

## EMERGENCY MANAGEMENT ORDINANCE

### SECTION 4-910      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 City's facilities and resources to combat disaster as defined herein.

### SECTION 4-911      DEFINITIONS

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

1.     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.
  
2.     Emergency Management Agency Forces. "Emergency Management Agency Forces" shall mean the employees, equipment and facilities of all city 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.
  
3.     Director. "Director" means the director of the City of Hallowell's Emergency Management Agency, appointed as prescribed in this ordinance.
  
4.     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, community health threat, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, critical material shortage, infestation, explosion or riot.

### SECTION 4-912      ORGANIZATION

The City Manager shall be responsible for the agency's organization, administration and operation. The City Manager may employ such permanent or temporary employees as he deems necessary and prescribe their duties.

The City Council shall review the existing operational organization to ascertain the agency's ability to cope with its responsibilities and shall approve the City's Emergency Operations Plan.

**SECTION 4-913**      APPOINTMENT OF DIRECTOR; DUTIES AND RESPONSIBILITIES

The Mayor shall appoint an Emergency Management Director, who shall coordinate the activities of all City 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 City Manager.

**SECTION 4-914**      RULES AND REGULATIONS

The Emergency Management Director shall prepare, under the direction of the City Manager, such policies as may be deemed necessary for the administration and operational requirements of the agency, including an Emergency Operations Plan and regular updates to meet evolving needs, which policies must be approved by the City Council prior to becoming effective.

**SECTION 4-915**      EMERGENCY PROCLAMATION

The City Manager shall have the power and authority, after consultation with the Mayor, 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 city. If the City Manager is temporarily absent from the city or otherwise unavailable, the Mayor may serve and perform the duties of the City Manager for a period not to exceed 7 calendar days as outlined in ARTICLE III, Section 5 of the City Charter. If neither the City Manager nor the person designated to act in the City 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 Emergency Management Director, the Police Chief, the Fire Chief, and the Public Works Director. A copy of such proclamation shall be filed within twenty-four (24) hours in the office of the city clerk.

Notwithstanding the above, when consultation with the Mayor would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the City Manager, or his successor as outlined above, is authorized to take whatever actions are necessary to prevent the loss of life and property in the city. The City Manager and the Emergency Management Director shall be responsible for submitting a full report to the City Council of all actions taken as a result of the declared emergency as soon as the City Council can be convened.

**SECTION 4-916**      TERMINATION OF EMERGENCY

When the City Manager or his 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 City covered by the original proclamation, or any part thereof. Said termination of emergency shall be filed in the office of the city clerk.

No state of emergency may continue for longer than five (5) days unless renewed by the City Council. The City Council may terminate the emergency proclamation by a majority vote.

**SECTION 4-917**      CITY MANAGER'S DUTIES AND EMERGENCY POWERS

During any period when an emergency proclamation is in effect, the City Manager may promulgate such regulations as he 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 city;
2. Regulations facilitating or restricting the movement of persons within the city;
3. Regulations pertaining to the movement of persons from hazardous areas within the city;
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, city ordinance or the charter of the City of Hallowell.

The City Manager or his designee may order the evacuation of persons from hazardous areas within the city.

The City Manager or his 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 City 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.

#### **SECTION 4-918**      EMERGENCY OPERATIONS PLAN

The Emergency Management Director shall prepare an all hazard Emergency Operations Plan (EOP) for the city, which shall be submitted to the City Council for approval. The EOP shall incorporate the ~~principals~~principles of the National Incident Management System (NIMS) and the Incident Command System (ICS).

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 city plan shall be reviewed periodically by the City Manager in conjunction with all the city department heads and the Emergency Management Director.

Emergency Operations Plans must be approved by the City Council, who will also ensure that City staff have adequate resources to respond to the emergency. The City Council will also have the following duties:

- Providing expertise and guidance to the E.M. Director preparing the Emergency Operations Plan.
- Preparing and promoting ordinances when necessary.

- Providing City resources to the E.M. Director in establishing and operating an Emergency Operations Center.
  - Providing consistent information and guidance to the public and directing people to the City website and other resources as needed.
- The Emergency Operations Center Staff will consist of:

#### **City Leaders**

- The Mayor
- The Council President
- The Chair of the Protection Committee
- The City Manager
- A member of the Hallowell Board of Health selected by the Mayor, or if the Mayor is not available, selected by the Council President, or the Chair of the Protection Committee, or the City Manager, in that order of succession.

#### **City Staff**

- The Emergency Management Director
- The Police Chief
- The Fire Chief
- The Public Works Director / Highway Foreman

### **SECTION 4-919      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.

### **SECTION 4-920      COMPENSATION FOR INJURIES**

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

### **SECTION 4-921      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.

### **SECTION 4-922      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.

### **SECTION 4-923      SEVERABILITY**

Should any provisions of this ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions 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.

**SECTION 4-924**      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.

[Derivation: Ord. No. 07-10; effective 10/19/2007]