

ORDINANCE NO. 21-__

AN ORDINANCE PERTAINING TO PUBLIC HEALTH AND SAFETY, RENAMING THE TITLE OF CHAPTER 8 OF LAWTON CITY CODE FROM “CIVIL DEFENSE” TO “PUBLIC HEALTH AND SAFETY”; AMENDING SECTIONS 8-1-101, 8-1-102, 8-1-103, 8-1-104, 8-1-105, 8-1-106, 8-1-107, 8-1-108, 8-1-110, 8-1-112, 8-1-113, 8-1-114, 8-1-115, 8-1-118, 8-1-119; REPEALING AND RESERVING SECTIONS 8-1-109, 8-1-111, 8-1-116, 8-1-117; CREATING SECTIONS 8-1-122 AND 8-1-123, ARTICLE 8-1, CHAPTER 8, LAWTON CITY CODE, 2015; UPDATING THE PROVISIONS OF THE CHAPTER TO INCLUDE REVISING THE SCOPE OF SAID CHAPTER, UPDATING DEFINITIONS TO INCLUDE ADDING THE DEFINITION OF “EMERGENCY MANAGEMENT”, REMOVING REFERENCES TO “CIVIL DEFENSE”, ADDING OTHER DEFINITIONS, ADDING A SECTION ON CYBERSECURITY AND AN EMERGENCY OPERATIONS CENTER, AND BRINGING SEVERAL SECTIONS INTO COMPLIANCE WITH THE OKLAHOMA EMERGENCY MANAGEMENT ACT OF 2003; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAWTON, OKLAHOMA:

Section 1. The title of Chapter 8 of Lawton City Code, 2015, is hereby amended and renamed to read as follows:

Chapter 8 – PUBLIC HEALTH AND SAFETY ~~CIVIL DEFENSE~~

Section 2. Section 8-1-101 is hereby amended to read as follows:

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.

~~A. The intent of this chapter is to provide for the preparation and carrying out of plans for the civil defense of persons and property within the city in the event of an enemy attack, sabotage or other hostile action, or from fire, flood, earthquake, hurricane or other natural causes, and to provide for the coordination of the civil defense functions of the city with all public agencies~~

~~and their various departments, with other cities, and with private agencies, organizations, persons and corporations of every type to ensure the complete and efficient utilizations of all facilities available to combat any disaster or emergency.~~

~~B. The civil defense department shall be the coordinating agency for all activity of the civil defense program, and during a period of attack or natural disaster it will act as the instrument through which the mayor and mayor pro tem acting in concert may exercise the authority and discharge the responsibilities vested in them by this chapter.~~

~~C. This chapter shall not relieve any city department of the normal responsibilities or authority ascribed to it, nor will it adversely affect the work of the American Red Cross or other volunteer agencies dedicated to disaster relief activities.~~

State Law reference— Local civil defense organizations, powers, creation, 63 O.S. Secs. 683.244 to 683.184.

Section 3. Section 8-1-102 is hereby amended to read as follows:

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 of 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; “Attack” means direct assault against the city by the forces of a hostile nation or agents thereof, including assault by bombing, chemical or biological warfare or sabotage;
2. “Emergency Operations Plan” means that plan which sets forth the organization, administration and functions for emergency management by the City of Lawton; “Civil defense” means the preparation for and the carrying out of all emergency functions, other than functions for which military forces or other federal agencies are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage or other hostile action, or by fire, flood or other causes. These functions include, but are not limited to, firefighting services, police services,

~~medical and health services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare service, civilian aid service, emergency transportation, plant protection, temporary restoration of public utility services, and other functions related to civilian protection; together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions;~~

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;
~~“Civil defense forces” means the employees, equipment and facilities of all city departments, boards, institutions and commissions suitable for, or adaptable to, civil defense activity and designated by the mayor and mayor pro tem jointly to participate in the civil defense activity. In addition, it shall include all volunteer personnel, equipment and facilities contributed by or obtained from volunteer persons or agencies;~~
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;
~~“Civil defense volunteer” means any person duly registered and appointed by the director and assigned to participate in the civil defense activity;~~
5. “Hazard mitigation” means any cost-effective measure which will reduce or eliminate the effects of a natural or man-made disaster; “Civil emergency” means:
 - a. ~~A riot or unlawful assembly characterized by the use of actual force violence or any threat to use force if accompanied by immediate power to execute by three more persons acting together without authority of law; or~~
 - b. ~~Any natural disaster or man-made calamity, including flood, conflagration, cyclone, tornado, or explosion within the corporate limits of the city resulting in the death and 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;~~
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; “Curfew” means 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, except persons officially designated to duty with reference to the civil emergency;

