

CIVIL PREPAREDNESS ORDINANCE

Adopted March 17, 2001

Section 1. Purpose

It is the intent and purpose of this Ordinance to establish a bureau of civil emergency preparedness in compliance and in conformity with the provisions of Title 37-B, M.R.S.A., Section 781 et seq., to ensure the complete and efficient utilization of the Town's facilities and resources to combat disaster as defined herein.

Section 2. Definitions

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

Bureau. "Bureau" shall mean the Bureau of Emergency Preparedness as established by this Ordinance.

Civil Emergency Preparedness. "Civil emergency preparedness" 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 actions, 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, air raid 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/or activities necessary to preparation for the caring out of these functions.

Civil Emergency Preparedness Forces. "Civil emergency preparedness forces" shall mean the employees, equipment and facilities of all town department, 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 Raymond Bureau of Emergency Preparedness, appointed as prescribed in this article.

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.

Section 3. Organization

- (a) The Director shall be responsible for the Bureau's organization, administration and operation. The Director, with the consent of the Municipal Officers and if monies are appropriated, may employ such permanent or temporary employees as he or she deems necessary and prescribe their duties.

- (b) The Director shall review the existing operational organization on a periodic basis to ascertain the Bureau's ability to cope with its responsibilities and shall approve the Town's emergency preparedness plan.

Section 4. Appointment of Director: Duties and responsibilities.

The Municipal Officers shall appoint the Town Manager as Director of the Bureau, 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 civil preparedness agencies, public safety agencies and have such additional duties as prescribed by the town manager/municipal officers.

Section 5. Rules and Regulations

The Director shall prepare such policies as may be deemed necessary for the administration and operational requirement of the Bureau, which policies must be approved by the Municipal Officers prior to becoming effective.

Section 6. Emergency proclamation

- (a) The Director shall have the power and authority to issue a proclamation that an emergency exists whenever a disaster or civil emergency exists or appears imminent. The proclamation may declare that emergency exists in any or all sections of the town. If the Director and Municipal Officers are temporarily absent from the town or otherwise unavailable, then the following person shall have the power and authority to issue a proclamation that an emergency exists, in the following order of succession: the fire chief; if he or she is unavailable, the director of public works; if he or she is unavailable, the town clerk. A copy of such proclamation shall be filed within twenty-four hours in the office of the town clerk.
- (b) The Director is authorized to take whatever actions necessary and authorized by law to prevent the loss of life and property in the town.
- (c) The Director shall be responsible for submitting a full report to the Municipal Officers of all the actions taken as a result of the declared emergency as soon as possible.

Section 7. Termination of Emergency

- (a) When the Director is satisfied that a disaster or civil emergency no longer exists, he or she shall terminate the emergency proclamation by another proclamation affecting the section of the town covered by the original proclamation, or any part thereof. Said termination of emergency shall be filed with the office of the Town Clerk.
- (b) No state of emergency may continue for longer than five (5) days unless renewed by the Director.

Section 8. Director duties and emergency powers

(a) During any period when an emergency or disaster exists or appears imminent and to the extent authorized by Title 37-B, Chapter 13, the Director may promulgate such regulations, as he or she deems necessary, to protect life and property and to preserve critical resources within the purpose of this Ordinance. To the extent authorized by Title 37-B, Chapter 13, such regulations may include, but are not limited to, the following:

- (1) Regulations prohibiting or restricting the movement of vehicles in the area within the town;
- (2) Regulations facilitating or restricting the movements 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;
- (5) The Director may order the evacuation of persons from hazardous areas within the town.
- (6) The Director 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 subdivisions under the provisions of Title 37B, M.R.S.A.;
- (7) The Director may obtain vital supplies, equipment and other items found lacking and needed for the protection of health, life and property;
- (8) The provision of this section will terminate at the end of the declared emergency.

Section 9. Emergency Operational Plans

The Director shall prepare an Emergency Operational Plan for the Town of Raymond, which shall be submitted to the Municipal Officers 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 Director in conjunction with all town department heads.

Section 10. Immunity from liability

All managers of the civil preparedness forces, while engaged in civil emergency preparedness activities, shall be immune from liability as set forth in Title 37-B, Section 822 M.R.S.A.

Section 11. Compensation for Injuries

All members of civil emergency preparedness forces shall be deemed to be employees of the state while engaged in training or on duty and shall have all 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 12. 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 member of the civil emergency preparedness organization as herein defined in the enforcement of the provisions of this Ordinance or any regulation or plan issued hereunder.

Section 13. Penalty

Any person, firm or corporation violating any provision of this Ordinance or any rule of regulation promulgated hereunder, upon conviction thereof, shall be punished by a civil penalty of not more than twenty-five hundred dollars (\$2,500.00) and the costs of prosecution. Each day a violation continues shall be a separate offense.

Section 14. Severability

Should any provision of this Ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this as a whole, it being the legislative intent that the provision of this shall be severable and remain valid notwithstanding such declaration.

Section 15. Conflicts

This Ordinance, and any orders, rules and regulations promulgated pursuant to this Ordinance, shall supersede any existing ordinances, orders, rules and regulations.

Section 16. Effective Date

This Ordinance shall become effective when passed by the voters at town meeting.