

ORDINANCE NO. 951

AN ORDINANCE PROVIDING FOR THE ENACTMENT  
AND ADMINISTRATION OF DISASTER AND  
EMERGENCY RELIEF IN THE CITY OF EUREKA  
SPRINGS, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF EUREKA SPRINGS,  
ARKANSAS, THAT:

SECTION 1. Purposes. The declared purposes of this Ordinance are to provide for the preparation, implementation, and carrying out of plans for the protection of persons and property within the City of Eureka Springs, Arkansas in the event of emergency or disaster conditions as hereinafter referred to; the direction of the emergency or disaster organization; and the coordination of emergency or disaster functions of the City of Eureka Springs with all other public agencies, corporations, organizations, and affected private persons.

SECTION 2. Definitions. As used in this Ordinance, conditions or degrees of emergency or disaster shall mean:

2.1 State of Emergency. The duly proclaimed existence of conditions of emergency, disaster or of extreme peril to the safety of persons and property within the City of Eureka Springs caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or other conditions, other than conditions resulting from a labor controversy or conditions which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single city or city and county, and require the combined forces of a mutual aid region or regions to combat.

2.2 Local Emergency. The duly proclaimed existence of conditions of emergency, disaster or of extreme peril to the safety of persons and property within the corporate limits of the City of Eureka Springs caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or other conditions, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the political subdivision and require the combined forces of other political subdivisions to combat same.

SECTION 3. Emergency and Disaster Corps. The City of Eureka Springs "Emergency and Disaster Corps" shall consist of all officers and employees of the City of Eureka Springs, its agencies, and all volunteers

and all groups, organizations and persons commandeered under the provisions of this Ordinance, with all equipment and materials publicly owned, volunteered, commandeered, or in any way under the control of the aforementioned personnel, for the support of the aforementioned personnel in the conduct of emergency or disaster operations.

The Eureka Springs Emergency and Disaster Corps shall be activated, and shall function as an emergency and disaster relief body only:

3.1 Upon the declaration by the Governor of the State of Arkansas, or the County Judge of Carroll County, or of persons authorized to act in either of their stead, of a "State of Emergency" affecting and including the City of Eureka Springs, Arkansas; or

3.2 Upon the declaration of a "Local Emergency" by the City Council of Eureka Springs, Arkansas, Provided the Mayor, the Chief of Police, or either of the two members of the City Council of Eureka Springs assigned as Police Commissioners, in successive order, shall have the power and authority to declare an interim "Local Emergency", and any such interim declaration shall require ratification by the City Council of Eureka Springs within twenty-four (24) hours of invoking same to remain in effect.

The Officers of the City of Eureka Springs shall have the duty and authority to plan for the mobilization, operation and support of that segment of the Emergency and Disaster Corps for which each is responsible as may hereinafter be provided for in any Emergency and Disaster Operations Plan for the City of Eureka Springs, Arkansas, and to conduct the activities therefore.

SECTION 4. Emergency and Disaster Council. The Eureka Springs Emergency and Disaster Council shall consist of the Mayor, who shall be its chairman, the members of the City Council, the Chief of Police, the City Attorney and such additional residents of the City of Eureka Springs as the City Council may appoint to be "members at large". The Eureka Springs Emergency and Disaster Council shall have the power to elect such other officers as it shall deem necessary, enact its own rules of procedure, prepare, review and recommend for adoption to the City Council such emergency and disaster plans and agreements, ordinances and resolutions, and rules and regulations as it may deem necessary to implement such plans and agreements.

The Eureka Springs Emergency and Disaster Council shall meet upon call of the Chairman, or in his absence or inability to call such a meeting upon the call of the Vice-Chairman.

SECTION 5. Chain of Command. The Mayor of Eureka Springs shall direct all activities of the Emergency and Disaster Corps. In his absence, or inability to act, he shall automatically be succeeded in such capacity by the following officials in the order named:

- (a) The members of the City Council serving as Police Commissioners, in the sequence of the numbers of their respective wards.
- (b) By the remaining members of the City Council, in the sequence of the numbers of their respective wards, unless the City Council shall otherwise determine;
- (c) The Chief of Police of Eureka Springs;
- (d) The Assistant Chief of Police of Eureka Springs;
- (e) The City Attorney of Eureka Springs.

