

Emergency Management Ordinance
of the Town of Washington, Maine

Adopted: March 25, 2017

ATTEST:



Ann Dean, Town Clerk



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EMERGENCY MANAGEMENT ORDINANCE

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EMERGENCY MANAGEMENT ORDINANCE

Emergency Management Ordinance of the Town of Washington

Article 1. Authority

This ordinance is authorized under Title 30A, M.R.S.A. § 3001 et seq. and shall be known as the *Emergency Management Ordinance of the Town of Washington*.

Article 2. Purpose

- A. To establish the Office of Emergency Management that will ensure the complete and efficient utilization of the town's facilities and resources during any period of proclaimed emergency.
- B. To define the duties and authority of the Washington Office of Emergency Management Director who shall coordinate all activities in connection with Emergency Management.
- C. To define the protocol for issuing a Town Emergency Proclamation.
- D. To define powers and authorities given to the Board of Selectmen, Fire Chief, and Emergency Management Director during a proclaimed emergency.
- E. To establish the National Incident Management System (NIMS) as the municipal standard for all hazards incident management.

Article 3. Definitions

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

Disaster: 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, ice storm, blizzard, flood, earthquake, windstorm, 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.

Emergency: An event that threatens the life, safety, and property of the residents or visitors of Washington or destruction of the environment, that requires immediate action to mitigate, contain, or control the situation.

Emergency Management Forces: The employees, equipment and facilities of all town departments, boards, institutions, and commissions, as well as all volunteer persons, organizations, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.

Emergency Proclamation: A governmental declaration that a disaster or emergency exists or appears imminent. These include a *state of emergency* proclamation at the national, state, county or local level that covers all or a section of the Town of Washington.

Local: Within the geographic boundaries of Washington and/or Washington and the municipalities adjacent to it.

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Article 4. Establishment of the Office of Emergency Management

There is hereby established within the Town of Washington, Maine, an emergency management organization to be known as the *Washington Office of Emergency Management* (OEM). In conjunction with the Board of Selectmen and Fire Chief, this office is responsible for the preparation and implementation of emergency management plans to minimize injury and loss due to a serious emergency or disaster.

Article 5. Emergency Management Director Position and Office Members

The Washington Office of Emergency Management shall consist of a director, and other members that shall be appointed by the Board of Selectmen when deemed necessary. The position of Emergency Management Director (EMD) for the Town of Washington is hereby created.

Section 5.01 Appointment and Term

The Board of Selectmen shall appoint the Emergency Management Director. This appointment shall be made within 30 days after the date of the Annual Town Meeting for a term of three years.

Section 5.02 Level and Training

The Emergency Management Director is expected to earn the *Maine Basic Emergency Management Director* level of certification. Training is available, but not limited to Knox County Emergency Management Agency (KXEMA), Maine Emergency Management Agency (MEMA) and FEMA.

Section 5.03 General Duties

The Emergency Management Director is responsible for performing the five phases of Emergency Management: planning, preparedness, mitigation, response, and recovery.

The Emergency Management Director duties shall include, but not being limited to the following:

- A. Prepare and maintain the Emergency Operations Plan (EOP) for the Town of Washington, which shall be submitted to the Board of Selectmen for approval and reviewed on an annual basis. The plan shall incorporate the principles of the National Incident Management System (NIMS) and the Incident Command System (ICS).
- B. Prepare and update a Hazard Risk and Vulnerability Assessment, annually.
- C. Complete and report Initial Damage Assessments (form 7's) to Knox EMA.
- D. Prepare and maintain a list of locally available disaster resources.
- E. Develop procedures for the organization, staffing, activation and operation of the Washington Emergency Operations Center (EOC).
- F. Coordinate and maintain written emergency and disaster Mutual Aid Agreements with the approval of the Board of Selectmen.

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- G. Provide Emergency Management training to town officials, planners, and emergency responders.
- H. Develop and implement a Disaster Exercise program.
- I. Attend County Local Emergency Managers meetings.
- J. Maintain records and submit information as required for compliance with county, state and federal regulations and/or guidelines.
- K. Make Disaster Preparedness information available to town residents.
- L. Establish systems to notify and inform all residents about any emergency situation.
- M. When necessary, serve as liaison between the town and county/state/federal officials during disaster recovery.
- N. Complete and submit applications for grants that may become available and beneficial for improving emergency management and response capability for the Town of Washington.
- O. Serve as NIMS Coordinator for the Town of Washington

Section 5.04 Powers During a Proclaimed Emergency

When an emergency proclamation is in effect, the Emergency Management Director or designee shall have the following responsibilities and authorities:

- A. Responsible for the organization, staffing and activation of the Emergency Operations Center (EOC) as defined in the Town's *Emergency Operations Plan*.
- B. Empowered to make any reasonable request for assistance from adjacent towns pursuant to established Mutual Aid Agreements.
- C. 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 state statute.
- D. Coordinate requests for assistance from other regional, county, state or federal agencies through the County EMA Director.

