

Emergency Management Ordinance of the Town of _____, Maine
Adopted by the Voters: MM, DD, YYYY

Article 1. Authority. This Ordinance is authorized under Title 30-A M.R.S.A. 3001 et seq., and as required by Title 37-B M.R.S.A., Section 782; and shall be known as the Emergency Management Ordinance of the Town of _____.

Article 2. Purpose.

A. To establish the Office of Emergency Management (OEM) to ensure the complete and efficient utilization of the Town's facilities and resources during any period of proclaimed emergency.

B. To define the duties and authority of the Town Emergency Management Director (EMD).

C. To define the protocol for issuing a Town Emergency Proclamation.

D. To define the powers and authorities given to the Town Manager (Chair of Selectpersons) during a proclaimed emergency.

E. To establish the National Incident Management System (NIMS) as the municipal standard for all-hazards incident management.

Article 3. Definitions. The following definitions shall apply in the interpretation of this Ordinance:

A. **Disaster.** A natural or man-made calamitous event that results in widespread or severe injury or loss of life or damage to property or the environment, requiring emergency actions to avert danger or damage; said occurrence being of significant scope as to exceed the normal capability of the Town's resources to effectively prevent, respond to, or recover from the event.

B. **Emergency.** Emergency is defined as a natural or man-made hazardous event that threatens the life, safety, and property of the residents or visitors of Winterport or destruction of the environment; that requires immediate action to mitigate, contain or control.

C. **Emergency Proclamation.** A declaration by the municipal government that states a disaster or emergency exists or appears imminent within or impacting the Town and its occupants.

D. **Emergency Management Forces.** All employees, equipment and facilities of all Town departments, offices, agencies boards, and committees; that are organized by the Town EMD to complete actions to prepare, prevent, protect, mitigate, respond and recover from local emergencies and disasters.

E. **Civil Defense Forces.** All volunteer persons, equipment and facilities that are organized by the Town EMD to assist with the actions to prepare, prevent, protect, mitigate, respond and recover from local emergencies and disasters.

Article 4. Establishment of the Office of Emergency Management

A. There is hereby established within the Town of _____, Maine, an emergency management organization to be known as the Office of Emergency Management (OEM). The office is responsible for the preparation and implementation of emergency management plans to minimize injury and loss due to a serious emergency or disaster. The Town Manager (Chair of Selectpersons) may appoint additional OEM staff members, as needed.

B. The Town Council (Board of Selectpersons) shall appoint the Emergency Management Director. This appointment shall be annual and made by June 1st of each year. The Town Manager (Board of Selectpersons) may remove the EMD for cause.

C. The Emergency Management Director shall take an oath of office before assuming any duties, pursuant to Title 30-A M.R.S.A., Section 2526 and the _____ Town Charter.

D. The Office of Emergency Management shall consist of a Director, and other members that shall be appointed by the Town Manager (Chair of Selectpersons) , when deemed necessary.

E. The Emergency Management Director shall be compensated for duties rendered by an annual stipend as appropriated at town meeting.

F. The Emergency Management Director may take necessary training as provided by the Waldo County Emergency Management Agency, Maine Emergency Management Agency, and FEMA.

Article 5. General Duties. The Emergency Management Director is responsible for performing the four phases of Emergency Management; preparedness, response, recovery, and mitigation. The Emergency Management Director's duties shall include, but are not limited to the following:

A. Prepare and update a Hazard, Risk and Vulnerability Assessment and a Consequence and Gap Analysis.

B. Prepare and maintain the Town Emergency Operations Plan (EOP), which shall be submitted to the Town Council (Board of Selectpersons) for approval and reviewed in January of every even year.

C. Prepare and maintain a list of available disaster resources.

D. Coordinate and maintain written Mutual Aid Agreements with the approval of the Town Council (Board of Selectpersons).

E. Complete and submit applications for grants that may become available and beneficial for improving emergency management and response capabilities for the Town departments.

F. Maintain office records and submit information as required for compliance with state and federal regulations and/or guidelines.

G. Develop procedures and implement actions for the organization, staffing, activation and operation of the Town Emergency Operations Center (EOC).

H. Provide emergency management training and exercises for the Town Emergency Management Forces personnel and Civil Defense Force volunteers.

I. Provide emergency preparedness information and education to Town Residents.

J. Serve as National Incident Management System (NIMS) Coordinator for the Town.

K. Attend monthly Local Emergency Managers meetings at the County EMA.

L. Call and employ any person in a civil defense role. Any person called and employed for assistance is deemed to be an employee of the State for purposes of immunity from liability and for purposes of workers' compensation insurance pursuant to Title 37-B, Chapter 13.

Article 6. Adoption of the National Incident Management System

The Town of _____ hereby establishes the National Incident Management System (NIMS) as the municipal standard for incident management. This system provides a consistent approach for Federal, State, county 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. All Town emergency and disaster responders, for all-hazards incident management, will utilize the NIMS Incident Command System (ICS).

Article 7. Emergency Proclamation

The Town Council (Board of Selectpersons) shall have the power and authority to issue, by written declaration, 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 municipal boundaries.

