

Emergency Management Ordinance



Town of York, Maine

Most Recently Amended: May 16, 2015

Prior Dates of Amendment: May 19, 2012

Date of Original Enactment: May 22, 2004

ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to amend this Ordinance: May 16, 2015.

Certified by the Town Clerk: Mary-Anne Gerniowski on June 19, 2015
(signature) (date)

Emergency Management Ordinance

Section 1. Title and Authority

This ordinance shall be known and may be cited and referred to as the Town of York's Emergency Management Ordinance. It is authorized by 37B M.R.S. 781 – 834 as may be amended.

Section 2. Intent and Purpose

- A. It is the intent and purpose of this ordinance to establish an Office that will insure the complete and efficient utilization of all the Town's facilities to combat emergencies and disasters as defined herein.
- B. The Town of York's Emergency Management Office will be the coordinating agency for all activity in connection with civil emergency preparedness.
- C. This ordinance will not relieve any town department of its normal legal responsibilities or authority nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.
- D. This ordinance shall be administered in conjunction with the appropriate elements of the Emergency Plan.

Section 3. Definitions

- A. "Emergency Management" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters or catastrophes caused by enemy attacks, sabotage, riots or other hostile action, or by fire, flood, earthquake or other natural or man-made causes. These functions include without limitation, fire fighting, police, medical, health, emergency welfare, rescue, engineering, warning and communications services; evacuation of persons from stricken areas; economic stabilization; allocation of critical materials in short supply; emergency transportation; existing or properly assigned functions of infrastructure protection; other related to civilian protection and additional activities necessary to the preparation for the carrying out of these functions.
- B. "Disaster" means the occurrence 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, windstorm, wave action, oil spill, or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, hazardous materials incident, blight, drought, critical material

shortage and explosion; said occurrence(s) being of significant scope as to exceed the normal ability of the town's resources to mitigate, respond to or recover from.

- C. "Emergency" means any event which threatens to or actually inflicts damage to people or property and which requires immediate action to mitigate, prevent, control, contain or from which normal recovery is beyond the scope of the normal resources of the town.
- D. "Emergency Preparedness Forces" shall mean the employees, equipment and facilities of all town departments, boards, and agencies; in addition, the term includes all volunteer personnel, equipment and facilities contributed by or obtained from volunteer persons or agencies.
- E. "Emergency Preparedness Volunteer" shall mean any person duly registered, identified, and appointed by the Town of York's Emergency Management Director.
- F. "Director" shall mean the Town of York's Emergency Management Director.
- G. "Office" shall mean the Town of York's Emergency Management Office.
- H. "Emergency Plan" shall mean the Town of York's Emergency Plan.

Section 4. Organization and Operation

- A. Organization. The Director is hereby authorized to organize the Office utilizing to the fullest extent possible the existing departments and agencies of the town.
- B. Operation. The Director shall be the executive head of the Office. The Director shall be appointed by the Board of Selectmen. The Director shall head the Office and shall work under the general supervision of the Town Manager with the concurrence of the Board of Selectmen. In emergency situations, the Director is authorized to hire assistants and employees. Such hires shall be temporary and shall not be considered full-time employees of the Town.
- C. Administration. The Director shall administer the Office in accordance with the provisions of this ordinance, the provisions of the Emergency Plan and any other related policies adopted by the Board of Selectmen and the provisions of any applicable state and federal laws and rules which may apply in a particular emergency situation.

Section 5. Emergency Proclamation.

Whenever a local disaster exists or appears imminent, the Town Manager, or in the event of his or her absence, the Chairperson of the Town of York's Board of Selectmen

shall, by proclamation, declare that fact and that an emergency exists in the Town of York. A copy of the proclamation shall be posted in the same manner as a warrant calling a town meeting, with the return to be made by the person posting it and a copy of the proclamation provided to the Town Clerk who shall retain it as a permanent record of the Town.

