

ORDINANCE NO. 660

AN ORDINANCE RELATING TO CIVILIAN DEFENSE; PROVIDING FOR A SYSTEM OF BLACKOUT AND AIR RAID ALARM DEFENSE AGAINST ENEMY AIR ATTACK; AUTHORIZING THE PROMULGATION OF RULES AND REGULATIONS BY THE CITY MANAGER; PROHIBITING THE DISPLAY OF LIGHTS DURING A BLACKOUT OR AIR RAID ALARM; MAKING UNAUTHORIZED LIGHTS A NUISANCE AND PROVIDING FOR THEIR ABATEMENT; PROVIDING PENALTIES FOR VIOLATION; AND DECLARING AN EMERGENCY THEREFOR.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

Section 1. Purpose. This ordinance shall be known as the "Air Raid Ordinance" and its provisions shall be liberally construed, in order to accomplish its purpose and to put into effect in the City of Grand Junction a system and method of precaution from enemy air attack, described in the publications of the United States Office of Civilian Defense, entitled "Blackouts", "Air Raid Warning System", and "War Traffic Control", and any publication of said office supplementing those publications.

Section 2. Definitions. As used in this ordinance the following words and phrases shall mean:

"Air Raid Warning Signal" shall be a signal by siren, whistle, horn or other audible device, of two minutes duration consisting of either a fluctuating or warbling signal of varying pitch or a succession of intermittent blasts of about five seconds duration separated by a silent period of about three seconds.

"All Clear Signal" shall mean a continuous signal by siren, whistle, horn or other audible device, of two minutes duration at a steady pitch.

"Period of Air Raid Alarm" shall mean the interval of time between the giving of the air raid warning signal and the giving of the next succeeding all clear signal.

"Hours of Darkness" shall mean the time commencing one-half hour after sunset and ending one-half hour before sunrise.

"Person" shall mean every individual, person, co-partnership, corporation, company or association.

"Blackout Structure" shall mean any space so enclosed that any illumination maintained or existing therein is not visible from any point outside such enclosure.

Section 3. Sounding Air Raid Warning Signal. The City Manager is hereby authorized and directed to cause the sounding of an air raid warning signal and of an all clear signal when, and only when, he is notified to do so by the Colorado District Warning Center upon orders from the United States Army. Provided, however,

that with the consent of the proper regional authorities, the City Manager may authorize the sounding of an air raid warning signal and of an all clear signal for the purpose of conducting a test blackout or a test air raid alarm.

Section 4. Rules and Regulations. In order to protect life and property in this City, the City Manager is hereby authorized, empowered, and directed to promulgate and carry out throughout this City, precautionary measures against air raids and other forms of attack, such measures to include practice blackouts and blackouts, radio silences, and such other measures as will effect the discontinuance of any activity which may assist an enemy in accomplishing his objective, and precautionary measures to minimize the loss of life or property which might result from such attacks, and precautionary measures which may be necessary for the conduct of persons during practice blackouts and blackouts, and to make, amend, or rescind such general orders, rules and regulations as may be deemed necessary in connection therewith, not inconsistent with any order, rule, or regulation of the Army of the United States or of the Director of Civilian Defense. Any rules or regulations so adopted by him shall be and remain in effect for ten days thereafter, but no longer unless approved within said time by resolution of the City Council; provided, however, that any rule or regulation so adopted by the City Manager may at any time be rescinded by resolution of the City Council.

Section 5. Illumination During Period of Blackout or Air Raid Alarm Prohibited. During the period of a blackout or an air raid alarm in the hours of darkness it shall be unlawful for any person, except as otherwise specified under the rules and regulations adopted pursuant to Section 4 of this ordinance, to effect or maintain any illumination of whatsoever kind or character at any place within the City of Grand Junction, except within a blackout structure. Any illumination contrary to the provisions of this ordinance, or to any rule or regulation adopted and promulgated in accordance with Section 4. hereof, shall constitute a public nuisance, and the same may be summarily abated by any authorized peace office. Any house, store, building or other structure may be entered by any peace officer, using reasonable force, if necessary, for the purpose of abating such a nuisance by extinguishing such illumination.

Section 6. Unlawful to Violate Ordinance. It shall be unlawful for any person to violate any provision of this ordinance or any rule or regulation promulgated by authority hereof. The failure of any person to obey the lawful order of any peace officer, fireman, or member of the Citizens Defense Corps staff, Auxiliary Police, Air Raid Wardens, or Auxiliary Firemen, given in order to enforce any of the provisions of this ordinance or the rules and regulations promulgated hereunder, shall be a violation hereof.

Section 7. Penalty. Any person who shall fail to comply with,

or shall violate any of the provisions of this ordinance, or the provisions of any rules or regulations promulgated hereunder, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in the sum of not more than Three Hundred Dollars for each offense, or by imprisonment in the City Jail for not more than ninety days, or by both such fine and imprisonment.

Section 8. Liability for Damage. This ordinance and all things done by authority of same, or by authority of any rule or regulation promulgated hereunder, shall constitute the exercise by the City of Grand Junction of its governmental functions; and the City of Grand Junction, its officers, authorized persons and organizations as herein provided for, and any persons complying with this ordinance, or with the rules and regulations lawfully promulgated by authority of this ordinance, shall not be liable for any damage sustained by any person or property as a result of the enforcement of or compliance with this ordinance or any such rule or regulation.

Section 9. Constitutionality. If any section, sentence, clause or phrase of this ordinance is for any reason held or decided to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance which can be given effect without the unconstitutional or invalid portions, and to this end the provisions of this ordinance are declared to be severable.

Section 10. Emergency Clause. By reason of the fact that a state of war exists which requires unusual and often speedy measures to be taken for the protection of persons and property, the City Council is of the opinion, and finds, determines and declares that this ordinance is necessary for the preservation of the public peace, health, and safety, and that a special emergency exists therefor; and this ordinance shall therefore be effective and in force from and after its passage.

Passed and adopted this 2nd day of December, A. D. 1942.

/s/ T. F. Treece
President of the Council

ATTEST:

/s/ Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing emergency ordinance entitled, "AN ORDINANCE RELATING TO CIVILIAN DEFENSE; PROVIDING FOR A SYSTEM OF BLACKOUT AND AIR RAID ALARM DEFENSE AGAINST ENEMY AIR ATTACK; AUTHORIZING THE PROMULGATION OF RULES AND REGULATIONS BY THE CITY MANAGER; PROHIBITING THE DISPLAY OF LIGHTS DURING A BLACKOUT OR AIR RAID ALARM; MAKING UNAUTHORIZED LIGHTS A NUISANCE AND PROVIDING FOR THEIR ABATEMENT; PROVIDING PENALTIES FOR

VIOLATION; AND DECLARING AN EMERGENCY THEREFOR," was introduced, read, passed, numbered 600, and ordered published by the unanimous vote of the members of the City Council of the City of Grand Junction, at a regular meeting of said Council, held on the 2nd day of December, A. D. 1942.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City, this 2nd day of December, A. D. 1942.

/s/ Helen C. Tomlinson
City Clerk

Published Dec. 3, 1942