

EMERGENCY MANAGEMENT ORDINANCE
Town of Lebanon, Maine

The Town of Lebanon, Maine, ordains:

Article 1-EMERGENCY MANAGEMENT AGENCY

Section 1. Short Title

This ordinance shall be known and be cited and referred to as 'EMERGENCY MANAGEMENT ORDINANCE OF THE TOWN OF LEBANON'. Authorized under Title 37-B, Chapter 13, Sub Chapter III of MRSA as amended in 1985.

Section 2. Intent and Purpose

- A.** It is the intent and purpose of this Ordinance to establish an office that will insure the complete and efficient utilization of all of the Towns facilities and resources to combat disaster resulting from enemy actions or other man-made or natural disasters and as defined herein.
- B.** The Lebanon Emergency Management Agency will be the coordinating agency for activity in connection with Emergency Management.
- C.** This Ordinance will not relieve any Town Department of the moral responsibilities or authority given to it in the Town Charter or by local Ordinance, 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 article:

- A. Emergency Management** in its broad meaning is to carry out the basic government functions of maintaining the public peace, health and safety during an emergency. This shall include the plans and preparations for protection from, and relief, recovery and rehabilitation from the effects of an attack on the Town by an enemy nation or the agents thereof, and it shall also include such activity in connection with disaster as defined herein. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States.
- B. Attack** shall mean a direct or indirect assault against the Town of Lebanon, its government, its environs, or of the nation, by the forces of a hostile nation or the agents thereof, including assault by bombing, radiological, chemical or biological warfare, or sabotage.
- C. Disaster** includes but is not limited to actual or threatened enemy attack sabotage, extraordinary fire, flood storm, or other impending or actual calamity endangering or threatening to endanger health, life or property or constituted government.
- D. Emergency Management Forces** shall mean the employees, equipment and facilities of all town departments, boards, institutions and commissions; and, in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.
- E. Emergency Volunteer** shall mean any person duly registered, identified and appointed by the Director of the Emergency Management Agency and assigned to participate in the Emergency activity.
- F. Director** will mean the Coordinator of the Lebanon Emergency Management Agency, appointed as prescribed in the Ordinance.
- G. Regulations** shall include plans, programs and other emergency procedures deemed essential to Emergency Management.

Section 4 – Organization and Appointments

- A.** The Selectmen are hereby authorized and directed to create an organization for Emergency Management utilizing to the fullest extent the existing agencies within this town.
- B.** The organization shall consist of the following:
 - 1. The Emergency Management Agency within the executive department of the Town government and under the direction of the Selectmen. There shall be an executive head of the Emergency Management Agency, who shall be known as the Director of the Emergency Management Agency, and such other assistants and other employees as are deemed necessary for the proper functioning of the organization.
 - 2. The employee's equipment and facilities of all town departments, boards, institutions and commissions, shall participate in the Emergency Management Activity. Duties assigned to a Town Department shall be the same or similar to the normal duties of the department.
 - 3. Volunteer persons and agencies offering service to, and accepted by, the Town.
- C.** The Selectmen shall appoint a Director of the Lebanon Emergency Management Agency who shall be a person well versed and trained in planning operations involving activities of many different agencies which will operate to protect the public health, safety, and welfare in the event of danger from enemy action, or any natural or man-made disaster as defined in this ordinance.

Section 5 Emergency Powers and Duties

- A.** During any period when disaster threatens or when the Town has been struck by disaster, within the definition of this ordinance, the Selectmen may promulgate such regulations as they deem necessary to protect life and property and preserve critical resources. Such regulations may include, but not be limits to, the following:
 - 1. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of Emergency Management forces, or to facilitate the mass movement of persons from critical areas from within or without the Town.
 - 2. Regulations pertaining to the movement of persons from areas deemed hazardous or vulnerable to disaster.
 - 3. Such other regulations necessary to preserve public peace, health and safety.
 - 4. Regulations promulgated in accordance with the authority above will be given widespread circulation by proclamations published and uttered by newspaper and radio. These regulations will have the force of Ordinance when duly filed with the Town Clerk and violations will be subject to the penalties provided in the Town Charter, and/or this ordinance.
- B.** The Emergency Management Director may obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life, and property of the people, and bind the Town for fair value thereof.
- C.** The Selectmen may require emergency services of any Town Officer or employee. If regular Town forces are determined inadequate, the Director may require the services of such other personnel as he can obtain that are available, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as are provided by state law, the Town Charter and Ordinances for regular town employees and other registered and identified Emergency Management Agency and disaster workers and, upon demand, may receive appropriate compensation for their emergency employment.
- D.** The Director will cause to be prepared the Emergency Operations Plan herein referred to and exercise his ordinary powers as the Director, all of the special powers conferred upon him by the Town Charter, and the

Ordinances of the Town of Lebanon, all powers conferred upon him by any statute, or any other lawful authority.

