



**CITY OF WESTLAKE, OHIO
ORDINANCE NO. 2015-78:**

**AN ORDINANCE ENACTING NEW
SECTION 509.10 "CIVIL EMERGENCY"
OF THE GENERAL OFFENSES CODE
OF THE CITY OF WESTLAKE, AND
DECLARING AN EMERGENCY.**

WHEREAS, the Mayor and Chief of Police have recommended that the City have provisions in place for the imposition of an emergency curfew in times of civil emergency or natural disaster; and

WHEREAS, Council desires to enact new Section 509.10 "Civil Emergency" into the General Offenses Code of the City of Westlake.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WESTLAKE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1: That new Section 509.10 "Civil Emergency" is hereby enacted into the General Offenses Code of the City of Westlake and which as enacted shall read as follows:

"509.10 CIVIL EMERGENCY.

(a) Definitions.

(1) "Civil Emergency" means:

A. A riot or unlawful assembly characterized by the use of force or violence or any threat to use such force by three or more persons acting together without the authority of law.

B. Any natural disaster or manmade calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the Municipality, resulting or reasonably expected to result in the death or injury of persons or the destruction of property to such an extent that extra-ordinary measures must be taken to protect the public health, safety and welfare.

(2) "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 Municipality, excepting persons officially designated to duty with reference to a civil emergency.

(b) Consultation by the Mayor. Upon receipt by the Mayor of information that a civil emergency may exist or that a threat of civil emergency may exist, the Mayor shall consult with the Director of Law, the Chiefs of the Police and Fire Departments and the Director of Public Service or other city officials as the Mayor deems appropriate.

(c) Determination of State of Civil Emergency and Powers of Mayor. Based on information received by the city officials whenever in the judgment of the Mayor, or his designee, there is substantial evidence that a state of civil emergency exists or the threat of a state of civil emergency exists as defined herein, the Mayor or his designee shall, in addition to all other powers granted him by the laws of this State and the ordinances of the Municipality, be empowered, in order to suppress such actions and preserve the peace and order of the Municipality and to protect its citizens and their property, to issue a proclamation declaring a state of civil emergency to exist, and may thereby exercise the powers granted in the following subsections:

(1) To impose a curfew upon all or any portion of the Municipality, as designated therein, as he may deem advisable during such hours of the day or night as he determines necessary in the interest of the public safety and welfare, and during which all persons shall remove themselves to their places of residence and remain off and away from the public streets, sidewalks, parkways, parks and all other public or open places, and no persons shall assemble, gather, loiter or otherwise congregate in any manner in groups, assemblies or meetings in any place for any purpose whatsoever. However, persons performing medical services, essential public utility services, public officials, police officers, firefighters and all other persons explicitly enumerated in such proclamation, may be exempted from curfew.

(2) To order the closing on any and all business establishments throughout the Municipality or any portion thereof, during the period for which the state of emergency exists or during the curfew hours.

(3) To order discontinuance of selling, distributing, dispensing or giving away any firearms or other weapons of any character whatsoever.

(4) To 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 or other weapons of any character whatsoever.

(5) To order the closing of all retail and wholesale liquor stores, taverns and other places dispensing, serving or permitting the consumption of intoxicating or non-intoxicating beer.

(6) To order the discontinuance of the sale, distribution or giving away of intoxicating or non-intoxicating liquors.

(7) To order the closing of all private clubs or portions thereof, wherein the consumption of intoxicating liquor or non-intoxicating beer is permitted.

(8) To order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(9) To order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution or dispensing of gasoline or other liquid flammable or combustible products.

(10) To designate any public place, public street, thoroughfare, boulevard, parking area and any other place closed to motor vehicles and pedestrian traffic.

(11) To order all regular, special and auxiliary police officers, firefighters, and other conservators of the peace to report for duty assignment, such reporting to be in accordance with prearranged plans or under the direction of lawful authority.

(12) To call upon the National Guard and/or State Highway Patrol for assistance.

(d) Proclamations. The proclamation of emergency shall become effective immediately upon its execution and issuance by the Mayor, and the original thereof shall be filed and remain in the office of the Finance Director. Dissemination of information as to the proclamation shall be made to the public by appropriate news media, or, if time does not permit, any other form of oral or written public announcement calculated to inform the public as to the existence of the proclamation.

(e) Duration of Emergency. Any emergency proclaimed in accordance with the provisions of this section shall terminate after forty-eight hours from the issuance thereof, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first. However, such emergency may be extended for such additional periods of time as determined necessary by the Mayor.

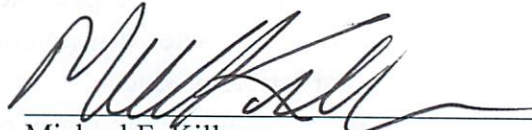
(f) Any person who willfully fails or refuses to comply with the orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the proclamation of emergency authorized herein, shall be deemed guilty of a misdemeanor of the first degree."

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 10, Article XI of the Charter of the City of Westlake and Section 121.22 of the Ohio Revised Code.

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Section 3: That this legislation is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the further reason that it is immediately necessary to provide an emergency curfew in time of civil disturbance or natural disaster, and further provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.


Passed: 6/4/15

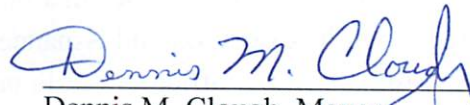

Michael F. Killeen
President of Council

Presented to Mayor: 6/5/15

Approved: 6/5/15

ATTEST:


Denise L. Rosenbaum, Clerk of Council


Dennis M. Clough, Mayor

I, Denise L. Rosenbaum, Clerk of Council of the City of Westlake do hereby certify that Ordinance/Resolution no. 2015-78 adopted 6/4/15 was duly posted on 6/5/15 and remained posted for a period of 15 days thereafter in not less than 2 of the most public places in the City as determined by the Charter of said City.