TOWN OF HARRISON MAINE
EMERGENCY MANAGEMENT ORDINANCE

The Town of Harrison, Maine, Ordains:

ARTICLE 1. OFFICE OF EMERGENCY MANAGEMENT

Section 1. Short Title

This Ordinance shall be known and may be cited and referred to as the “Emergency Management Ordinance of the Town of Harrison “Authorized under Title 37-B MRSA ss781-834 as enacted by P.L. 1983, c.460.

Section 2. Intent and Purpose

A. It is the intent and purpose of this ordinance to establish an office that will ensure the complete and efficient utilization of the town’s facilities and resources to combat disaster as defined herein.

B. The Harrison Office of Emergency Management will be the coordinating agency for all activity in connection with Emergency Management.

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.

Section 3. Definitions

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

Emergency. “Emergency” is defined as any event, which threatens to or actually inflicts damage to people or property, and requires immediate action to mitigate, prevent control, or from which to recover is beyond the scope of the normal resources of the Town.

Emergency Management. “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 and health, emergency welfare, rescue, engineering, warning and communications service; evacuation of person from stricken areas; economic stabilization; allocation of critical materials in short supply; emergency transportation; existing or properly assigned functions of plant protection; other activities related to civilian protection and other activities necessary to the preparation for the carrying out of these functions.
**Emergency Management Forces.** “Emergency Management Forces” shall mean the employees, equipment and facilities of all Town of Harrison departments, boards, institutions and commissions; and in addition, it shall include all volunteer persons working 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.

**Emergency Management Volunteer.** “Emergency Management Volunteer” shall mean any person duly registered, identified and appointed by the Town Manager or in his absence, the Director of Emergency Management.

**Director.** “Director” means the director of the Town of Harrison Emergency Management appointed as prescribed in this ordinance. A duly appointed Assistant Director shall assume the duties and responsibilities of the Director in his/her absence.

**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, windstorm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, critical material shortage, infestation, explosion, riot, said occurrence being of significant scope as to exceed the normal ability of the Town’s resources to mitigate, respond to or recover from.

**Local.** “Local” is defined as restricted to the geographic boundaries of Harrison or Harrison and the Municipalities adjacent to it.

### Section 4. Organization and Appointments

1. An office of Emergency Management is hereby established within the executive department of the Town government and under the direction of the Town Manager.

2. The Town Manager is hereby authorized to organize the Office of Civil Emergency Management, utilizing to the fullest extent possible the existing agencies with the Town.

3. The Board of Selectmen shall review the existing operational organization to ascertain the team’s ability to cope with its responsibilities and shall approve the town’s Emergency Operations Plan.

### Section 5. Administration and Operation

1. There shall be an executive head of the Office of Emergency Management who shall be known as the Emergency Management Director. The Director shall be appointed by the Town Manager subject to approval by the Board of Selectmen and work under the direction of the Town Manager.
2. In addition to the Director, the office shall include such other assistants and employees as are deemed necessary for the proper functioning to the organization. Any necessary employee shall be hired by the Director with the consent of the Town Manager, subject to approval by the Board of Selectmen.

3. The Office of Emergency Management shall operate according to this Ordinance and regulations. Regulations shall be approved by the Harrison Selectmen, and may be amended from time to time by the Selectmen. No regulation or shall be approved or adopted by the Selectmen during a declared emergency.

Section 6. Rules and Regulations

The Emergency Management Director shall prepare, under the direction of the Town Manager, such policies as may be deemed necessary for the administration and operational requirements of the team, which policies must be approved by the Board of Selectmen prior to becoming effective.

Section 7. Emergency Proclamation

The Town Manager shall have the power and authority, upon consultation with the Selectmen Chairman 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 Administrator nor the person designated to act in his/her 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 Fire Chief, and the Public Works Supervisor. A copy of such proclamation shall be posted in the same manner as the warrant calling a town meeting, and a copy of the proclamation shall be filed within twenty-four (24) hours in the Office of the Town Clerk.

