

# **EMERGENCY MANAGEMENT ORDINANCE**

## **I. TITLE AND AUTHORITY**

This Ordinance shall be known and may be cited and referred to as the "Woolwich Emergency Management Ordinance".

The Ordinance is adopted consistent with the provisions of 37-B MRSA §781 et seq. and pursuant to the home rule authority of the Town (including 30-A M.R.S.A. §2101 et seq. and §2003).

## **II. ESTABLISHMENT OF WOOLWICH EMERGENCY MANAGEMENT AGENCY**

There is hereby established within the office of Selectmen an agency which shall be responsible for emergency management and preparedness within and for the Town of Woolwich. It shall be known as the "Woolwich Emergency Management Agency" ("Agency").

## **III. PURPOSE**

The purpose of this Ordinance is to provide for the efficient organization and operation of all aspects of emergency management and preparedness for the Town of Woolwich.

This Ordinance is not intended to relieve any other Town Department or Office from the responsibilities or authority given to it, nor is it intended to conflict with the work of any volunteer agency organized to provide support in any emergency event.

## **IV. DEFINITIONS**

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

- 1) AGENCY or WEMA means the Woolwich Emergency Management Agency and its resources, including its employees, volunteers and committees, and its facilities and equipment.
- 2) CHAIRPERSON OF THE BOARD OF SELECTMEN OR ALTERNATE means the Chairperson of the Board, or, if he is absent or unable to act, the Vice Chairperson of the Board, or, if he is absent or unable to act, a majority of the remaining Selectmen who are present and able to act.
- 3) DIRECTOR means the Director of the Emergency Management Agency.
- 4) DISASTER OR EMERGENCY means an occurrence or event so designated by the Chairperson of the Board of Selectmen or his alternate and it includes the occurrence or imminent threat of wide-spread or severe damage, injury

or loss of life or property resulting from any natural or man-made cause, including, but is 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, blight, drought, critical material shortage, infestation, explosion, riot or hostile military or paramilitary action.

5) EMERGENCY MANAGEMENT means those activities which are necessary to ensure that, during any disaster or emergency, the Town can, to the extent possible, carry out the basic governmental functions of maintaining the public peace, health, safety and welfare. This shall include plans and preparations for protection from, and for relief, recovery and rehabilitation from, the effects of any disaster or emergency.

6) EMERGENCY MANAGEMENT APPOINTEE OR VOLUNTEER means any person duly registered with the Agency and assigned to participate in WEMA activities.

## **V. ORGANIZATION; RESPONSIBILITIES**

### **A. Selectmen; Agency**

The Board of Selectmen of the Town of Woolwich shall be generally responsible for the Agency's organization, administration, and operation. The Chairman of the Board of Selectmen or his alternate (or, if he is absent or unable to act, the Director) shall declare the onset and termination of any disaster or emergency.

The Agency shall be responsible for coordinating all Town activity in connection with emergency management and preparedness.

The Agency may utilize such permanent and temporary appointees and volunteers as deemed necessary and may prescribe their duties and responsibilities.

### **B. Agency Director**

The Agency shall have a Director who shall coordinate the activities of the Agency and all other Town Departments, Offices, Organizations and persons within the Town having any involvement in emergency management and preparedness.

The Director shall be appointed by the Board of Selectmen for a period of three years, commencing April 1, and shall function under and be accountable to the Town Selectmen. The Director may be removed for just cause. (See 37-B M.R.S.A. §782.)

The Director's duties shall include the following:

1. Prepare and maintain a current disaster emergency plan for the town (see 37-B M.R.S.A. §783), and in so doing:
  - a. confer with County, State, Federal and other agencies to ensure continuity and coordination in the plans for responding to a disaster or emergency;
  - b. develop, or cause to be developed, mutual aid arrangements for reciprocal emergency management in case of disasters too great to be dealt with unassisted (37-B M.R.S.A. §784).

This plan shall ensure that the services, equipment, facilities and personnel of all existing Town departments and agencies are available and utilized to the fullest extent possible in the event of a disaster or emergency. It shall be the responsibility of all Town departments and agencies to perform the functions assigned to them and to maintain their portion of the plan in a current state of readiness. The plan shall be reviewed regularly by the Director to ensure currency.