These provisions will terminate at the end of the proclaimed emergency.

Article 6. Emergency Proclamation

The Washington Board of Selectmen shall have the power and authority to issue, by written declaration, 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.

- A. Notwithstanding the above, when consultation by a quorum the Board of Selectmen would result in a substantial delay in initiating an effective response to alleviate or prevent an emergency or disaster, 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 Chairperson of the Board of

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Selectmen, another member of the Board of Selectmen, the Fire Chief, the Emergency Management Director.

- B. A copy of such a proclamation shall be filed with the Town Clerk within twenty-four (24) hours or on the next business day that the Town Clerk's office is open.
- C. The Washington Emergency Operations Plan shall be the Town's governing document for emergency response and recovery by all municipal organizations.

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 proclaimed emergency.

Article 7. Termination of a Proclaimed Emergency

- A. When the Fire Chief and/or Emergency Management Director are satisfied that a disaster no longer exists, they shall recommend to the Board of Selectmen to terminate the emergency proclamation, or any part thereof. When consultation by a quorum the Board of Selectmen would result in a substantial delay, then the following persons shall have the power and authority to terminate the emergency proclamation in the following order of succession: in the following order of succession: the Chairperson of the Board of Selectmen, another member of the Board of Selectmen, the Fire Chief, the Emergency Management Director.
- B. Terminations of emergency proclamation shall be filed in the Office of the Town Clerk within 24 hours or on the next business day that the Town Clerks office is open.
- C. No local emergency proclamation may stay in effect for longer than five days unless renewed by the Board of Selectmen.

Article 8. Board of Selectmen – Powers During a Proclaimed Emergency

- A. When an emergency proclamation is in effect, the Board of Selectmen or designee may declare such regulations or orders, as he or she deems necessary to protect life and property and to preserve critical resources within the purposes of this article. Such regulations may include, but are not limited to, the following:
 1. Regulations or orders prohibiting or restricting the movement of vehicles in areas within the Town;
 2. Regulations or orders facilitating or restricting the movement of persons within the Town;
 3. Regulations or orders pertaining to the movement of persons from hazardous areas within the Town;
 4. Such other regulations or orders necessary to preserve public peace, health, and safety.
- B. The Board of Selectmen or designee may order the evacuation of persons from hazardous areas within the Town.

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

Article 9. Appropriation of Funds for a Proclaimed Emergency

The Town shall make an appropriation at the Annual Town Meeting to spend funds up to a percentage of the then current available General Fund Balance to cover the cost of vital supplies, equipment and other items found lacking and needed for the protection of health, life and property during a proclaimed emergency.

Article 10. Commitment of Town Resources During Proclaimed Emergency

- A. The Board of Selectmen has authority to use Town resources to obtain vital supplies, equipment and other items found lacking and needed for the protection of health, life and property during a proclaimed emergency without following normal purchasing or disbursement procedures. In the absence of the Board of Selectmen, the Fire Chief and/or the Emergency Management Director are given this authority. Whenever possible, these actions will be taken at the direction of the Board of Selectmen or Board of Selectmen Chair unless obtaining that authority would unnecessarily delay emergency actions.
- B. Notwithstanding the above, the expenditure of funds shall not exceed the dollar amount voted on at the Annual Town Meeting for the then current fiscal year. The Board of Selectmen will be provided with a Treasurer's Warrant showing expenditures during the proclaimed emergency as soon as a majority of them are able to convene a Board of Selectmen meeting.
- C. During any emergency or disaster, formally declared or not, the Fire Chief shall have the authority to utilize Town personnel and equipment to protect citizen's, life, health, and property.

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

Article 11. Acceptance of Emergency Donations

- A. Cash donations help to avoid the labor and expense of sorting, packing, transporting and distributing donated goods. The Town Treasurer will receive and record any, financial donations and establish an accounting system to track the contributions.
- B. To oversee any material donations, the Emergency Management Director will appoint a Donations Manager.

Article 12. Adoption of the National Incident Management System

The Town of Washington hereby establishes the National Incident Management System (NIMS) as the municipal standard for all hazards incident management.

This system provides a consistent approach for Federal, State, and municipal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity. NIMS will utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform

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standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters.

All Washington emergency and disaster responders for all hazards incident management will utilize the NIMS Incident Command System (ICS).

Article 13. 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.

Article 14. Conflicting Ordinances, Orders, Rules and Regulations Suspended

At all times when an emergency proclamation is in effect and any inconsistencies exists, the orders, rules and regulations made and promulgated pursuant to this ordinance shall supersede all existing ordinances, orders, rules and regulations.