683.17.

#### 8-1-108 - Coordination of programs—Mutual aid agreements.

A. All emergency management and disaster relief functions of the city shall be coordinated to the maximum extent possible with comparable functions of the state, federal and other local governments, including their various departments and agencies, and with private agencies of every type, to the end that the most effective preparation and use can be made of the city's manpower resources and facilities for dealing with any disaster or emergency that may occur.

B. The city manager may, subject to the approval of the mayor, mayor pro tem and council, develop, cause to be developed, or enter into mutual aid agreements for reciprocal emergency management aid and assistance in case of a disaster too great to be dealt with unassisted. The agreements shall be consistent with the county and state emergency operations plans and programs. In case of emergency, it shall be the duty of each local emergency response organization to render assistance in accordance with the mutual aid agreements.

C. The mayor/mayor pro tem may, subject to the approval of the governor, enter into mutual aid agreements with emergency response and disaster relief organizations in other states for reciprocal emergency management aid and assistance in case of disasters too great to be dealt with unassisted.

State Law reference— Mutual aid arrangements for reciprocal emergency management, 63 O.S. Sec. 683.12.

8-1-109 - Entry into barricaded area prohibited—Exceptions.

A. Employees of the city may erect barricades to keep persons and vehicles from an emergency or disasters, or for the purpose of directing pedestrian and vehicular traffic. No unauthorized person shall move, conceal or otherwise tamper with any such barricades. No person shall fail to heed such barricades or the entry into an area so barricaded, or fail to leave the barricaded area when requested to do so.

B. This section shall not apply to employees of the city engaged in their official duties, utility crews engaged in their official duties, and such other persons as may be designated by the person in charge of such area.

Cross reference— See also improper removal of barricades, Sec. 16-615.

8-1-110 - Interfering with first responders and city employees operating under a state of proclaimed emergency.

No person shall willfully obstruct, hinder or delay any municipal policemen, fire fighters or any other city employee in the enforcement of any of the orders or regulations issued pursuant to the authority contained in this chapter.

8-1-111 - Police to enforce chapter.

The police department is authorized and directed to take any necessary action to make effective any order, rule or regulation promulgated under the authority conferred by this chapter. The Chief of Police is authorized to augment the manpower of the department with auxiliaries as they deem appropriate to perform enforce authority lawfully exercised pursuant to this chapter.

8-1-112 - Chapter not construed as abridging power of council.

Nothing in this chapter shall be construed as power or authority to abridge or lessen the legislative and administrative powers of the city council, unless such authority is specifically granted in this chapter.

8-1-113 - Conflict with state or federal statute—Military order.

This chapter shall not be construed to conflict with any state or federal statute or with any order, rule or regulation from any branch of U.S. Armed Forces, Oklahoma Army and/or Air National Guard acting in either a title 10 or 32 status and/or the state militia acting under the direction of the Governor of Oklahoma. Moreover, nothing in this chapter shall be construed to abridge or constrain military support to civil authority exercised by any branch of the U.S. Armed Forces pursuant to the Insurrection Act of 1807 and the Posse Comitatus Act of 1878.

#### 8-1-114 - Proclamation of emergency.

Whenever in the judgment of both the mayor and mayor pro tem any emergency, significant event or a natural or man-made disaster exists, they shall issue a written proclamation of the existence of the emergency and issue such orders and regulations as they deem necessary to perform emergency management functions and mitigate hazards.

#### 8-1-115 - Proclamation—Orders and regulations.

A. After proclamation of an emergency, the mayor and mayor pro tem acting in concert may order a curfew applicable to such geographical areas of the city or to the city as a whole, as they deem advisable, and applicable during such hours as they deem necessary in the interest of the public safety and welfare.

B. After proclamation of an emergency, the mayor and mayor pro tem acting in concert may also, in the interest of public safety and welfare, make any or all of the following orders: 1. Order the closing of all retail liquor stores; 2. Order the closing of all taverns; 3. Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor and/or beer is permitted; 4. Order the discontinuance of the sale of beer and/or liquor; 5. Order the discontinuance of selling, distributing or giving away gasoline or other flammable or combustible liquids or 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 flammable or combustible liquids or products; 7. Order the discontinuance of selling, distributing, dispensing or giving away of 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 or ammunition; 9. Order that no person shall carry, possess or use any club, brick or gasoline-filled bottle or container with a fuse type wick inserted in the neck, or gasoline or petroleum base firebomb or other incendiary missile or weapon who uses or intends to use the same unlawfully against the persons or property of another; 10. Order, if deemed necessary, the closing of any and all business, commercial and industrial establishments; 11. Call upon regular and auxiliary law enforcement agencies and organizations within or without the city to assist in preserving and keeping the peace; 12. Designate any public street, thoroughfare or vehicle parking areas closed to motor vehicle and pedestrian traffic; and 13. Issue such other orders as are imminently necessary for the protection of life and property.

#### 8-1-116 - Effective date of proclamation—Termination.

Upon filing the proclamation authorized in this chapter with the city clerk, it shall become effective, having the force of law; and it shall remain in full force and effect until it has been terminated by a joint filing of a copy of the termination with the clerk by the mayor and mayor pro tem.

#### 8-1-117 - Council appointment of alternate—Dispute resolution.

A. In the event either the mayor or mayor pro tem are unable for any reason to exercise their powers and carry out their duties and responsibilities under the provisions of this chapter, the council will appoint a council member to serve in their place until such time as the mayor or mayor pro tem are able to resume doing so.

B. In the event the mayor and mayor pro tem are unable to resolve any differences between them in the joint exercise of their powers and carrying out their duties and responsibilities under the provisions of this chapter, such disagreements shall be referred to the council for resolution by action taken by a majority of the council members present at an emergency, special, or regular council meeting.

#### 8-1-118- Cybersecurity

The Director of Information Technology shall be empowered to take necessary measures to harden the city's information networks and data from malicious cyber attacks that may attempt to delay, disrupt or impair digital communication during a proclaimed state of emergency.

#### 8-1-119- Establishment of an Emergency Operations Center (EOC)

The mayor and the mayor pro tem acting in concert may decide to establish an EOC if they determine that is in best interest of the city to do so. In the event an EOC is established, the City Manager shall be responsible for its daily operations.