2. Direct the development and implementation of public information programs to keep all residents informed regarding possible local disasters or emergencies, and regarding the role which every resident should play in the response to such events;
3. Direct the development and implementation of training programs to prepare WEMA appointees, volunteers and other Town officials and agencies for various emergency management operations;
4. Obtain and maintain information regarding facilities, equipment and resources within the Town which could be used in a disaster or emergency;
5. Ensure the establishment, maintenance and testing of public alerting systems;
6. Identify residents having special needs and provide for the care and management of these residents;
7. Establish and manage an Emergency Operating Center and exercise appropriate authority over all emergency operations from or through the center in the event of a disaster or emergency including, declaring the onset and/or termination of a disaster or emergency if the Chairman of the Board of Selectmen or his alternate is absent or unable to act.
8. Appoint a Deputy Director and recruit and register select appointees and volunteers to assist with Agency programs as necessary;

9. Account to the Selectmen regarding the use of all funds provided to the Agency. The sources of these funds may include, among others, funds from the State Radiology Emergency Preparedness Committee, the State Public Emergency Alerting System, Maine Yankee and the Town (see Title 37-B, M.R.S.A. §824, 2);

10. Keep the Chairperson of the Board of Selectmen or his alternate informed of all WEMA matters and act as the Board's representative with respect to all WEMA matters; and

11. Generally to exercise responsibility for all activities of the Agency, including the coordinating its participation with State, Federal and other agencies or organizations in a disaster or emergency.

## **VI. AUTHORITY UNDER EMERGENCY CONDITIONS**

During any period of impending or actual disaster or emergency, as declared by the Chairman of the Board of Selectmen or his alternate, or if he is absent or unable to act, by the Director, the following provisions apply:

**A. Orders, Rules and Regulations. The Chairman of the Board of Selectman or his alternate, or if he is absent or unable to act, by the Director, may promulgate such orders, rules and regulations as he deems necessary to protect the health, safety, welfare and property of the townspeople. Such order, rules and regulations may include but are not limited to the following:**

1. Prohibiting or restricting the movement of vehicles in order to facilitate WEMA work or to facilitate the movement of persons within or without the Town;

2. Governing the movement of persons from areas deemed hazardous or vulnerable to disaster;

3. Other orders, rules or regulations necessary to preserve or promote the health, safety and welfare of the public during an impending or actual disaster.

**B. Obtain Supplies; Payment. The Director may obtain vital supplies, equipment and other property which is lacking and which is needed for the protection of the health, safety, welfare and property of the people and, upon approval of the Chairman of the Board of Selectmen or his alternate, may obligate the Town to pay the fair value thereof if all existing funds for this purpose have been spent.**

**C. Request for Additional Aid. The Chairman of the Board of Selectmen or his alternate and the Director are separately authorized to request aid and/or assistance from the state, any political subdivision of the state, or any other source.**

**D. Town Assistance; Volunteers; Payment and Coverage. The Chairman of the Board of Selectmen or his alternate may require the assistance of any Town official or employee in the emergency management effort, and if the response is determined to be inadequate, the Director may require the services of such other personnel as he can obtain, including citizen volunteers.**

All duly authorized and registered persons rendering emergency services shall be entitled to the privileges and immunities provided by State and local law for regular Town employees and other registered and identified civil defense and disaster workers, and such persons may, upon demand, receive reimbursement for appropriate "out of pocket" expenses for their emergency employment. All such persons shall be deemed to be employees of the state when engaged in training or when on duty with the Agency, and they shall have all the rights of state employees under the Workman's Compensation Act as specified in Title 37-B M.R.S.A. §823, as amended.

**E. Right-of-Way. Personnel and equipment required to respond to a disaster shall obey all traffic laws and shall have right-of-way over all public ways and roads, and anyone failing to grant said right-of-way shall suffer penalties as specified under Title 37-B M.R.S.A §828, as amended.**

Nothing in this section shall be construed to limit the authority or responsibility of any department to proceed under the powers and authority granted to it by Town Ordinance or other laws.

The provisions of this section shall terminate when the disaster or emergency situation is declared to have ended.

## **VII. VIOLATION OF REGULATIONS**

It shall be unlawful for any person to violate any of the provisions of this Ordinance or of the orders, rules, regulations or plans issued pursuant to the authority contained herein, or willfully to obstruct, hinder or delay any member of the Agency forces in the implementation and enforcement of this Ordinance or any order, rule, regulation or plan issued hereunder.

**A. violation shall be punishable by a fine of no less than \$50.00.**

Every town official with administrative responsibilities under this Ordinance who intentionally violates any of the provisions of this Ordinance commits a civil violation for which a fine of \$20.00 may be adjudged. See also 36-B, M.R.S.A. section 830.

**VII. IMMUNITY FROM LIABILITY**

Immunity from liability shall be as set forth in Title 37-B, M.R.S.A. §822, as amended.

**VIII. SEVERABILITY**

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

**IX. EFFECTIVE DATE**

This Ordinance shall become effective upon enactment.

**WOOLWICH EMERGENCY MANAGEMENT ORDINANCE**

**APPROVAL REVIEW FLOW SHEET**

Proposal presented:

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Woolwich EMA Director  
Reviewed:

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Robert Buck  
Reviewed:

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Crispin Connery  
Reviewed:

\_\_\_\_\_  
Randy Kaplan  
Reviewed:

\_\_\_\_\_  
Dale Chadbourne

Reviewed:

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Lloyd Coombs

Reviewed:

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Administrative Assistant