

Town of Chebeague Island Emergency Management Ordinance

Purpose

It is the intent and purpose of this ordinance to establish an Emergency Management Team 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 Team. "Emergency Management Team" means the entire group of Town of Chebeague Island departments working 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 emergency medical services, 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 Team Forces. "Emergency Management Team Forces" shall mean the employees, equipment and facilities of all Town of Chebeague Island 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 Chebeague Island's Emergency Management Team, 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 Town Administrator shall be responsible for the team's organization, administration and operation. The Town Administrator may employ such permanent or temporary employees as he/she deems necessary and prescribe their duties.

The Board of Selectmen shall review the existing operational organization to ascertain the team's ability to cope with its responsibilities and shall approve the town's Emergency Operations Plan.

Appointment of Director; Duties and Responsibilities

The Town Administrator shall appoint an Emergency Management Director; this appointment will be subject to council/board confirmation as outlined in 37-B MRSA 782. The Emergency Management Director 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.

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 team, which policies must be approved by the Board of Selectmen prior to becoming effective.

Emergency Proclamation

The Town Administrator shall have the power and authority, upon consultation with the Selectmen Chairman 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 may issue the proclamation that an emergency exists. If neither the Town Administrator nor the person designated to act in his/her 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, 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 Selectmen Chairman would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the Town Administrator, 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 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 Town Council/Board can be convened.

Termination of Emergency

When the Town Administrator or his/her successor as outlined above is satisfied that a disaster or civil emergency no longer exists, he 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 Board of Selectmen.

Town Administrator's Duties and Emergency Powers

During any period when an emergency proclamation is in effect, the Town Administrator may implement rules and or 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 Chebeague Island.

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. Chapter 13.

The Town Administrator 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 Operations Plan

The Emergency Operations Director shall prepare an all hazard Emergency Operations Plan (EOP) for the town, which shall be submitted to the Board of Selectmen for approval. The EOP shall incorporate the principles of the National Incident Management System (NIMS) and the Incident Command System (ICS), and shall include those elements required by 37-B MRSA 783.

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.

Immunity from Liability

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

Compensation for Injuries

All Emergency Management Team Forces appointed to specific functions whether paid or volunteer, shall be deemed to be employees of the Town of Chebeague Island when engaged in training or on duty and shall have all of the rights of town employees and will be covered by the Town of Chebeague Island's workers compensation insurance for the duration of the training or incident. All persons responding to assist the Town of Chebeague Island as part of mutual aid agreements will be covered by their employer or by the State of Maine under the Workers 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 Team Forces as herein defined in the enforcement of the provisions of this ordinance or any regulation or plan issued hereunder.

ChebeagueIslandEmergencyManagementOrdinance 07/01/2007

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 including attorney's fees.

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 pursuant to this ordinance shall supersede all existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent herewith.