Section 6. Emergency Powers and Duties

- A. During any period when a local disaster has been proclaimed or when the Governor has proclaimed a disaster pursuant to 37B M.R.S. 742, the Director may promulgate such regulations as deemed necessary to protect life and property and preserve critical resources. Such regulations may include, but are not limited to, the following:
 - (1) Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of Emergency Preparedness forces or to facilitate the mass movement of persons from critical areas within the Town.
 - (2) Regulations pertaining to the movement of persons deemed vulnerable to disaster or at risk.
 - (3) Such other regulations as may be necessary to preserve public health and safety.
- B. The Director may obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people and may bind the Town for the fair value thereof.
- C. The Director may require emergency services of any Town Officer or employee. If regular Town forces are deemed inadequate, the Director may require the services of such other personnel as can be obtained including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to all privileges and immunities provided by law.
- D. The Board of Selectmen is authorized to compensate volunteer/call personnel for time spent during a declared emergency involving the Town of York.

Section 7. Termination of Emergency

Whenever the Town Manager, or in the event of her or his absence, the Chairperson of the Board of Selectmen, is satisfied that a local emergency or disaster no longer exists, he or she shall terminate the emergency proclamation by posting another proclamation so stating. The proclamation shall be posted in the same manner as the original one with a copy to the Town Clerk. Local representatives of the news media shall be advised of the termination of the emergency as soon as is practicable.

Section 8. Duties of the Director

The Director shall be responsible to the Town Manager in regards to all phases of Emergency Preparedness activity. The Director shall be responsible for planning, coordinating and operating the Emergency Preparedness activity within the Town. The Director shall maintain liaison with county, state and federal authorities and the authorities of nearby municipalities to insure the most effective response to an emergency. The duties of the Director shall include but not be limited to the following:

- A. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Town for response in an emergency.
- B. Development 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 government services and public utilizes necessary for the public health, safety and welfare.
- C. Negotiating and concluding voluntary agreements with owners or persons in control of buildings or other property for Emergency Preparedness purposes and identifying suitable buildings for use as public shelters.
- D. Through use of educational programs, informing the Town's population about Emergency Preparedness matters and advising as to what actions should be taken during an emergency to protect life and property.
- E. From time to time, conducting public practice alerts and drills to familiarize the Town's population with emergency response procedures.
- F. Assuming such authority and conducting such activity as the Town Manager or the Board of Selectmen may direct to promote and better execute Emergency Preparedness activities.

Section 9. Emergency Plan

An Emergency Plan shall be adopted annually by the Board of Selectmen. An initial draft Plan shall be prepared by the Director and the Town Manager. The Board of Selectmen may amend this Plan prior to adoption. The Plan shall complement this Ordinance and shall provide the framework within which Emergency Response activities shall happen.

Section 10. Violations

It shall be a violation of this ordinance for any person to obstruct, hinder or delay any member of the Emergency Preparedness Forces as herein defined in the enforcement of any provision of this ordinance or any regulation promulgated under its authority. Any person, firm or corporation found to have violated any provision of this ordinance or any regulation promulgated under its authority in a court with jurisdiction to act on a complaint from the Town shall be subject to a civil penalty of \$100.00 for the first offense, \$150.00 for the second offense, and \$250.00 for the third and subsequent offenses.

Section 11. Waiver/Payment of Fines

Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.

If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.

Section 12. Severability

Should any provision of this ordinance be declared invalid for any reason by a court with jurisdiction to do so, such a declaration shall not affect the validity of other provisions of this ordinance or the ordinance as a whole it being the legislative intent that the provisions of this ordinance shall be severable and shall remain valid notwithstanding such a judicial declaration against one provision.

Section 13. Conflicting Ordinances, Orders, Policies and Regulations

At all times during declared periods of emergency, the provisions of this ordinance shall supersede all existing ordinances, orders, policies and regulations insofar as the later may be inconsistent therewith.

Section 14. Effective Date

This ordinance shall take effect immediately upon this passage by the voters at an annual or special town meeting in the Town of York.