SECTION 6. Powers and Duties.

6.1 The Chairman of the Emergency and Disaster Council shall have the following powers and duties:

- (a) To make key appointments, subject to the approval of the City Council, within the Emergency and Disaster Corps;
- (b) To request the City Council to proclaim the existence "Local Emergency", if the City Council is in session, or to issue such proclamation when the City Council is not in session as provided in Section 3.2. Whenever a "Local Emergency" is proclaimed by the Chairman, the City Council shall take action to ratify the proclamation within twenty-four (24) hours thereafter or the proclamation shall have no further force or effect;
- (c) During the proclaimed existence of a "State of Emergency" or a "Local Emergency" affecting Eureka Springs, to
  1. Control and direct the activities of the Eureka Springs Emergency and Disaster Corps;
  2. Use all City resources for the preservation of life and property and to reduce the effects of such emergencies or disasters;
  3. Resolve questions of authority and responsibility that may arise in emergency or disaster operation;

4. Require emergency services of any city officer or employee.

(d) During the proclaimed existence of a "State of Emergency" or a "Local Emergency" affecting Eureka Springs to, with the prior and current approval of the City Council of Eureka Springs;

1. Obtain vital supplies, equipment and other resources needed for the preservation of life and property by either binding the City for the fair market value thereof or by commandeering same;

2. To delegate to elected and appointed officials of the City such duties and authorities as he deems necessary;

3. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by any conditions proclaimed as provided herein;

4. To require emergency services and aid of as many citizens of the City of Eureka Springs as he thinks necessary in the execution of his duties;

5. To exercise complete authority over the City and to exercise all police power vested in the City by the Constitution, Statutes, Ordinances, and general laws;

6. To exercise such additional powers incidental to the performance of his duties as Chairman of the Eureka Springs Emergency and Disaster Council as shall be necessary for him to carry out the Emergency and Disaster Operations Plan of the City Of Eureka Springs, being the intent that the enumerated powers herein are not intended to be limitations upon his powers.

SECTION 6. Succession. Each person who shall succeed to each position of office as herein provided, and as provided in the Emergency and Disaster Operation Plan of the City of Eureka Springs, shall succeed to all the powers and duties of the office succeeded to immediately upon such succession.

SECTION 7. Compliance with Orders. During the existence of a proclaimed "State of Emergency" or "Local Emergency" affecting the City of Eureka Springs, each member of the Emergency and Disaster Corps shall have authority to require that all persons shall follow reasonable orders given by him within the scope of his functions in order to execute the Emergency and Disaster Operations Plan of the City of Eureka Springs, and willful failure of any person

to follow such reasonable order or orders shall be a misdemeanor punishable, upon conviction, by a fine or by imprisonment, or both, in accordance with the limitations imposed thereon by the Statutes and Ordinances of the State of Arkansas and the City of Eureka Springs.

SECTION 8. Penalties. It shall be a misdemeanor punishable in the manner provided by Statute and Ordinance for any person during an emergency or disaster;

(a) Willfully to obstruct, hinder or delay any member of the City of Eureka Springs Emergency and Disaster Corps in the enforcement of any lawful rule, regulation, or order issued pursuant to this Ordinance, or in the performance of any duty imposed by virtue of this Ordinance;

(b) To do any act forbidden by any lawful rule, regulation or order issued pursuant to this Ordinance, if such act is of such a nature as to imperil life or property, or to prevent, hinder, or delay the defense or protection of person or property;

(c) To wear, carry or display, without authority, any means of identification specified by the civil defense and/or emergency and disaster agencies of the Federal, State or City Governments.

SECTION 9. Severability. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not effect the validity or constitutionality of the remaining portions of this Ordinance.

SECTION 10. Emergency Clause. In the judgment of the City Council of Eureka Springs, Arkansas, the public peace, health and safety of the City of Eureka Springs and the inhabitants thereof demand the immediate passage of this Ordinance, and an emergency is hereby declared to exist whereby this Ordinance shall become effective from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED by the City Council of Eureka Springs, Arkansas this 17<sup>th</sup> day of May, 1973.

  
FRED L. NAFF, MAYOR

ATTEST:   
TRUIE WALSH, CITY CLERK