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 “Natural disaster” means any condition seriously affecting or threatening public health, welfare or security as a result of severe fire, explosion, flood, tornado, hurricane or similar natural or accidental cause and which is beyond the control of public or private agencies ordinarily responsible for the control or relief of such conditions. This does not include riots, strikes, insurrections or civil disturbances; and
8. “Political subdivision” shall mean any county, city, town or municipal corporation of the State of Oklahoma represented by an elected governing body. “Volunteer” means contributing service, equipment or facilities to the civil defense department without remuneration or without formal agreement or contract of hire.

Section 4. Section 8-1-103 is hereby amended to read as follows:

8-1-103 – Emergency management power and authority of the mayor and the mayor pro tem over pubic health and safety. civil defense.

- A. The mayor and mayor pro tem acting in concert may exercise ~~the emergency power and~~ 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 ~~the civil defense forces and~~ 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 ~~an attack~~ in the city or a man-made or natural disaster ~~civil emergency~~ is impending or imminent; or
 2. During any period of disaster, man-made or natural, attack 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 ~~when~~ where a disaster attack or emergency in the city is imminent or when the city has been subjected to a significant event ~~attack or civil emergency~~, the mayor and mayor pro tem acting in concert may promulgate measures ~~such reasonable regulations as~~ they deem necessary to protect life and property and preserve critical resources. Such measures ~~regulations~~ may include, but shall not be limited to, the following:
 1. Implementation and execution of an Emergency Management Plan;

2. ~~Orders Regulations~~ prohibiting or restricting the movement of vehicles in order to facilitate the mass movement of persons from critical areas of the city;
 3. ~~Orders Regulations~~ pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to attack or a homeland security issue ~~civil emergency~~; or
 4. ~~Orders Regulations~~ designed to mitigate the hazard(s) ~~lessen the hazards~~ to property and citizens from disasters or attack or civil emergency 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 into 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. The mayor and mayor pro tem acting in concert shall order civil defense forces to the aid of other communities in accordance with the statutes of the state. The mayor and mayor pro tem jointly may request the state, or political subdivisions of the state, to send aid to the city in case of natural disaster or in case of disaster resulting from attack or civil emergency when conditions in the city are beyond the control of the local defense forces.
- 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. When obtaining formal approval would result in delay of attack relief activity, 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 into 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.
- F. 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 disaster, they may assemble and utilize civil defense forces 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 civil defense forces of the city to the aid of other communities stricken by natural disaster when such disaster is affecting the health, welfare or security of the stricken community; however, after the council convenes, the further continuance of any such natural disaster relief and the period thereof shall be subject to the action of the council.

~~G. The mayor and mayor pro tem acting in concert may make regulations permitting the conduct of practice air raid alerts or tests of the civil defense department. Such regulations shall be filed with the council and shall be binding upon the civil defense forces when they have been approved by resolution of the council.~~

Section 5. Section 8-1-104 is hereby amended to read as follows:

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 ~~officers~~, 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. ~~, the civil defense department and its director.~~

State Law reference— Utilization of services, and equipment, etc. 63 O.S. Sec. 683, 18.

Section 6. Section 8-1-105 is hereby amended to read as follows:

8-1-105 – Expenditures for emergency management activities. ~~civil defense.~~

- 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 ~~civil defense~~ 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.

