

**TOWN OF VASSALBORO
EMERGENCY MANAGEMENT ORDINANCE**

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TOWN OF VASSALBORO

EMERGENCY MANAGEMENT ORDINANCE

Purpose

It is the intent and purpose of this Ordinance to establish an Emergency Management Agency in compliance and in conformity with the provisions of Title 37-B, MRSA, Section 781 et seq., to ensure the complete and efficient utilization of the Town's facilities and resources to combat disaster as defined herein.

Definitions

The following definitions shall apply in the interpretation of this ordinance:

Emergency Management Agency. "Emergency Management Agency" means the agency created under this ordinance for the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, in order to minimize and repair injury and damage resulting from disasters or catastrophes caused by enemy or terrorist attacks, sabotage, riots or other hostile action, or by fire, flood, earthquake or other natural or man-made causes. These functions include, without limitation, firefighting, police, medical and health, emergency welfare, rescue, engineering, public warning and communications services; evacuation of persons from stricken areas; allocation of critical materials in short supply; emergency transportation; other activities related to civilian protection and other activities necessary to the preparation for the carrying out of these functions.

Emergency Management Agency Forces. "Emergency Management Agency Forces" shall mean the employees, equipment and facilities of all town departments, boards, institutions and commissions; and in addition, it shall include all volunteer persons, equipment and facilities contributed by or obtained from volunteer persons or agencies.

Director. "Director" means the director of the Town of Vassalboro Emergency Management Agency, appointed as prescribed in this ordinance.

Disaster. "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause including, but not limited to, fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, critical material shortage, infestation, explosion or riot.

Organization

The Emergency Management Director shall be responsible for the agency's organization, administration and operation. The Emergency Management Director may employ such permanent or temporary employees as he/she deems necessary and prescribe their duties.

The Vassalboro Selectmen shall review the operational organization to ascertain the agency's ability to cope with its responsibilities and shall also approve the Town's Emergency Operations Plan.

Appointment of Director; Duties and Responsibilities

The Vassalboro Selectmen shall appoint an Emergency Management Director, who shall coordinate the activities of all town departments, organizations and agencies for civil emergency preparedness within the town and maintain a liaison with other emergency management agencies, public safety agencies, and have such additional duties as prescribed by the Selectmen.

Rules and Regulations

The Emergency Management Director shall prepare, under the direction of the Selectmen, such policies as may be deemed necessary for the administration and operational requirements of the agency, whose policies must be approved by the Vassalboro Selectmen prior to becoming effective.

Emergency Proclamation

The Emergency Management Director shall have the power and authority, after consultation and approval of the Vassalboro Board of Selectmen, to issue a proclamation that an emergency exists whenever a disaster or civil emergency exists or appears imminent. The proclamation may declare that an emergency exists in any or all sections of the town. If the Emergency Management Director is temporarily absent from the town or otherwise unavailable, a Deputy Emergency Director, designated by the Board of Selectmen, may issue the proclamation that an emergency exists. If neither the Emergency Management Director nor the person designated to act in the Emergency Management Director's absence is available, then the following persons shall have the power and authority after consultation and approval of the Vassalboro Board of Selectmen, to issue a proclamation that an emergency exists, in the following order of succession: the Fire Chief, the Police Chief, and the Public Works Director. A copy of such proclamation shall be filed within twenty-four (24) hours in the office of the town clerk.

Notwithstanding the above, when consultation with the Vassalboro Board of Selectmen would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the Emergency Management Director, or his/her successor as outlined above, is authorized to take whatever actions are necessary to prevent the loss of life and property in the town. The Emergency Management Director shall be responsible for submitting a full report to the Vassalboro Selectmen of all actions taken as a result of the declared emergency as soon as the Board of Selectmen can be convened.

Termination of Emergency

When the Emergency Management Director or successor and the Vassalboro Board of Selectmen is satisfied that a disaster or civil emergency no longer exists, he/she shall terminate the emergency proclamation by another proclamation affecting the sections of the Town covered by the original proclamation, or any part thereof. Said termination of emergency shall be filed in the office of the town clerk.

No state of emergency may continue for longer than five (5) days unless renewed by the Vassalboro Board of Selectmen.

Emergency Management Director Duties and Emergency Powers

During any period when an emergency proclamation is in effect, the Emergency Management Director may promulgate such regulations as he/she deems necessary to protect life and property and to preserve critical resources within the purposes of this ordinance. Such regulations may include, but are not limited to, the following:

1. Regulations prohibiting or restricting the movement of vehicles in areas within or without the town;
2. Regulations facilitating or restricting the movement of persons within the town;
3. Regulations pertaining to the movement of persons from hazardous areas within the town;
4. Such other regulations necessary to preserve public peace, health and safety.

Nothing in this section shall be construed to limit the authority or responsibility of any department to proceed under powers and authority granted to them by state statute or town ordinance.

The Emergency Management Director or his/her designee may order the evacuation of persons from hazardous areas within the town.

The Emergency Management Director or his/her designee shall be authorized to request aid or assistance from the state or any political subdivision of the state and may render assistance to other political subdivision under

the provisions of Title 37-B, M.R.S.A.

The Emergency Management Director may obtain vital supplies, equipment and other items found lacking and needed for the protection of health, life and property during an emergency without following normal purchasing or formal bid procedures.

The provisions of this section will terminate at the end of the declared emergency.

Emergency Operational Plans

The Emergency Management Director shall prepare an all hazard emergency operational plan for the town, which shall be submitted to the Vassalboro Board of Selectmen for approval.

It shall be the responsibility of all municipal departments and agencies to perform the functions assigned and to maintain their portions of the plan in a current state of readiness. The town plan shall be reviewed periodically by the Town Manager in conjunction with all the town department heads and the Emergency Management Director.

Establishment of the National Incident Management System

The Town of Vassalboro hereby establishes the National Incident Management System (NIMS) as the municipal standard for incident management. This system provides a consistent approach for Federal, State, and municipal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size, or complexity. NIMS will utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters. The NIMS Incident Command System (ICS) will be utilized by all Vassalboro emergency and disaster responders for incident management.

Immunity from Liability

All Emergency Management Agency Forces, while engaged in Emergency Management Agency activities, shall be immune from liability, as set forth in Title 37-B, Section 822 M.R.S.A.

Compensation for Injuries

All of Emergency Management Agency Forces shall be deemed to be employees of the state when engaged in training or on duty and shall have all of the rights of state employees under the Workmen's Compensation Act, as set forth in Title 37-B, Section 823 M.R.S.A.

Violation of Regulations

It shall be unlawful for any person to violate any provisions of this ordinance or of the regulations or plans issued pursuant to the authority contained herein, or to obstruct, hinder or delay any Emergency Management Agency Forces as herein defined in the enforcement of the provisions of this ordinance or any regulation or plan issued hereunder.

Penalty

Any person, firm or corporation violating any provision of this ordinance or any rule or regulation promulgated hereunder, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) and the costs of prosecution.

Severability

Should any provisions of this ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this ordinance as a whole, it being the legislative intent that the provisions of this ordinance shall be severable and remain valid notwithstanding such declaration.

Conflicting Ordinances, Orders, Rules and Regulations Suspended

At all times when an emergency proclamation is in effect, the orders, rules and regulations made and promulgated pursuant to this ordinance shall supersede all existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent herewith.