Notwithstanding the above, when consultation with the Selectmen Chairman would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the Town Manager, or his/her 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 Emergency Management 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 Town Board of Selectmen can be convened.

Section 8. Emergency Powers and Duties

During any period when an emergency proclamation is in effect, the Town Manager may implement rules and or 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 order to facilitate the work are subject to approval by the Emergency Management forces, or to facilitate the mass movement of persons from critical areas within or out of the Town;
2. Regulations pertaining to the movement of persons from areas deemed hazardous or vulnerable to disaster within the Town;
3. 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 of Harrison.

The Town Manager or his/her 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. Chapter 13.

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 Town Manager or his/her designate may require emergency services of any Town Office or employees. If regular Town Forces are determined inadequate, the Director may require the services of such other personnel as he/she can obtain that are available, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities provided by state law, the Town Charter and Ordinances for regular town employees and other registered and identified Emergency Management and volunteer disaster workers.

The provisions of this section will terminate at the end of the declared emergency.

**Section 9. Termination of Emergency**

When the Town Manager or his/her successor as outlined above 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. Said termination of emergency shall be filed in the office of the town clerk.

**Section 10. Duties of the Director of Emergency Management**

The Director of the Office of Emergency Management shall be responsible to the Town Manager in regards to all phases of the Emergency Management activity. Under supervision of the Manager, he/she shall be responsible for the planning, coordination, and operation of the Emergency Management activity in the Town. Under the supervision of the Manager, he/she shall maintain liaison with the County, State, and Federal authorities and the authorities of other political sub-divisions as to insure the most effective operation of the Emergency Operations Plan. His/her duties 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 Emergency Management purposes.

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 governmental services and public utilities necessary for the public health, safety and welfare.

C. Negotiating and concluding agreements with owners or persons in control of buildings or other property for the Emergency Management purposes and designating suitable buildings as public shelters.

D. Through public informational programs, educating the civilian population as to actions necessary and required for the protection of their persons and property in case of enemy attack, or disaster, as defined herein, either impending or present.

E. Conducting public practice alerts to insure the efficient operation of the Emergency Management forces and to familiarize residents with Emergency Management regulations, procedures and operations.

F. Coordinating the activity of all other public and private agencies engaged in any Emergency Management activity.

G. Assuming such authority and conducting such activity as the Manager may direct to promote and execute the Emergency Operations Plan.

Section 11. Emergency Operations Plan

The Emergency Operations Director shall prepare an all hazard Emergency Operations Plan (EOP) for the town, which shall be adopted and maintained by resolution of the Board of Selectmen upon recommendation by the Town Manager.

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 Emergency Management Director.

Section 12. Immunity from Liability

All Emergency Management Team Forces, while engaged in Emergency Management activities, shall be immune from liability, as set forth in Title 37-B, Section 822 M.R.S.A.

Section 13. Compensation for Injuries

All Emergency Management Team Forces appointed to specific functions whether paid or volunteer, shall be deemed to be employees of the Town of Harrison when engaged in training or on duty and shall have all of the rights of town employees and will be covered by the Town of Harrison workers compensation insurance for the duration of the training or incident. All persons responding to assist the Town of Harrison as part of mutual aid agreements will be covered by their employer or by the State of Maine under the Workers Compensation Act as set forth in Title 37-B Section 823 M.R.S.A.
Section 14. 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 Forces as herein defined in the enforcement of the provisions of this ordinance or any regulation or plan issued hereunder.

Section 15. 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.

Section 16. Conflicting Ordinances, Orders, Rules and Regulations Suspended.

At all times when an emergency proclamation is in effect, the orders, rules and regulations made pursuant to this ordinance shall supersede all existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent herewith.

Section 17. Effective Date

This ordinance shall take effect on the __________________________

Enacted: ______________________