

CHAPTER XI. PUBLIC OFFENSES

ARTICLE 4. PROCLAMATION OF EMERGENCY

SECTIONS

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11-401. PROCLAMATION OF EMERGENCY

(a) ***Authorization of Mayor or Councilmember to Act.*** Whenever the Mayor or, in the event of his or her inability to act, a Councilmember of the City Council acting under the authority of this section as provided in 11-401(b), determines that an emergency or imminent threat of emergency exists as a result of mob action, civil disobedience, or natural or man-made disaster within the Kansas City Standard Metropolitan Statistical Area causing or threatening to cause danger or injury to or damage to persons or property, he or she shall have power to impose by proclamation any or all of the following regulations necessary to preserve the peace and order of the City:

1. To impose a curfew upon all or any portion of the city thereby requiring all persons in such designated curfew areas to forthwith remove themselves and/or their motor vehicles from the public streets, alleys, public parking lots, parks or other public places: Provided, that physicians, nurses and ambulance operators performing medical services, utility personnel maintaining essential public services, firefighters and city authorized or requested law enforcement officers and personnel may be exempted from such curfew.
2. To order the closing of any business establishment anywhere within the city for the period of the emergency, such businesses to include, but not limited to, those selling intoxicating liquors, cereal malt beverages, gasoline or firearms.
3. To designate any public street, thoroughfare or vehicle parking area closed to motor vehicles and pedestrian traffic.
4. To call upon regular and auxiliary law enforcement agencies and organizations within or outside the city, including the sheriff's department under provisions of mutual emergency police protection compact, to assist in preserving and keeping the peace within the City.

5. That any and all of the regular and auxiliary law enforcement agencies, organizations and their individual officers shall have the full power and authority to make arrests and to act on behalf of the City in order to enforce the provisions provided for herein and any and all other city ordinances that might be violated as a result of any mob action, civil disobedience, or natural or manmade disaster.
6. To enter into a mutual emergency police protection compact with any and all governing bodies of Johnson County, Kansas, and any other duly authorized governing body within the Kansas City Standard Metropolitan Statistical Area.
7. To authorize the City Administrator or designated Department Head to approve the expenditure of funds up to \$100,000.00.
8. To suspend specific internal City rules and regulations as may be necessary.

(b) *Determination of Councilmember Authorized to Act in the Event of Inability of the Mayor.* In the event the Mayor is unable to act, the Presiding Officer shall have the foregoing power as they are able to act and in a line of succession, in accordance with the Mayor's appointments made under Section 1-209 of this Code. In the event a proclaimed emergency extends beyond the period stated in the Mayor's appointment, then the Presiding Officer at the commencement of the emergency shall continue to act as Presiding Officer until the termination of the emergency.

(Ord. 1268C; 01-20-92)
 (Code 2000)
 (Ord. 1946C; 03-18-02)
 (Ord. 2715C; 01-20-15)

11-402. EFFECTIVE PERIOD. The proclamation of emergency provided herein shall become effective upon its issuance and dissemination to the public by appropriate news media.

(Ord. 436; 06-27-73)
 (Code 1973, 10-502)
 (Code 2000)
 (Ord. 1946C; 03-18-02)

11-403. EXPIRATION OR EXTENSION OF EMERGENCY. Any emergency proclaimed in accordance with the provisions of this Article shall terminate in accordance with the terms as set forth in the Proclamation of Emergency, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first. Such an emergency may be extended for such additional periods of time as determined necessary by resolution of the governing body.

(Ord. 436; 06-27-73)
 (Code 1973, 10-503)
 (Code 2000)
 (Ord. 1946C; 03-18-02)

11-404. PENALTY. Any person who shall willfully fail or refuse 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 public offense and upon conviction therefore, shall be punished by a fine of not more than \$500, and/or by imprisonment in the city or county jail for a period not to exceed three months.

(Ord. 436; 06-27-73)
(Code 1973, 10-504)
(Code 2000)
(Ord. 1946C; 03-18-02)

11-405. NO RELEASE OF CIVIL DAMAGES. Nothing contained in this article shall be in lieu of any civil damages.

(Ord. 436; 06-27-73)
(Code 1973, 10-505)
(Code 2000)
(Ord. 1946C; 03-18-02)