

ORDINANCE 207

AN ORDINANCE AUTHORIZING BLACKOUT AND AIRRAID PROTECTION ORDERS, RULES AND REGULATIONS; PRESCRIBING PENALTIES FOR VIOLATION THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, A state of war exists between the United States of America and Japan, Germany, and Italy, and the defense of the United States of America is in the hands of the army and navy; and

WHEREAS, In modern warfare no city, however distant from the enemy, is free from attack; and

WHEREAS, Lights at night are a definite aid to the enemy in reaching military and other objectives; and

WHEREAS, Blackouts, when ordered by the army or navy are essential to the preservation of life and property in the city, and it is imperative that the city of Polson aid the army and navy by all possible cooperation and assistance; and

WHEREAS, Failure to extinguish lights when ordered to do so by duly authorized authorities may result in loss of life by thousands of the residents of the city of Polson, as well as the residents of other parts of the nation when lights in this city are used as a guide to other objectives; and

WHEREAS, Failure to comply with orders, rules and regulations governing evacuations, traffic movements, congregation of persons in streets and other public places will result in confusion and unnecessary loss of life both during blackouts and during air raids in the daytime,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF POLSON:

Section 1. Authority to promulgate necessary orders, rules and regulations for Blackouts and Air raids. In order to protect life and property in the city of Polson from enemy action the commander of the Citizens Defense Corps is authorized and directed to carry out blackouts and air raid protection measures in said city at such times and for such purposes as are authorized or ordered by the army or navy and to promulgate such orders, rules and regulations as may be necessary to insure the success of the blackouts and air raid protection measures and to protect life and property during such periods, and to these ends, he may cause the demolition of buildings and other structures. Said orders, rules and regulations shall include traffic movements of emergency or other vehicles, evacuation of residents, congregation of persons on public streets, sidewalks, and in places of business, but this enumeration shall not be taken as a limitation on the power to promulgate orders, rules, regulations governing any other subject, persons or property which must be regulated in order to insure the proper carrying out of any duly authorized blackout or air raid protection measure. Practice blackouts and air raid drills may be carried out at such times and for such periods as the Commander of the Citizens Defense Corps shall in his discretion deem appropriate or necessary, but subject always to the orders and direction of the army and navy, and the orders, rules and regulations authorized herein.

Section 2. General orders, rules and regulations to be in writing. All orders, rules and regulations authorized by this ordinance for the conduct of the general public shall be in writing and shall be available for public inspection at the place and during the hours fixed by the Commander of the Citizens Defense Corps.

Section 3. Orders, rules and regulations effective until repealed by Council. Any order, rule or regulation promulgated pursuant to the authority conferred by this ordinance shall be in force and effect from the time of promulgation until amended or repealed by the Council of the city of Polson.

Section 4. Appointment of special Police- Identifying Emblem. The Mayor may appoint for a specified time as many special police, without pay, from among residents of the city of Polson as may be deemed advisable for service in connection with any blackout or air raid protection measure. During the term of service of such special police, they shall possess all the powers and privileges and perform all the duties of privates in the standing police force of the city of Polson, Said special police must wear such identifying emblem as may be prescribed by the Mayor and it shall be unlawful for any said special policeman to attempt to carry out any order, rule or regulation promulgated under the authority conferred by this ordinance when he is not wearing said identifying emblem.

Section 5. Unauthorized Warning or All-Clear Signals Prohibited. Any unauthorized person who shall operate a siren or other device so as to simulate a blackout signal or air raid, or the termination of a blackout or air raid, shall be deemed guilty of a violation of this ordinance and shall be subject to the penalties imposed by Section 10 of this ordinance.

Section 6. No Municipal or Private Liability. This ordinance is an exercise by the city of its functions for the protection of the public peace, health and safety and neither the city of Polson, the agents and representatives of said city, or any individual, receiver, firm, partnership, corporation, association or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this ordinance shall be liable for any damage sustained to persons or property as the result of said activity.

SECTION 7. Lights during Blackout declared Public Nuisance. Any light displayed contrary to any order, rule or regulation promulgated pursuant to the provisions of this ordinance constitutes a public nuisance and when deemed

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necessary in order to protect life or property during a blackout or air raid the police or the special police authorized herein, are authorized and directed to enter upon any premises within the city of Polson, using reasonable force, and to extinguish lights or take other necessary action to make effective any order, rule or regulation promulgated under the authority conferred by this ordinance.

Section 8. Conflicting Ordinances, Orders, Rules and Regulations Suspended. At all times when the orders, rules and regulations made and promulgated pursuant to this ordinance shall be in effect, they shall supercede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

Section 9. No Conflict With State or Federal Statutes. This ordinance shall not be construed so as to conflict with any State or Federal statute or with any military or naval order, rule or regulation.

Section 10. Penalties for Violations. Any person, firm or corporation violating any of the provisions of this ordinance or any order, rule or regulation issued pursuant thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding Three Hundred Dollars (\$300.00) or imprisonment for not more than Ninety (90) days.

Section 11. Separability of Provisions. It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the city council that if a provision of this ordinance be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

Section 12. Finding of Emergency. This ordinance is passed as an emergency measure, and the council does by the vote by which this ordinance is passed, hereby declare that a national emergency exists, which makes it imperative that this ordinance shall become effective forthwith, the nature of said emergency being as follows: A State of war exists between the United States of America and Japan, Germany, and Italy, and the President of the United States has declared that an invasion or predatory incursion is threatened, and it is necessary in the furtherance of the public health, safety and welfare of the residents of this city that this ordinance be effective immediately.

Passed by the city council and approved by the Mayor, this 1st day of June, 1942.

OLIVER R. BROWN

MAYOR

ATTEST:

GEO. S. WRIGHT  
CITY CLERK

ORDINANCE NO 208

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE 189 REGULATING AND FIXING THE SALARIES OF CERTAIN OF THE OFFICERS OF THE CITY OF POLSON, MONTANA.

BE IT ORDAINED BY THE CITY COUNCIL OF POLSON, MONTANA.

Section 1. That Section 1 of Ordinance 189 be amended to read as follows:- The compensation of the City Clerk, Water and Street Commissioner, Ass't Street Commissioner, Police, Fire Chief and common labor employees is hereby fixed and established at the following named salaries; and that the same shall be accepted and taken as full compensation for all services to be rendered by said officers and employees of the city of Polson:-

City Clerk and Ass't Water Commissioner	per month	145.00
Street and Water Commissioner	"	170.00
Ass't Street Commissioner	"	135.00
Police	(with \$10.00 gas allowance)	" 135.00
Fire Chief	"	15.00
Common labor	55 cents per hour	

Street Commissioner, Ass't Street Commissioner and Fire Chief to be delegated police authority.

Section 2. The said several salaries shall be paid at the end of each month by the order of the city council and approval of the mayor.

Section 3. Whereas an emergency exists and it is necessary for the preservation of the peace, health and safety of the public, this ordinance shall take effect immediately upon its passage and approval.

Passed by the council and approved by the mayor this 3rd day of May, 1943.

OLIVER R. BROWN

MAYOR

ATTEST

GEO. S. WRIGHT  
CITY CLERK