

Town Of Randolph

Emergency Management Ordinance

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., and the Town's Home Rule authority pursuant to Title 30-A, MRSA, section 3001, 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 ordinance:

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.

Emergency Management Agency Forces: "Emergency Management Agency 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 Randolph Emergency Management Agency, appointed as prescribed in this 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 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.

Organization

The Town Selectboard shall be responsible for the agency's organization, administration and operation. The Town Selectboard may employ such permanent or temporary employees as they deem necessary and prescribe their duties.

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

Appointment of Director; Duties and Responsibilities

The Town Selectboard shall appoint an Emergency Management Director, 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 emergency management agencies, public safety agencies, and have such additional duties as prescribed by the Town Selectboard.

Town Of Randolph

Emergency Management Ordinance

Rules and Regulations

The Emergency Management Director shall prepare, under the direction of the Town Selectboard such policies as may be deemed necessary for the administrations and operational requirements of the agency, policies must be approved the Town Selectboard prior to becoming effective.

Emergency Proclamation

The Town Selectboard shall have the power and authority, after consultation with the Emergency Management Director of the town, 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 Selectboard is temporarily absent from the town or otherwise unavailable, the person designated by the Town Selectboard may issue the proclamation that an emergency exists. If neither the Town Selectboard nor the person designated to act in the Town Selectboards' absence are available), then the following persons shall have he power and authority to issue a proclamation that an emergency exists, in the following order of succession: the Emergency Management Director, the Fire Chief, the Police Chief, and the Public Works Director. A copy of such proclamation shall be filed within twenty-four (24) hours in the office of the Town Clerk.

Notwithstanding the above, when consultation with the Selectboard would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the town Emergency Management Director, 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 Selectboard and the Emergency Management Director shall be responsible for submitting a full report of all actions taken as a result of the declared emergency. Report will include reports from all department heads and be submitted at the next Selectboard meeting.

Termination of Emergency

When the Town Selectboard, Emergency Management Director and their successors as outlined above is satisfied that a disaster or civil emergency no longer exists, they 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.

No state of emergency may continue for longer than five (5) days unless renewed by the Town Selectboard.

Town Selectboard Duties and Emergency Powers

During any period when an emergency proclamation is in effect, the Town Selectboard may promulgate such regulations as they deem 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 town;
2. Regulations facilitating or restricting the movement of persons within the town;
3. Regulations pertaining to the movement or 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, or town ordinance of the Town of Randolph, or to grant any official the ability to act contravention of any state or federal law or regulation

Town Of Randolph

Emergency Management Ordinance

The Town Selectboard or their designee may order the evacuation of persons from hazardous areas within the town.

The Town Selectboard or their 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 subdivisions under the provisions of Title 37-B, M.R.S.A.

The Town Selectboard may obtain vital supplies, equipment and other items found lacking and needed to the protection of health, life and property during an emergency without the following normal purchasing or formal bid procedures.

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

Emergency Operational Plans

The Emergency Management Director shall prepare an all hazard emergency operational plan for the town, in accordance with Title 37-B MRSA, section 783 which shall be submitted to the Town Selectboard for approval. A copy of the plan shall be made available at the Town office

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 Selectboard in conjunction with all the town department heads and the Emergency Management Director.

Membership of the Emergency Operations Center:

When directed by any one of the Selectboard or by the EMD, the EOC will be established and manned. At the discretion of the Selectboard or EMD, the following town officials may be included on the EOC staff:

- A. Selectmen
- B. Emergency Management Director
- C. Town Clerk and Treasurer
- D. Code Enforcement Officer
- E. Town Police Chief
- F. Fire Chief or Deputy
- G. Fire Warden
- H. Road Commissioner
- I. Animal Control Officer

Establishment of the National Incident Management System:

The Town of Randolph hereby establishes the National Incident Management System (NIMS) as the municipal standard for 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 standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters. The NIMS Incident Command System (ICS) will be utilized by all Randolph emergency and disaster responders for incident management.

Compensation

The EMD shall be compensated for duties rendered by a stipend set at the discretion of the Selectboard.

Town Of Randolph Emergency Management Ordinance

Violation of Regulations

Violators of the provisions of this ordinance may be subject to civil penalties set forth below and to state law penalties as set forth in Title 37-B MRSA, section 786.

Penalty

Any person, firm or corporation violating any provision of this ordinance or any rule or regulations 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.

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.

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 be in effect, they shall supersede all existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent herewith.

Signed Selectboard members

Date 7/26/06

Ruth Botkin

Annual Town Meeting vote

Peter Hanley

Robert Davis