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Local Tax Section  
Alabama Dept. of Revenue

## ORDINANCE 2019-01

### CIVIL EMERGENCY ORDINANCE

**WHEREAS**, the City Council of the City of Semmes, Alabama, desires to adopt certain policies, procedures, rules and regulations to protect the public health, safety and welfare in the City and its police jurisdiction in the event of a Civil Emergency as defined herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEMMES, ALABAMA, AS FOLLOWS:**

#### **Sec. 1 - Definitions.**

For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*City or city* shall mean the City of Semmes, Alabama.

*City Council* shall mean that of the City of Semmes, Alabama.

*Civil Emergency* shall mean a Riot and/or Disaster as defined herein.

*Curfew* shall mean a prohibition against any one or more persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the city, except persons officially designated to duty with reference to such Civil Emergency.

*Disaster* shall mean any natural disaster, manmade calamity or epidemic including but not limited to flood, conflagration, hurricane, cyclone, tornado, winter storm, earthquake, explosion or outbreak of disease which is occurring or may imminently occur within the city resulting in or which may result in the death of or injury to persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

*Mayor* shall mean the Mayor of the City of Semmes, Alabama.

*Person or person* means an individual, partnership, association, syndicate, company, firm, trust, corporation, government, corporation, department, bureau, agency, business or any entity recognized by law.

*Riot* shall mean a riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three (3) or more persons acting together without authority by law.

## **Sec. 2 - Proclamation of Mayor.**

When in the judgment of the Mayor a Civil Emergency as defined in this ordinance is deemed to exist he shall forthwith proclaim in writing the existence of the same.

## **Sec. 3 - General curfew.**

After proclamation of a Civil Emergency by the Mayor, he may order a general curfew applicable to such geographical areas of the city or its police jurisdiction, or to the city and its police jurisdiction as a whole, as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public health, safety and welfare. In no event shall any such curfew exceed one-hundred and twenty (120) hours unless extended by the City Council at a duly called and held meeting.

## **Sec. 4 - Curfew applicable to minors under eighteen.**

(a) After proclamation of a Civil Emergency by the Mayor, he may order a curfew applicable only to minors under the age of eighteen (18) years; and such curfew may be declared applicable to such geographical areas of the city or its police jurisdiction, or to the city and its police jurisdiction as a whole, as he deems advisable, and applicable during such hours of the day or night and subject to such further conditions, limitations and exemptions as he deems necessary in the interest of public health, safety and welfare. In no event shall any such curfew exceed one-hundred and twenty (120) hours unless extended by the City Council at a duly called and held meeting.

(b) It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of eighteen (18) years to knowingly permit such minor to violate any curfew ordered by the Mayor under this section.



## **Sec. 5 – Road closings and management.**

After proclamation of a Civil Emergency by the Mayor, he may order the closing of any and all roads and rights-of-way within the city or its police jurisdiction, or may order the restriction or re-routing of movement along such roads and rights-of-way in order to facilitate the work of emergency management services, or to facilitate the mass movement of persons from critical areas within or without the city, all as he deems necessary in the interest of public health, safety and welfare, provided, however, that such proclamation shall only apply to city controlled and maintained roads and rights-of-way and not those roads and rights-of-way owned, controlled and/or maintained by any other governmental entity or private persons or entities.

## **Sec. 6 – Exceptions to curfews.**

The following are excepted from any curfew that may be instituted during a Civil Emergency:

- (a) emergency vehicles and appurtenant personnel;
- (b) vehicles operated by or on behalf of state, federal, county or municipal governments or institutions of education such as those operated by public officials and public employees in the line and scope of their official duties or related to the Civil Emergency, and/or agents and contractors to such governmental entities in the line and scope of their agency or contract, and appurtenant personnel;
- (c) utility and road crews;
- (d) healthcare providers and employees of facilities that provide health services and/or essential public services while going to or from work or while performing public or health services;
- (e) employees and volunteers of disaster relief organizations while performing relief functions; and,
- (f) travel reasonably necessitated by an emergency;
- (g) regular employees of local businesses while traveling to and from their jobs, provided they have reasonable identification to display if stopped by any law enforcement personnel.

## **Sec. 7 - Orders which may be issued by Mayor.**

After proclamation of a Civil Emergency, the Mayor of the city may also in the interest of public health, safety and welfare make any or all of the following orders:

- (a) Order the closing of all retail liquor stores;
- (b) Order the closing of all beer taverns;
- (c) Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor or beer is permitted;
- (d) Order the discontinuance of the sale of beer;
- (e) In the case of a Riot, order or proclaim the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition, flammable or combustible products, dynamite or other explosives of any character whatsoever, other than gasoline or other fuel dispensed into a fuel tank properly affixed to a motor vehicle or other machinery, as authorized by *Code of Alabama* § 11-43-82, a currently enacted or as may be hereafter amended;
- (f) In the case of a Riot, 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;
- (g) Issue such other orders as are imminently necessary for the protection of life and property.
- (h) Issue such other orders as may be authorized under the powers and authorities granted to governing bodies as set forth in *Code of Alabama* § 31-9-10, as currently enacted or as may be hereafter amended.

