

ORDINANCE NO. 1628

AN EMERGENCY ORDINANCE DECLARING A STATE OF EMERGENCY, EMPOWERING THE CHIEF LAW ENFORCEMENT OFFICER (THE CHIEF OF POLICE) TO REGULATE, RESTRICT OR PROHIBIT ANY ASSEMBLY OF PERSONS OR THE MOVEMENT OF PERSONS OR VEHICLES IN THE CITY (CURFEW, RESTRICTED AREA AND STREET CLOSING), GRANTING AUTHORITY TO CITY MANAGER WITH RESPECT TO EMERGENCY AND IMPOSING PENALTIES FOR VIOLATIONS.

WHEREAS, in recent times annoyances, dangerous conduct, disturbances, disorders, riots and fires, among other things, have occurred in many cities in the United States; and

WHEREAS, such happenings threaten and in fact destroy the safety, health, welfare, peace, good order, comfort and convenience of all citizens; and

WHEREAS, assaults, batteries, vandalism, loss of and damage to public and private property, disorderly assemblies, disorderly conduct, fires, dangerous conduct and personal injuries have occurred in the City, and

WHEREAS, there is an imminent threat of further personal injuries, loss of life, property damage, dangerous conduct, disturbances, disorders, riots and fires; and

WHEREAS, experience has demonstrated that such happenings occur, develop and expand so quickly that they get out of control if immediate action is not taken; and

WHEREAS, the City Council is of the opinion that there presently exists an imminent threat of civil commotion or disturbance in the nature of a riot in the City or parts thereof which constitutes a clear and present danger and that immediate action must be taken; therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. State of Emergency.

That a state of emergency be and the same hereby is declared to exist within the City of Alexandria, Virginia.

Section 2. Chief of Police, Designated Chief Law Enforcement Officer.

That the Chief of Police of the City of Alexandria, Virginia be and he hereby is designated the chief law enforcement officer of the City of Alexandria, Virginia.

Section 3. Absence of Chief of Police.

The Chief of Police is authorized and directed to name and designate at least two deputies and designate their order of succession in the event of absence, leave or disability. In the event the Chief of Police, because of leave, absence, disability or otherwise, is unable to perform the duties authorized and empowered by this ordinance, the deputies named and designated by the Chief of Police shall, in order of succession, become and hereby are designated chief law enforcement officer of the City.

Section 4. Powers of Chief Law Enforcement Officer.

The chief law enforcement officer of the City, with the concurrence of at least 4 members of City Council, is authorized and empowered to regulate, restrict or prohibit any assembly of persons or the movement of persons or vehicles in the City.

Section 5. Curfew.

The powers granted in section 4 of this ordinance shall include, but are not limited to, the power to order a curfew for any and all persons, other than those exempted in section 8 of this ordinance, for any public street, alley, sidewalk, park, square or other public building or place within the City during such hours as he may determine, provided, however, that a curfew prescribed for any portion of one of the City's three planning districts shall be applicable at a minimum throughout that district.

Section 6. Restricted Areas.

The powers granted in section 4 of this ordinance shall include, but are not limited to, the power to order any area of the City restricted during such hours as he may determine, so that any and all persons, other than those exempted by section 8 of this ordinance, shall not enter the restricted area.

Section 7. Closing Street.

The powers granted in section 4 of this ordinance shall include, but are not limited to, the power to order the closing of any public street, alley, sidewalk or other public way in the City for such period of time as he may determine, so that any and all persons, other than those exempted by section 8 of this ordinance, shall not go on or drive upon any such way.

Section 8. Curfew, Restricted Area and Closed Street Exemptions.

- (a) Policemen, firemen, members of the National Guard, the militia, or the United States Armed Forces.
- (b) City, State and Federal officials and employees in the performance of their official duties.
- (c) Licensed medical doctors and registered nurses.
- (d) Ambulance drivers and personnel.
- (e) Public service emergency repair personnel.
- (f) Such other persons as the chief law enforcement officer may by order exempt.

Section 9. Notice.

The chief law enforcement officer of the City in ordering or removing any curfew, restricted area, or street closing shall attempt to give the best notice of the hours and places as he reasonably can under the circumstances.

Section 10. Direction of City Efforts.

The City Manager, during the state of emergency herein declared to exist, is authorized to direct all City efforts and is authorized and directed to do and order all things necessary and desirable to aid the chief law enforcement officer in carrying out the powers granted by this ordinance. In the event the City Manager, because of disability or otherwise, is unable to perform his duties pursuant to this ordinance, the authority is granted to the Assistant City Manager.

Section 11. Duration of State of Emergency and Enforcement of Ordinance.

The state of emergency declared to exist by this ordinance and all the provisions of this ordinance as a whole are temporary and shall continue in force and effect until ended by action of the City Council or order of both the chief law enforcement officer of the City and the City Manager, whichever first occurs. Any such action of the City Council or order of both said chief and manager shall be given wide publicity.

Section 12. Violation of Curfew.

It shall be unlawful for any person, other than those exempted pursuant to this ordinance, to go upon or remain upon any public street, alley, sidewalk, park, square, or other public building or place in the City of Alexandria ordered curfewed between such hours as the chief law enforcement officer may order pursuant to this ordinance.

Section 13. Violation of Restricted Area.

It shall be unlawful for any person, other than those exempted pursuant to this ordinance, to go into or attempt to go into any restricted area in the City of Alexandria between such hours as the chief law enforcement officer may order pursuant to this ordinance.

Section 14. Violation of Street Closing.

It shall be unlawful for any person, other than those exempted pursuant to this ordinance, to go or drive upon any closed public street, alley, sidewalk or other public way in the City of Alexandria between such hours as the chief law enforcement officer may order pursuant to this ordinance.

Section 15. Penalties for Violations.

Any person violating any order or regulation, restriction or prohibition issued pursuant to this ordinance shall, upon conviction, be punished by a fine not exceeding five hundred dollars or by imprisonment in jail for not more than six months or by both such fine and imprisonment.

Section 16. Effect of Invalidity in Part.

If any word, clause, sentence, paragraph, section or other part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, clause, sentence, paragraph, section or other part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 17. Emergency Ordinance.

That this ordinance be and the same hereby is declared an EMERGENCY ORDINANCE because in the opinion of the City Council the safety, health and welfare of the City and its inhabitants must be protected and preserved.

Section 18. Effective date of Ordinance; Publicity.

That this ordinance shall not be published. The Clerk of the Council shall note the date of introduction and first reading and the date and time of the second reading and final passage in the minutes of this meeting. The Clerk and the City Manager shall attempt to give this ordinance the widest reasonably possible coverage by all news media. This ordinance shall become effective the moment of its passage.

CHARLES E. BEATLEY, JR.
Mayor

Introduction: 6/2/70
First Reading: 6/2/70
Second Reading: 6/2/70
Final Passage: 6/2/70