

Civil Emergency Management and Preparedness Ordinance



**Town of Frye Island
Cumberland County
State of Maine**

Chapter 114 -- Civil Emergency Management And Preparedness Ordinance

[HISTORY: Adopted Town Meeting 10/11/03, [WA12](#)]

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SECTION 1. Purpose:

It is the intent and purpose of this ordinance to establish an office of civil emergency management and 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:

Office. "Office" shall mean the office of emergency management and preparedness as established by this ordinance.

Civil emergency management and preparedness. "Civil emergency management and 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 injury and minimize and repair 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, law enforcement, medical and health, rescue, engineering, 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 preparation for the carrying out of these functions.

Civil emergency management and preparedness forces. "Civil emergency management and 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 Frye Island office of emergency management and 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 municipal officers shall be responsible for the bureau's organization, administration and operation. The municipal officers may employ such permanent or temporary employees as they deem necessary and prescribe their duties.

- (b) The municipal officers 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 operations plan.

SECTION 4. Appointment of Director Duties and Responsibilities:

The municipal officers shall appoint the fire chief as director of the office, 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 municipal officers.

SECTION 5. Rules and Regulations:

The director shall prepare such policies as may be deemed necessary for the administration and operational requirements of the office, which policies must be approved by municipal officers prior to becoming effective.

SECTION 6. Emergency Proclamation:

- (a) The municipal officers 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 municipal officers are temporarily absent from the town or otherwise unavailable, 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 director, if he is unavailable, the Town Manager, and as a third option, one of the two assistant directors. 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 municipal officers would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the director is authorized to take whatever actions are necessary 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 actions taken as a result of the declared emergency as soon as possible.

SECTION 7. Termination of Emergency:

- (a) When municipal officers are satisfied that a disaster or civil emergency no longer exists, they shall terminate the emergency proclamation by another proclamation addressing 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.
- (b) No state of emergency may continue for longer than five (5) days unless renewed by the municipal officers.

SECTION 8. Municipal Officers Duties and Emergency Powers:

- (a) During any period when an emergency or disaster exists or appears imminent, the municipal officers 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 restriction 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 of persons from hazardous areas within the town;
 - (4) Such other regulations necessary to preserve public peace, health and safety.
 - a. 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.
 - b. The municipal officers or their designee may order the evacuation of persons from hazardous areas within the town.
 - c. The municipal officers shall be authorized to request aid or assistance from the state of 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.
 - d. The municipal officers 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.

SECTION 9. Emergency Operations Plans:

The director shall prepare an emergency operations plan for the town, 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 municipal officers with conjunction with all town department heads and the emergency director.

SECTION 10. Immunity from liability:

All members of 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.](#)

SECTION 11. Compensation for injuries:

All members of 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 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 there under.

SECTION 13. Penalty:

Any person, firm or corporation violating any provision of this ordinance 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 prosecution. All fines accrue to the Town of Frye Island.

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 provisions of this shall be severable and remain valid notwithstanding such declaration.

SECTION 15. Conflicting ordinances, 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.