#### **Sec. 8 – Evacuations.**

In accordance with *Code of Alabama* § 31-9-10(c), as currently enacted or as may be hereafter amended, neither the Mayor nor the City Council shall provide for or compel the evacuation of any area except by the direction and under the supervision of the Governor of Alabama or the Alabama State Emergency Management Agency, or both. Any such action taken shall remain in full force and effect unless revoked by proclamation of the Governor of Alabama.

#### **Sec. 9 – Single Media Contact; Emergency Director.**

The Mayor, or a person designated by him in writing, shall be the sole media contact throughout the Civil Emergency. All communications are subject to the City's Communications Policy as set forth in its Employee Handbook.

The Director of SEMO (City of Semmes Semmes Emergency Management Organization), as authorized by City Ordinance 2018-04 and appointed by the City



Council, in consultation with and under the direction of the Mayor, shall be the designated director of emergency management throughout the Civil Emergency.

#### **Sec. 9 – Review by City Council.**

All proclamations, declarations and orders the Mayor is authorized to make pursuant to this ordinance shall at all times be subject to ratification, alteration, modification, repeal and/or extension by the City Council at a duly called meeting, except for those made by the Mayor and authorized pursuant to other State, Federal or local law. Subsequent acts of the City Council shall not affect the validity of any prior acts made by the Mayor subject to this ordinance or applicable law.

#### **Sec. 10 – Limitations and publication.**

The powers and authorities granted in this ordinance shall be exercised in the narrowest and least restrictive manner reasonably possible while still protecting the public health, safety and welfare, so that civil liberties remain intact. All proclamations, declarations and orders authorized herein shall contain beginning and ending dates and times and shall specify the geographic areas to which they are applicable.

All proclamations, declarations and orders authorized herein shall be given widespread circulation via newspaper, radio, television, the city website and social media outlets.

#### **Sec. 11 - Violations and penalties.**

It shall be unlawful for any person to violate any of the provisions of this ordinance, or any order issued by the Mayor pursuant hereto, or to willfully obstruct, hinder or delay any emergency or public personnel in the enforcement of the provisions of this ordinance. Any person found guilty of violating any provision of this ordinance, or any order issued by the Mayor pursuant to the authority herein contained, shall be guilty of an offense against the city and shall be punished by a fine not exceeding five hundred dollars (\$500.00), or imprisoned or sentenced to hard labor for a period not exceeding six (6) months, or by any one or more of such penalties, at the discretion of the judge trying the case.

#### **Sec. 12 – Codification.**

Upon the codification of city ordinances, authority is hereby granted to reassign the section numbers of this ordinance as may be found to be appropriate at such time, this ordinance to remain in full force in effect under such newly assigned number(s) as though assigned herein.

**Sec. 13 – Public Notice; Effective Area.**

This ordinance shall become effective within the city limits and police jurisdiction of the city upon publication pursuant to applicable law for thirty consecutive (30) days.


**Sec. 14 – Repealer.**

This ordinance shall supersede and repeal City of Semmes Ordinance 2012-135, and any and all other previous ordinances or provisions of ordinances in conflict with this ordinance, with the exception of City of Semmes Ordinance 2018-04. It is intended that this ordinance and Ordinance 2018-04 be cumulative in their effect.


**Sec. 15 – Severability.**

If any article, section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional by a declaration of any court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this ordinance.

**Adopted and approved this 15<sup>th</sup> day of January, 2019.**

  
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David Baker- Mayor

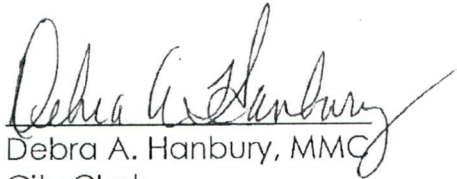
**Attest:**

  
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Debbie A. Hanbury – City Clerk

**City of Semmes, Alabama, Certificate of Publication.**

This is to certify that the Ordinance No. 2019 - 01, City of Semmes, Alabama, was published by posting on at least three (3) bulletin boards in the City on January 17 2019 and has been registered with the Local Tax Unit at the Alabama Revenue Department.

- 1) City Hall
- 2) Hickory Pit Too
- 3) Public Works Facility

  
Debra A. Hanbury, MMC  
City Clerk