

**TOWN OF JAY**

**ADMINISTRATION**

**EMERGENCY MANAGEMENT**

**ORDINANCE**

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ENACTED: June 10, 2008

# TOWN OF JAY

## Administration

### Emergency Management Ordinance

#### 1 Title and Authority

This Ordinance shall be known and may be cited and referred to as the "Emergency Management Ordinance of the Town of Jay". Authorized under Title 37-B M.R.S.A., Section 782.

#### 2 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.

#### 3 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"** means 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 Jay Emergency Management Agency, 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.

#### 4 Organization

Under the direction of the Fire and Rescue Chief, the EMA Director shall be responsible for the agency's organization, administration and operation.

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

#### 5 Appointment of Director; Duties and Responsibilities

The Board of Selectmen shall appoint an Emergency Management Agency 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 Fire and Rescue Chief.

#### 6 Rules and Regulations

The EMA Director shall prepare, under the direction of the Fire and Rescue Chief, such policies as may be deemed necessary for the administration and operational requirements of the agency, which policies must be approved by the Board of Selectmen prior to becoming effective.

#### 7 Emergency Proclamation

The Town Manager shall have the power and authority, after consultation with the Chairman 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 Manager is temporarily absent from the town or otherwise unavailable, the person designated by the Town Manager may issue the proclamation that an emergency exists. If neither the Town Manager nor the person designated to act in the Town Manager'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 Chairman of the Selectman, the EMA Director, the Fire 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 Chairman of the Board of Selectmen would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the Town Manager, or their 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 Manager and the EMA 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.

### 8 Termination of Emergency

When the Town Manager or their successor as outlined above is satisfied that a disaster or civil emergency no longer exists, the Town Manager or their success 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.

### 9 Town Manager's Duties and Emergency Powers

During any period when an emergency proclamation is in effect, the Town Manager may promulgate such regulations, as 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 outside of 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 or Town of Jay Ordinance.

The Town Manager or designee may order the evacuation of persons from hazardous areas within the town.

The Town Manager or 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 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.

## 10 Emergency Operational Plans

The EMA Director shall prepare an all hazard emergency operational plan for the Town, which shall be submitted to the 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 Manager in conjunction with all the Town Department Heads and the EMA Director.

## 11 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-B, Section 822 M.R.S.A.

## 12 Compensation for Injuries

All Emergency Management Agency Forces will be deemed to be employees of the Town when engaged in training or on duty and shall have all of the rights of town employees under the Workmen's Compensation Act, as set forth in Title 37-B, Section 823 M.R.S.A.

## 13 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.

## 14 Enforcement

The Jay Police Department shall enforce this Ordinance. The Town may also seek injunctive relief for violations of this Ordinance or of the rules or plans promulgated hereunder.

## 15 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.

## 16 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.

### **17 Amendments**

- A. An amendment to this Ordinance may be initiated by:
  - 1. The Board of Selectmen, provided a majority of the Board of Selectmen has so voted; or
  - 2. Written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the municipality at the last gubernatorial election.
- B. The Board of Selectmen shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted and advertised in a newspaper of general circulation in the municipality at least seven (7) days prior to the hearing.
- C. The vote on any proposed changes will be taken at the next scheduled town meeting.

### **18 Validity and 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.

### **19 Effective Date**

The effective date of this Ordinance shall be the date this Ordinance is adopted by the voters at Town Meeting.