A. Notwithstanding the above, when consultation with the Town Council (Board of Selectpersons) would result in a substantial delay in initiating an effective response to alleviate or prevent an emergency or disaster, 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 Chairperson of the Town Council (Board of Selectpersons), the Vice Chairperson of the Town Council (Board of Selectpersons), the Town Manager, and the Emergency Management Director.

B. A copy of such a proclamation shall be filed within twenty-four (24) hours with the Town Clerk.

C. The Town Emergency Operations Plan shall be the Town's governing document for emergency response and recovery by all municipal organizations. The Emergency Management Director shall be responsible for submitting a full report to the Town Manager (Board of Selectpersons) of all actions taken as a result of the declared emergency. The Town Manager or Emergency Management Director shall report to the Town Council (Board of Selectpersons) as soon as it can be convened.

Article 8. Powers during a Proclaimed Emergency. When an emergency proclamation is in effect, the Town Manager (Board of Selectpersons) or designee shall have the following responsibilities and authorities, as he or she deems necessary, to protect life and property and to preserve critical resources within the purposes of this article. Such authorities may include, but are not limited to, the following:

A. Activate the Town Emergency Operations Center (EOC), as defined in the Town's Emergency Operations Plan (EOP).

B. Suspend normal procedures for conduct of town business, or town ordinances, if strict compliance with the procedures or ordinances would in any way prevent, hinder or delay necessary action in coping with the emergency.

C. Utilize all available resources of the Town to cope with the disaster or emergency.

D. Transfer the direction, assignment or functions of town employees, for the purposes of performing or facilitating emergency services.

E. Enlist the aid of any person to assist in the effort to control, put out or end the emergency or aid in the caring for the safety of persons.

F. Order the evacuation of persons from hazardous areas within the Town.

G. Prescribe routes, modes of transportation, and destinations in connection with evacuations.

H. Control ingress and egress to and from a disaster area, the movement of persons within the area and the occupancy of premises therein.

I. Suspend or limit the sale, dispensing or transportation of explosives and combustibles.

J. Make provision for the availability and use of temporary emergency housing.

K. Order the termination, temporary or permanent, of any process, operation, machine or device which may be causing or is understood to be the cause of the state of emergency for which this proclamation was made.

L. Take whatever action is necessary to abate, clean up or mitigate whatever danger may exist within the affected area.

M. Establish and implement programs, controls, standards, priorities and quotas for the allocation, conservation and consumption of energy resources.

N. Regulate the use of gasoline and diesel-powered equipment and vehicles.

O. When consultation with the Town Council (Board of Selectpersons) would result in a substantial delay in initiating an effective response to alleviate or prevent an emergency or disaster, then the following persons shall have the emergency power and authority of the Town Manager (Board of Selectpersons): Fire Chief, Deputy Fire Chief, and Emergency Management Director. The provisions of this section will terminate at the end of the proclaimed emergency.

Article 9. Commitment of Town Resources during a Proclaimed Emergency

A. The Town Manager (Chair of the Board of Selectpersons) has authority to use Town funds and resources to obtain vital supplies, equipment and other items found lacking and needed for the protection of health, life and property during a proclaimed emergency without following normal purchasing, formal bid or disbursement procedures. In the absence of the Town Manager (Chair of the Board of Selectpersons), the Emergency Management Director is given this authority. Whenever possible, these actions will be taken at the direction of the Town Council (Chair of the Board of Selectpersons) unless obtaining that authority would unnecessarily delay emergency actions.

B. The Town Council (Board of Selectpersons) will be provided with a warrant for signature as soon as a majority of them are able to convene at a Town Council (Board) meeting. The provisions of this section will terminate at the end of the proclaimed emergency.

Article 10. Acceptance of Emergency Donations

A. The Town Manager (Board of Selectpersons) may accept financial, material and equipment donations during a proclaimed emergency.

B. The Town Treasurer will open a separate account for financial donations and establish an accounting system to track the contributions.

Article 11. Termination of a Proclaimed Emergency

A. When the Town Manager (Emergency Management Director) is satisfied that a disaster no longer exists, the Town Manager (Emergency Management Director) shall recommend to the Town Council (Board of Selectpersons) to terminate the emergency proclamation, or any part thereof. When consultation with the Town Council (Board of Selectpersons) would result in a substantial delay then the following persons shall have the power and authority to terminate the emergency proclamation in the following order of succession: the Chairperson of the Town Council (Board of Selectpersons), the Vice Chairperson of the Town Council (Board of Selectpersons), the Town Manager (Emergency Management Director).

B. When the Town Council (Board of Selectpersons) does not terminate the proclaimed emergency, the Town Manager (Emergency Management Director) is responsible for notifying the Council (Board) that the proclamation has been terminated.

C. Terminations of emergency proclamation shall be filed in the Office of the Town Clerk.

D. No local emergency proclamation may stay in effect for longer than five days unless renewed by the Town Council.

Article 12. 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.

Article 13. Conflicting Policies, Orders, Rules and Regulations Suspended

At all times when an emergency proclamation is in effect and any inconsistencies exists, the orders, rules and regulations made and promulgated pursuant to this Ordinance shall supersede all existing policies, orders, rules and regulations.