Section 6 Director of Emergency Management

A. The director of the Emergency Management Agency shall be responsible to the Selectman in regards to all phases of the Emergency Management Activity. Under the supervision of the Selectmen, he shall be responsible for the planning, coordination and operation of the Emergency Management activity in the Town. Under the supervision of the Selectmen he shall maintain liaison with the County, State and Federal authorities and the authorities of other nearby political sub-divisions as to insure the most effective operation of the Emergency Management Plan. His duties shall be included, but not be limited to the following:

1. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Town for Emergency Management Purposes.
2. Development of plans for the immediate use of all the facilities, equipment, manpower and other resources of the Town for the purposes of minimizing or preventing damage to persons and property; and protecting and storing to usefulness governmental services and public utilities necessary for public health, safety, and welfare.
3. Negotiating and concluding agreements with owners or persons in control of buildings or other property for Emergency Management purposes and designating suitable buildings as public shelters.
4. Through public informational programs, educating the civilian population as to actions necessary and required for the protection of their person's and property in case of enemy attack, or disaster, as defined herein, either impending or present.
5. 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.
6. Coordinating the activity of all other public and private agencies engaged in any Emergency Management activity.
7. Assuming such authority and conducting such activity as the Selectmen may direct to promote and execute the Emergency Operations Plan.

Section 7 Emergency management and Basic Disaster Plan

A. A comprehensive Emergency Operations Plan shall be adopted and maintained. In the preparation of this Plan, as it pertains to Town organization, it is the services, equipment facilities and personnel of all existing departments and agencies that shall be utilized to the fullest extent. When approved, it shall be the duty of all municipal departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The plan shall be considered supplementary to this ordinance and shall have the effect of law whenever a disaster, as defined by this ordinance, has been proclaimed.

B. The Director shall prescribe in the Emergency Operations Plan those positions within the disaster organization, in addition to his own, for which line of succession are necessary. In each instance, the responsible person will designate and keep on file with the Director a current list of three (3) persons as successors to his position. The list will be in order of succession and will as nearly as possible, designate persons best capable of caring out all assigned duties and functions.

C. Each service chief and department head assigned responsibility in the plan shall be responsible for carrying out all duties and functions assigned therein. Duties shall include the organization and training of assigned Town employees and volunteers. Each Chief shall formulate the operational plan for his service which, when approved, shall be an annex to and a part of the basic plan.

D. Amendment to the plan shall be submitted to the Selectmen. Such amendments shall take effect thirty (30) days from the date of approval unless action is taken by the Selectmen disapproving the submission- In the event an amendment is pending at the time a disaster is proclaimed under provisions of this Ordinance, the amendment will be considered approved immediately and will remain effective unless specifically revoked by the selectmen.

Section 8 Violation of Regulations

It shall be unlawful for any person to violate any of the provisions of this Ordinance or of the regulations or plans issued pursuant to the authority contained herein, or to willingly obstruct, hinder or delay any member of the Emergency Management Agency as herein defined in the enforcement of the provisions of this ordinance or any regulation or plan issued thereunder.

Section 9 Penalty

Any person, firm or corporation violating any provision of this Ordinance or any rule or regulation promulgated thereunder, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500) and costs of prosecution, or imprisonment in the York County Jail for a period of not more than ninety (90) days, or both such fine and imprisonment, in the discretion of the court.

Section 10 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 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 11 Conflicting Ordinances, Orders, Rules and Regulations Suspended

At all times when the orders, rules and regulations made and promulgated pursuant to this Article shall be in effect, they shall supersede all existing ordinances, rules and regulations insofar as the latter may be inconsistent therewith.

Section 12, Effective Date

This ordinance shall take effect thirty (30) days after passage by the Town

This Ordinance adopted by Town Meeting vote on June 20, 1992.