Section 7. Section 8-1-106 is hereby amended to read as follows:

8-1-106 – Exemption from civil liability. ~~Liability of city and agents.~~

- 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. ~~Neither the city nor any of its agencies, agents or representatives engaged in any civil defense activities, while complying with or attempting to comply with the rules and regulations promulgated pursuant to the provisions of this chapter, except in cases of willful misconduct, shall be liable for the death or injury to any person or damage to any property, as a result of such activity.~~

- 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. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the city the right to inspect, designate and use the whole or any part of the premises or real estate for the purpose of sheltering persons during an actual, impending or practice enemy attack or natural disaster shall not be civilly liable for the death or injury to any person on or about the real estate or premises under license, privilege or other permission or for loss of or damage to property of such person.
- C. ~~The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled to under this chapter, or under the worker's compensation law, or under an pension law, nor the right of any person to receive any benefits or compensations under any act of Congress.~~

State Law reference – Exemption of civil liability ~~Liability of city~~, 63 O.S. Sec. 683.14.

is hereby created to read as follows:

Section 8. Section 8-1-107 is hereby amended to read as follows:

8-1-107 – Accept gifts ~~service~~, 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 ~~city or to the civil defense department~~ any services, equipment, supplies, materials or funds by way of gift, grant or loan for purposes of emergency management

~~civil defense~~ and ~~civil-disaster~~ relief, the city, acting through the mayor and mayor pro tem jointly, may authorize any official officer of the city, ~~or the director or any deputy director of the civil defense department~~, 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 ~~rules~~ 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 ~~civil defense department or any officer~~, agent or employee thereof for failure to comply with the terms of such offer and the orders ~~rules~~ and regulations, if any, of the agency making the offer.

State Law reference – ~~Power of city to accept grants~~ Appropriation powers – Gifts, grants and loans, 63 O.S. Sec. 683.17.

Section 9. Section 8-1-108 is hereby amended to read as follows:

8-1-108 – Coordination of programs – Mutual aid agreements.

- A. All emergency management ~~civil defense~~ 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 ~~director of the civil defense department~~ 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 ~~civil defense~~ 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 ~~civil defense~~ plans and programs. In case of emergency, it shall be the duty of each local emergency response organization ~~for civil defense~~ to render assistance in accordance with the mutual aid agreements.
- C. The mayor/mayor pro tem ~~director of the civil defense department~~ may, subject to the approval of the governor, enter into mutual aid agreements with emergency response and disaster relief ~~civil defense agencies or organizations~~ in other states for reciprocal emergency management ~~civil defense~~ aid and assistance in case of a ~~disasters~~ too great to be dealt with unassisted.

State Law reference – Mutual aid arrangements for reciprocal emergency management ~~Authority to enter into mutual aid programs~~, 63 O.S. Sec. 683.12.

Section 10. Section 8-1-109 is hereby repealed and reserved as follows:

8-1-109 – ~~Unauthorized signals prohibited~~ Repealed and Reserved.

~~No unauthorized person shall operate a siren or other device so as to simulate a blackout signal, air raid, alert or take cover signal or the termination of a blackout, air raid, alert or take cover signal.~~

Section 11. Section 8-1-110 is hereby amended to read as follows:

8-1-110 – Entry into barricaded area prohibited – Exceptions.

- A. Employees of the city may erect barricades to keep persons and vehicles from an emergency or the area or scene of a fire, flood, tornado, explosion, riot, unlawful assembly or other assembly or other 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.

Section 12. Section 8-1-111 is hereby repealed and reserved as follows:

8-1-111 – ~~Unauthorized display of civil defense insignia~~ Repealed and Reserved.

- ~~A. No person shall display any identifying civil defense insignia for any purpose other than that for which it was intended, or under circumstances not authorized by the director of the civil defense department.~~
- ~~B. No person shall wear or display in any manner any insignia, sign or device purported to be a civil defense insignia except when such insignia has been duly issued by the civil defense department and is displayed in accordance with regulations established by the director of the civil defense department.~~

Section 13. Section 8-1-112 is hereby amended to read as follows:

8-1-112 – Interfering with first responders and city employees operating under a state of proclaimed emergency. ~~civil defense department and regulations.~~

No person shall willfully obstruct, hinder or delay any municipal police officer, fire fighter or any other city employee ~~member of the civil defense department~~ in the enforcement of any of the orders ~~rules~~ or regulations issued pursuant to the authority contained in this chapter.

Section 14. Section 8-1-113 is hereby amended to read as follows:

8-1-113 – 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 police department with auxiliaries as deemed appropriate to perform enforcement authority lawfully exercised pursuant to this chapter.

