

Chapter 28
Emergency Management

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History: Article I was Ordinance 8001 (adopted December 4, 1961) and Article II was Sections 3, 4 and 5 of Ordinance 2004¹ (adopted March 9, 1964).

¹ As amended by Ordinance 2004B (adopted January 11, 1988).

Article I Civil Defense Agency

Section 28-1 Policy and Purposes

a.) Because of existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, or from fire, flood, earthquake, hurricane or other natural causes, and in order to insure that the preparations of this City shall be adequate to deal with such disasters, and generally to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of this City, it is hereby found and declared to be necessary:

1.) To create a City Civil Defense Agency;

2.) To provide for the rendering of mutual aid to other cities within the State of Delaware, and the adjoining States, and to cooperate with the Governments of the County of New Castle and the State of Delaware with respect to carrying out Civil Defense functions.

b.) It is further declared to be the purpose of this Article and the policy of this City, that all Civil Defense functions of this City be coordinated to the maximum extent with the comparable functions of the County and State Governments, including their various departments and agencies; of other cities and localities, and of private agencies of every type, to the end that the most effective preparation and use be made of this City's manpower, resources, and facilities for dealing with any disaster that may occur.

c.) It is further declared to be the purpose of this Article, and the policy of this City to organize a Civil Defense Agency in conformity with the Delaware Civil Defense Plan as directed by Section 3107, Chapter 31, Civil Defense, Delaware Code Annotated.

Section 28-2 Definitions

a.) Civil Defense: 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 upon the Governor's declaration that an emergency exists. These functions include, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services (civilian war aid), 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. In so defining Civil Defense, full recognition shall be given to Section 4, Public Law 875, 81st Congress, which states that “nothing contained in this Act shall be construed to limit or in any way affect the responsibility of the American National Red Cross under the Act approved January 5, 1905.”

Section 28-3 Powers of the Mayor

The Mayor shall be responsible for and have general direction and control of the Civil Defense of the City. In addition to the powers and duties the Mayor now possesses, he shall have such additional powers as are granted and conferred by this Article not inconsistent with other ordinances of this City.

Section 28-4 Director of Civil Defense and Deputies

a.) The Mayor, with the consent of the Town Council, is hereby authorized to appoint a Director of Civil Defense, who shall perform such duties as are imposed upon him by this Article, and as are delegated to him by the Mayor when not contrary to other ordinances of this City.

b.) The Mayor, also with the consent of Town Council, may appoint Deputy Director, as required to carry out the provisions of this Article, who shall assist the Director of Civil Defense and be assigned an order succession to the office of Civil Defense Director, in the event that circumstance prevent him from carrying out his assigned duties. This succession shall be automatic in the event of his death. Succession for other reasons shall be at the request of the Director of Civil Defense; by authority of the Mayor, if he is available; or by authority of a Councilman, if he is available, upon the agreement of all Councilmen available.

Section 28-5 Duty of the Director

The Director shall coordinate the activities of all organizations for Civil Defense within this City and shall maintain liaison with and cooperate with the New Castle County Civil Defense Agency, the State Department of Civil Defense and other Civil Defense Agencies and organizations within the State.

Section 28-6 Advisory Council

This Article creates a Civil Defense Advisory Council consisting of nine (9) citizens appointed by the Mayor, who shall advise the Mayor and Director on all matters pertaining to

Civil Defense. The mayor shall serve as chairman of the Council and the members thereof shall serve without compensation.

Section 28-7 Duties

a.) In performing his duties under this Article, the Mayor or Director of Civil Defense when such authority is delegated to him by the Mayor, is authorized to cooperate with the Governments of New Castle County and the State of Delaware and of other Counties and Cities within the State, and with private agencies in all matters pertaining to Civil Defense.

b.) In performing his duties under this Article, and to effectuate its policy and purpose, the Mayor is further authorized and empowered:

1.) To make, amend and rescind the necessary orders, rules and regulations to carry out the provisions of this Article within the limits of authority conferred upon him herein with due consideration of the Plans of the County and State Governments.

2.) To prepare a comprehensive plan and program for the Civil Defense of this City; such plan and program to be integrated into and coordinated with the Civil Defense plans of New Castle County and of the State of Delaware.

3.) In accordance with such plan and program for the Civil Defense of this City, to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of the Civil Defense Organization, in advance of actual and equipped force of Civil Defense personnel in time of need.

4.) To make such studies and surveys of the industries, resources, and facilities in the City as may be necessary to ascertain the capabilities of this City for Civil Defense, and to plan for the most efficient emergency use thereof.

5.) On behalf of this City, to enter into mutual aid agreements with other States, for reciprocal Civil Defense aid and assistance in case of disaster too great to be dealt with unassisted. Such mutual aid agreements may be made subject to the approval of the Governor, or of the State Director of Civil Defense.

6.) To delegate any administrative authority invested in him under this Article, and to provide for the subdelegation of any such authority.

7.) To cooperate with the Governor and the Delaware Department of Civil Defense, with the New Castle County Civil Defense Agency, and the officials and agencies of other cities and counties within the State, pertaining to the Civil Defense of the State, including the direction of control of a.) blackouts and practice blackouts, air

raid drills, mobilization of Civil Defense forces and other test exercises; b.) warnings and signals for drills or attacks, and the mechanical devices to be used in connection therewith; c.) the effective screening or extinguishing of all lights and lighting devices in appliance; d.) shutting off water mains, electric power connections and the suspension of all other utilities services; e.) the conduct of civilians, and the movement and cessation of movement of pedestrians and vehicular traffic during, prior to and subsequent to drills or attacks; f.) public meetings and gatherings; and g.) the evacuation and reception of civilian population.

