

## ORDINANCE NO. 233

AN ORDINANCE IN RELATION TO CIVIL DEFENSE; CREATING A CIVIL DEFENSE OFFICE AS AN AGENCY UNDER THE MAYOR.

Be It Enacted By The Board of Trustees Of The TOWN OF BERTHOUD:

WHEREAS, there are existing and increasing possibilities of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hostile action; and

WHEREAS, it is desirable to insure that preparations of the Town of Berthoud will be adequate 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 inhabitants of the Town of Berthoud,

BE IT FURTHER ENACTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD:

Section 1. There is hereby created and established as an agency under the Mayor the Civil Defense Office under the direction of a Director of Civil Defense. The Director of Civil Defense shall be appointed by the Mayor and shall serve at the pleasure of the Mayor.

The director of Civil Defense shall appoint deputies and other staff members, ~~both salaried and~~ volunteer, and delegate such powers and duties within the means at his disposal as he sees proper. The scope of the activities of the Civil Defense Office shall be in accordance with the tenor of the times.

Section 2. The Civil Defense Office shall be charged with the duty of coordinating all civilian defense activities within the Town of Berthoud, and shall, in conformity with the rules and regulations hereinafter provided for, do the following:

(a) Coordinate the activities of municipal and private agencies cooperating in the defense program:

(b) Sponsor and carry out recruitment, instruction and training of civilian auxiliary and volunteer service units in order to secure unity, balance, and coordination in a program for civilian defense:

(c) On behalf of the Town to negotiate with other municipalities and other governmental entities in the State of Colorado and to work out such mutual aid agreements for reciprocal civil defense assistance as may be deemed necessary.

The scope of such mutual aid agreements may encompass all facets of the plans for civil defense and mutual aid or any part or parts of such plans, and the mutual aid agreements shall be signed by the Mayor of the Town of Berthoud, and may pledge the assistance and co-operation of the Town of Berthoud to meet all contingencies of civil defense emergencies in return for like pledges from other governmental entities, as aforesaid.

(d) Perform such other functions as may be required in connection with the Federal, State, and Town programs.

Section 3. The Mayor of the Town of Berthoud shall have the power to promulgate, in writing, rules and regulations which shall be reasonably necessary for the purpose of carrying out the provisions of this Ordinance.

Section 4. Immunity. Neither the Town nor any of its agencies thereof, nor, except in cases of willful misconduct, the agents, employees, or representatives of any of them, engaged in any civil defense activities, while complying with or attempting to comply with this Ordinance or with any rules or regulations promulgated pursuant to the provisions of this Ordinance, shall be liable for the

death of or any injury to persons, or damage to property, as a result of such activity. The provisions of this section shall not affect the right of any person to receive benefit to which he would otherwise be entitled under this Ordinance, or under the Workmen's Compensation Law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any Act of Congress.

Section 5. It shall be unlawful for any person, firm, or corporation to violate any provision of this Ordinance, or any rule or regulation promulgated by authority hereof.

Section 6. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held or decided to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases might be declared unconstitutional.

Section 7. Any person who shall fail to comply with, or shall violate any of the provisions of this Ordinance, or any rules or regulations promulgated hereunder, shall, upon conviction, be fined in the sum of not more than three hundred dollars (\$300.00), or be imprisoned in the Town jail for a period not to exceed ninety (90) days; or be punished by both such fine and imprisonment. Each violation of this Ordinance shall constitute a separate offense.

Section 8. In the opinion of the Board of Trustees this Ordinance is necessary for the immediate protection and preservation of the public health, safety, convenience, and

## RECORD OF PROCEEDINGS

100 Leaves

general welfare, and it is enacted for that purpose, and shall be in full force and effect immediately after its passage and final publication.

Passed by the Board of Trustees and signed by the Mayor this 13th day of March, A. D. , 1951.

O.D. Mayo  
Mayor

Attested by me with the Corporate Seal of the Town of Berthoud.

Viola Barrowman  
Clerk

