

# **Town of Falmouth**

## **Department of Emergency Management & ~~Homeland Security~~**

### **Purpose:**

It is the intent and purpose of this ordinance to establish a Department of Emergency Management & Homeland Security in compliance and in conformity with the provisions of Title 37-B, M.R.S.A., § 781 et. seg., 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 article:

*Departmen.:* "Department" shall mean the Department of Emergency Management ~~and Homeland Security~~ 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 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, 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.

*Civil emergency preparedness forces:* "Civil emergency preparedness forces" shall mean 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 Falmouth Department of Emergency Management ~~& Homeland Security~~, appointed as prescribed in the 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 causes 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:**

- (a) The town manager shall be responsible for the department's organization, administration and operation. The town manager may employ such permanent or temporary employees as he deems necessary and prescribe their duties.
- (b) The town council shall review the existing operational organization to ascertain the department's ability to cope with its responsibilities and shall approve the town's emergency operation plan.

### **Appointment of director; duties and responsibilities:**

The town manager shall appoint the director of the department, 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.

### **Rules and regulations:**

The director shall prepare, under the direction of the town manager or designee, such policies as may be deemed necessary or the administration and operational requirements of the department, which policies must be approved by the town council prior to becoming effective.

### **Emergency proclamation:**

- (a) The town council chairperson, in consultation with the town manager, 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 an emergency exists in any or all sections of the town. If the town council chairperson is temporarily absent from the town or otherwise unavailable, the vice chairperson of the town council may issue the proclamation that an emergency exists. If neither the chairperson, or the vice-chairperson of the town council 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 town manager, the director; the chief of police, the fire chief. A copy of such proclamation shall be filed within twenty-four (24) hours in the office of the town clerk.
- (b) Notwithstanding the above, when consultation with the chairperson of the town council would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the town manager is authorized to take whatever actions are necessary to prevent the loss of life and property in the town.
- (c) The town manager and the director shall be responsible for submitting a full report to the town council of all actions taken as a result of the declared emergency as soon as the town council can be convened.

### **Termination of emergency:**

- (a) When the town council chairperson, in consultation with the town manager, is satisfied that a disaster or civil emergency no longer exists, he / she shall terminate the emergency proclamation by another proclamation affecting the sections of the town covered by the original proclamation, or any part thereof. If the town council chairperson is temporarily absent from the town or otherwise unavailable, the vice chairperson of the town council may issue the proclamation that a disaster or civil emergency no longer exists. If neither the chairperson, or the vice-chairperson of the town council is available, then the following persons shall have the power and authority to issue a proclamation that a disaster or civil emergency no longer exists, in the following order of succession: the town manager, the director; the chief of police, the fire chief. Said termination of emergency shall be filed in the office of the town clerk.
- (b) No state of emergency may continue for longer than five days unless renewed by the town council.

**Manager's duties and emergency powers:**

- (a) During any period when an emergency or disaster exists or appears imminent, the town manager may promulgate such 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 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, town ordinance or the charter of the town.

- (b) The town manager or designee may order the evacuation of persons from hazardous areas within the town.
- (c) The town manager shall be authorized to request aid or assistance from the state or any political subdivision of the state and shall render assistance to other political subdivisions under the provisions of Title 37-B, M.R.S.A., section 781.
- (d) The town manager may obtain vital supplies, equipment and other items found lacking and needed for the protection of health, life and property.
- (e) The provisions of this section will terminate at the end of the declared emergency.

**Emergency operations plans:**

The director shall prepare an emergency operations plan for the town, which shall be submitted to the town council for approval.

It shall be the responsibility of all town 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 town department heads and the director.

**Immunity from liability:**

All members of the civil emergency 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.

**Compensation for injuries:**

All members of the civil emergency preparedness 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 *Workman's 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 article 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 there under.

**Penalty:**

Any person, firm or corporation violating any provision of this article or any rule or regulation promulgated there under, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) and the costs of the prosecution.

**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 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 orders, rule and regulations made and promulgated pursuant to this ordinance shall be in effect, they shall supersede all existing ordinances, order, rules and regulations, insofar as the latter may be inconsistent herewith.