

Town of Waterboro

Emergency Management Ordinance

Adopted December 15, 2009

<u>Purpose</u>	3
<u>Definitions</u>	3
<u>Emergency Management Agency</u>	3
<u>Emergency Management Agency Forces</u>	3
<u>Appointment of Director; Duties and Responsibilities</u>	3
<u>Rules and Regulations</u>	4
<u>Emergency Proclamation</u>	4
<u>Termination of Emergency</u>	5
<u>Town Administrator’s Duties and Emergency Managers</u>	5
<u>Emergency Operational Plans</u>	6
<u>Immunity from Liability</u>	6
<u>Compensation for Injuries</u>	6
<u>Violation of Regulations</u>	6
<u>Penalty</u>	6
<u>Severability</u>	6
<u>Conflicting Ordinances, Orders, Rules and Regulations Suspended</u>	6
<u>Effective Date</u>	7

**Town of Waterboro
Emergency Management Ordinance**

I. 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.

II. 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 Waterboro Emergency Management Agent, 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.

III. Appointment of Director; Duties and Responsibilities

The Waterboro Board of 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 Town Administrator which may include but are not limited to:

- Solicit personnel and facilities of the Town for emergency management purposes.
- Development and coordination of plans for the immediate use of all the facilities, equipment, manpower and other resources of the Town for the purpose of minimizing

or preventing damage to persons and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.

- Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such building or other property for the emergency management purposes and designation suitable building as public shelters.
- Through public informational programs, educating the civilian populations as to actions necessary and required for the protection of their persons and property in case of enemy attack, or disaster, as defined herein, either impending or present.
- Conducting public exercises and practice alerts to ensure the efficient operation of the emergency management regulations, procedures and operations.
- Coordinating the activity of all other public and private agencies engaged in any emergency management activity.

Rules and Regulations

The emergency Management Director shall prepare, under the direction of the Town Administrator, such policies as may be deemed necessary for the administration and operational requirements of the agency, which policies must be approved by the Waterboro Board of Selectmen prior to becoming effective.

IV. Emergency Proclamation

The Town Administrator shall have the power and authority, after consultation with the Chairperson of the 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 Town Administrator is temporarily absent from the town or otherwise unavailable, the person designated by the Town Administrator under the Town Charter may issue the proclamation that an emergency exists. If neither the Town Administrator nor the person designated to act in the Town Administrator's absence is available, then the following persons shall have the power and authority to issue a proclamation that an emergency exists, in the following order of succession: the Emergency Management Director, the Fire Chief, the EMS 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 chairperson of the Town Board would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the Town Administrator, or his/her designee as outlined above, is authorized to take whatever actions are necessary to prevent the loss of life and property in the town.

The Town Administrator and the Emergency Management director shall be responsible for submitting a full report to the Board of Selectmen of all actions taken as a result of the declared emergency as soon as the Board of Selectmen can be convened.

V. Termination of Emergency

When the Town Administrator or his/her designee as outlined above 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 declaration of a state of emergency may continue for longer than five (5) days unless renewed by the Board of Selectmen.

VI. Town Administrator's Duties and Emergency Powers

During any period when an emergency proclamation is in effect, the Town Administrator 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, town ordinance or the charter of the Town of Waterboro.

The Town Administrator or his/her designee may order the evacuation of persons from hazardous areas within the town.

The Town Administrator 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 Town Administrator or Emergency Manager 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.

VII. Emergency Operational Plans

The Emergency Management Director shall prepare an all hazard emergency operational plan for the town, which shall be submitted to the Town 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 Administrator in conjunction with all the town department heads and the Emergency Management Director.

Compensation for services provided by emergency management forces (protective measures) during the disaster shall be at the going FEMA rate. Documentation shall be kept and provided to the Director for accountability and reimbursement by appropriate Town authority.

VIII. 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 M.R.S.A., Section 822.

IX. 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 Workers' Compensation Act, as set forth in Title 37-B M.R.S.A., Section 823

X. 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.

XI. Penalty

Enforcement shall be as set forth in 37-B M.R.S.A. Section 786.

XII. 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.

XIII. 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.

XIV. Effective Date

This Ordinance shall take effect on the _____ () day of _____, in accordance with the provisions of the Town Charter or Amendments thereto.

Town of Waterboro, County of York, State of Maine