Section 15. Section 8-1-114 is hereby amended to read as follows:

8-1-114 – 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.

Section 16. Section 8-1-115 is hereby amended to read as follows:

8-1-115 – 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 ~~military or naval~~ 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.

Section 17. Section 8-1-116 is hereby repealed and reserved as follows:

8-1-116 – ~~Duties and powers of public shelter and manager~~ Repealed and Reserved.

~~In case of national emergency, public shelter managers duly appointed by the civil defense director shall open public shelters; take charge of all stocks of food, water and other supplies stored in the shelter; admit the public according to the city's shelter use plan; appoint deputies and a staff; and take whatever control measures are necessary for the protection and safety of the occupants.~~

Section 18. Section 8-1-117 is hereby repealed and reserved as follows:

8-1-117 - ~~Enforcement~~ Repealed and Reserved.

~~Public shelter managers are authorized to use reasonable restraint against those who refuse to cooperate with the routine of shelter living under emergency conditions. No person shall refuse to carry out the orders of the public shelter manager, his deputies or his appointed staff.~~

Section 19. Section 8-1-118 is hereby amended to read as follows:

8-1-118 – Proclamation ~~Declaration~~ of emergency.

Whenever in the judgment of both the mayor and mayor pro tem any civil 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 ~~rules~~ and regulations as they deem necessary to perform emergency management functions and mitigate hazards. ~~control the situation.~~

Section 20. Section 8-1-119 is hereby amended to read as follows:

8-1-119 – Proclamation – Orders and regulations.

- A. After proclamation of an civil ~~evil~~ 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 civil ~~evil~~ 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.

Section 21. Section 8-1-122 is hereby created to read as follows:

8-1-122 – 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.

Section 22. Section 8-1-123 is hereby created to read as follows:

8-1-123 – 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 it is in the 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.

Section 23. Severability Clause. If any section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 24. Effective Date. The provisions of this ordinance shall become effective thirty (30) days after its passage.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this ____day of September, 2021.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

APPROVED as to form and legality this ____ day of September, 2021.

JOHN RATLIFF, CITY ATTORNEY

ORDINANCE NO. 2021-____

AN ORDINANCE PERTAINING TO PUBLIC HEALTH AND SAFETY, RENAMING THE TITLE OF CHAPTER 8 OF LAWTON CITY CODE FROM “CIVIL DEFENSE” TO “PUBLIC HEALTH AND SAFETY”; AMENDING SECTIONS 8-1-101, 8-1-102, 8-1-103, 8-1-104, 8-1-105, 8-1-106, 8-1-107, 8-1-108, 8-1-110, 8-1-112, 8-1-113, 8-1-114, 8-1-115, 8-1-118, 8-1-119; REPEALING AND RESERVING SECTIONS 8-1-109, 8-1-111, 8-1-116, 8-1-117; CREATING SECTIONS 8-1-122 AND 8-1-123, ARTICLE 8-1, CHAPTER 8, LAWTON CITY CODE, 2015; UPDATING THE PROVISIONS OF THE CHAPTER TO INCLUDE REVISING THE SCOPE OF SAID CHAPTER, UPDATING DEFINITIONS TO INCLUDE ADDING THE DEFINITION OF “EMERGENCY MANAGEMENT”, REMOVING REFERENCES TO “CIVIL DEFENSE”, ADDING OTHER DEFINITIONS, ADDING A SECTION ON CYBERSECURITY AND AN EMERGENCY OPERATIONS CENTER, AND BRINGING SEVERAL SECTIONS INTO COMPLIANCE WITH THE OKLAHOMA EMERGENCY MANAGEMENT ACT OF 2003; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

Brief Gist

This ordinance amends Chapter 8 of Lawton City Code, renaming the chapter, revising the scope, adding and deleting definitions, adding a section on cybersecurity and an emergency operations center, and bringing several sections within Chapter 8 into compliance with the Oklahoma Emergency Management Act of 2003; and providing for severability. This ordinance will become effective thirty days after passage.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma, this ____ day of September, 2021.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

(Published in The Lawton Constitution this ____ day of _____, 2021)