

**Town of Harpswell  
Emergency Management Ordinance  
Enacted March 10, 2007**

**SECTION 1. Purpose**

It is the intent and purpose of this ordinance to establish an Emergency Management Agency in compliance and conformity with the provisions of 37-B M.R.S.A. Section 781 et seq., as may be amended from time to time, 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:

Agency. "Agency" means the Emergency Management Agency as established by this ordinance.

Agent. "Agent " means the director of the Town of Harpswell 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. These can include, but are 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.

Emergency Management. "Emergency Management" means the coordination and implementation of an organized effort to mitigate against, prepare for, respond to and recover from a disaster.

Emergency Management Forces. "Emergency Management Forces" means 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.

**SECTION 3. Organization**

- (a) The Board of Selectmen shall be responsible for the agency's organization, administration and operation. The Board of Selectmen may employ such permanent or temporary employees as it deems necessary and prescribe their duties.
- (b) The Board of Selectmen shall review the existing operational organization on a periodic basis to ascertain the agency's ability to cope with its responsibilities and shall approve the Town's Emergency Preparedness Plan.

**SECTION 4. Appointment of Director; Duties and Responsibilities**

The Board of Selectmen shall appoint the Emergency Management Agent, 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 Board of Selectmen.

**SECTION 5. Rules and Regulations**

The Emergency Management Agent shall prepare such policies as may be deemed necessary for the administration and operational requirements of the agency, which policies must be approved by the Board of Selectmen prior to becoming effective.

**SECTION 6. Emergency Proclamation**

- (a) The Chairman of the Board of Selectmen 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 Chairman of the Board of Selectmen is 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 Emergency Management Agent, if he/she is available in consultation with the Town Administrator if possible; and then the Town Administrator. A copy of such proclamation shall be filed within twenty-four (24) hours in the office of the Town Clerk. (See Example Reference A)
- (b) Notwithstanding the above, when consultation with the Chairman of the Board of Selectmen would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the Emergency Management Agent or his/her successor as outline above is authorized to take whatever actions are necessary to prevent the loss of life and property in the town.
- (c) The Emergency Management Agent 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 possible.

**SECTION 7. Termination of Emergency**

- (a) When the Board of Selectmen is satisfied that a disaster or civil emergency no longer exists, it 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.
- (b) No state of emergency may continue for longer than five (5) days unless renewed by the Board of Selectmen.

**SECTION 8. Board of Selectmen Duties and Emergency Powers**

- (a) During any period when an emergency or disaster exists or appears imminent, the Board of Selectmen may promulgate such regulations as it 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 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; and
  - 4) Such other regulations necessary to preserve public peace, health and safety.
- (b) 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 local ordinance.
  - (c) The Board of Selectmen or its designee may order the evacuation of persons from hazardous areas with the town.
  - (d) The Board of Selectmen 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 of the Maine Revised Statutes.
  - (e) The Board of Selectmen 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.
  - (f) The provisions of this section will terminate at the end of the declared emergency.  
(See example Reference B)

### **SECTION 9. Emergency Operational Plans**

The Emergency Management Agent shall update an emergency operational plan for the Town as necessary and shall present such modifications within 90 days of appointment to the Board of Selectmen..

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 Board of Selectmen in conjunction with the Emergency Management Agent.

### **SECTION 10. Immunity from Liability**

All members of emergency management forces, while engaged in emergency management activities, shall be immune from liability, as set forth in 37-B M.R.S.A. Section 822, as may be amended from time to time.

### **SECTION 11. Compensation for Injuries**

All members of emergency management 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 37-B M.R.S.A. Section 823., as may be amended from time to time.

### **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 emergency management organization, as herein defined, in the enforcement of the provisions of this ordinance or any regulation or plan issued hereunder.

**SECTION 13. Penalty**

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

**SECTION 14. Severability**

Should any provision of this ordinance be declared invalid for any reason, such declaration shall not effect the validity of other provisions or of this ordinance as a whole, it being the legislative intent that provisions of this ordinance shall be severable and remain valid notwithstanding such declaration.

**SECTION 15. 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 supersede all existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent herewith.

**REFERENCE A**

**EMERGENCY PROCLAMATION**

Section 6 (after c)

Pursuant to the authority vested in me by the TOWN OF HARPSWELL EMERGENCY MANAGEMENT ORDINANCE, I hereby proclaim that an emergency exists in the following location(s) of the Town of Harpswell:

Location(s):

Due to the following emergency:

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Time: \_\_\_\_\_

Title: \_\_\_\_\_

**REFERENCE B**

**PROCLAMATION TERMINATING EMERGENCY**

Section 8 (after f)

Pursuant to the authority vested in me by the TOWN OF HARPSWELL EMERGENCY MANAGEMENT ORDINANCE, I hereby proclaim that the emergency created by:

Emergency Proclamation dated: \_\_\_\_\_

Shall be terminated at \_\_\_\_\_ (time) on \_\_\_\_\_(date).

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Time: \_\_\_\_\_

Title: \_\_\_\_\_