Section 28-8 Mutual Aid Arrangements

a.) The Director of the organization for Civil Defense may, in collaboration with other public or private agencies within this State develop or cause to be developed mutual aid agreements for reciprocal Civil Defense aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the County and State civil Defense Plan and Program, and in case of emergency it shall be the duty of each local organization for Civil Defense to render assistance in accordance with mutual aid agreements.

b.) The director of the organization for Civil Defense may, subject to the approval of the Governor, enter in to mutual aid agreements with Civil Defense agencies or organizations in other States for reciprocal Civil Defense aid and assistance in case of disaster too great to be dealt with unassisted.

Section 28-9 Appropriations and Authority to Accept Services, Gifts, Grants & Loans

a.) Whenever the State Government or any officer or agency shall offer to this City, services, equipment, supplies, materials, or funds by way of gifts, grant or loan, for purposes of Civil Defense, the City, acting through the Mayor, may accept such offer and upon acceptance, the Mayor may authorize any officer of this City to receive such services, equipment, supplies, materials, or funds, on behalf of this City, subject to the terms of the offer and the rules and regulation, if any, of the agency making the offer.

b.) Wherever any person, firm, or corporation, shall offer to this City, services, equipment, supplies, materials, or funds by way of gifts, grant or loan, for purposes of Civil Defense, the City, acting through the Mayor, may accept such offer, and upon acceptance the Mayor of this City may authorize any officer of the City to receive such services, equipment, supplies, materials, or funds on behalf of the City, and subject to the terms of the offer.

Section 28-10 Utilization of Existing Services and Facilities

In carrying out the provisions of this Article, the Mayor is directed to utilize the services, equipment, supplies and facilities of existing departments, officers and agencies of the City, to the maximum extent practicable, and the office and personnel of all such departments, offices and agencies, are directed to cooperate with and extend such services and facilities to the Mayor, and to the Civil Defense organizations of the City upon request.

Section 28-11 Political Activity Prohibited

No organization of Civil Defense established under the authority of this Article shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes.

Section 28-12 Civil Defense Personnel

No person shall be employed or associate in any capacity in the Civil Defense Organization of this City, established under this Article, who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or of this State, or of this City, or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment for information charging any subversive act against the United States. Each person who is appointed to server in this organization for Civil Defense shall, before entering upon his duties, take an oath in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows;

“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 Delaware, against all enemies, foreign and domestic; that I will 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. And I do further swear (or affirm) that I do not advocate, not am I a member of any political party or organization that advocates the overthrow of the Government of the United States, or of this State, by force or violence; and that during such time as I am a member of the Delaware City Civil Defense Organization of Delaware City, Delaware, I 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 of this State, by force or violence

Section 28-13 Enforcement

a.) It shall be the duty of the organization for Civil Defense to establish pursuant to this Article, and of the officers thereof, to execute and enforce such orders, rules and regulation as may be made by the Mayor under the authority of this Article. Such organizations shall have available for inspection at its office all orders, rules and regulation made by the Mayor, under its authority.

b.) Penalties for violation of the provisions of this Article shall be a minimum of ten dollars (\$10.00) and/or ten (10) days in jail and a maximum of one hundred dollars (\$100.00) and/or thirty (30) days in jail for each and every offense.

Sections 28-14 to 28-15 Reserved

Article II Snow and Ice Emergency

Section 28-16 Declaration of Snow and Ice Emergency and Prohibited Parking

Upon receiving a firm forecast of sleet or snowfall, the City Manager, shall issue an alert, and when heavy precipitation appears imminent, may declare a snow emergency. After a snow emergency has been officially declared and until it is officially terminated, all motor vehicles that are parked on the surface of Clinton Street from Harbor Street to Fifth Street, on the surface of Washington Street from Harbor Street to Fifth Street, and on the side of all roads in Harbor Estates which are adjacent to all buildings bearing even-numbered addresses, shall be removed by their owners and/or operators as the parking of all vehicles on the streets aforesaid or portions of streets aforesaid is hereby prohibited between 10:00 P.M. and 7:00 A.M. during the continuance of the snow emergency.

Section 28-17 Impoundment of Vehicles Parked on Streets During Emergency

During a snow, sleet or freezing rain emergency any motor vehicles which are parked on Clinton Street, Washington Street, and on even-numbered side of all streets in Harbor Estates, in violation of Section 28-16 of this Article, may be removed or towed away and impounded by authority of the Police Department and/or City Manager to an official pound, provided, however, that no vehicle shall be towed away if at the time of the intended removal the owner or person for the time being in charge thereof is present and shall express a willingness and intention to immediately remove said vehicle. The provisions of this Section shall be operative only when notice of the provision of the Section shall be given by appropriate notice, advising that vehicles parked in violation of any law, ordinance or regulation aforesaid, may be towed away in accordance with the provisions of this Section.

Section 28-18 Retrieval of Impounded Vehicles

Before the owner or his agent shall be permitted to remove an impounded vehicle from such pound, he shall a.) pay to the Mayor and Council of Delaware City the sum of ten dollars (\$10.00) to cover the cost of towing and storage of the vehicle for the first twenty-four (24) hour period or fraction thereof, and secure from the Mayor and Council of Delaware City, or their duly designated representative, a release, in duplicate; b.) present the original copy of said release to the person in charge of the official pound, or his agent; and c.) sign a receipt for such vehicle. The payment of towing and storage charges shall not operate to relieve the owner from liability from any fine or penalty that may be imposed for violation of this Article.