Chapter 30

CIVIL EMERGENCIES*

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ARTICLE I. IN GENERAL

Secs. 30-1--30-25. Reserved.

ARTICLE II. EMERGENCY MANAGEMENT

Sec. 30-26. Organization.

(a) There is created an emergency management agency in compliance and conformity with the provisions of 37-B M.R.S.A. §§ 703 and 781, referred to in this article as the emergency management agency.

(b) The city administrator shall be responsible for the agency's organization, administration and operation. The city administrator may employ such permanent and temporary employees as he deems necessary and prescribe their duties.

(c) The city council shall advise the city administrator and the emergency management director on all matters of civil emergency preparedness, review the existing operational organization to ascertain the agency's ability to cope with its responsibilities, and accept or reject, after public hearing, such rules and regulations submitted to it under section 30-28.

(Ord. No. 92-10, § 2-531, 5-21-92)

Sec. 30-27. Appointment of emergency management director, duties and responsibilities.

The city administrator shall appoint a director who shall coordinate the activities of all city departments, organizations and agencies for civil emergency preparedness within the city and maintain liaison with other emergency management agencies and public safety agencies, and have such additional duties and responsibilities as may be prescribed by the city administrator.

(Ord. No. 92-10, § 2-532, 5-21-92)

Sec. 30-28. Rules and regulations.

The director shall prepare under the direction and control of the city administrator such policies as may be deemed necessary for the administration and operational requirements of the emergency management agency, which policies must be approved by the city council prior to becoming effective. The city council, after public hearing, shall accept, amend or reject such policies.

(Ord. No. 92-10, § 2-533, 5-21-92)

Sec. 30-29. Emergency proclamation; mayor's or city administrator's powers.

(a) The mayor or the city administrator shall have with the power and authority, after consultation with the city council, to issue a proclamation that an emergency exists under conditions specified in 37-B M.R.S.A. § 742. The proclamation may declare the fact that an emergency exists in any or all sections of the city. If the city administrator is temporarily absent from the city or is otherwise unavailable, the next person in the city who would serve as acting city administrator shall have the authority to issue an

emergency proclamation. A copy of such proclamation shall be filed within 24 hours with the city clerk.

(b) Notwithstanding the provisions of subsection (a) of this section, when consultation with the city council would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the mayor or the city administrator is authorized to take whatever actions are necessary to prevent the loss of life and property in the city.

(c) The mayor or the city administrator and/or the emergency management director shall be responsible to submit a full report to the city council of actions taken under this section as soon as the city council can convene.

(Ord. No. 92-10, § 2-534, 5-21-92)

Sec. 30-30. Mayor's or city administrator's duties and emergency powers.

(a) During any period when an emergency or disaster exists or appears imminent, the mayor or the city administrator may promulgate such regulations deemed necessary to protect life, property and to preserve critical resources within the purpose of this section. Such regulations may include but shall not be limited to the following:

(1) Regulations prohibiting or restricting the movement of vehicles from areas within or without the city.

(2) Regulations pertaining to the evacuation of persons from any hazard-stricken or threatened areas of the city.

(3) Regulations necessary to abate, clean up or mitigate whatever hazards exist.

(4) Such other regulations necessary to preserve public peace, health and safety.

(b) The mayor or the city administrator or the emergency management director shall be authorized to request aid and/or assistance from the state or any political subdivisions of the state and shall render assistance through reciprocal mutual aid agreements to other entities or political subdivisions under the provisions of 37-B M.R.S.A. §§ 701 and 784.

(c) The mayor or the city administrator or purchasing agent may obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property.

(d) The provisions of subsections (a) through (c) of this section will terminate at the ending of the declared emergency.

(Ord. No. 92-10, § 2-535, 5-21-92)

Sec. 30-31. Emergency operational plan.

(a) The city administrator will cause to be prepared an emergency operational plan for the city, which shall be submitted to the city council for approval. Amendments to the emergency operational plan shall be submitted to the city council for approval.

(b) It shall be the responsibility of all municipal departments and agencies to perform the functions and/or responsibilities assigned and to maintain their portion of the emergency plan in a current state of readiness. The city's emergency operational plan shall be

reviewed periodically by the mayor or the city administrator in conjunction with all city department heads and the emergency management director.

(Ord. No. 92-10, § 2-536, 5-21-92)

Sec. 30-32. Civil emergency preparedness forces.

The civil emergency preparedness forces of the city shall be the employees, equipment and facilities of all city departments, agencies, boards, and commissions suitable for, or adaptable to, the activities of emergency management and, in addition, shall include all private volunteer personnel, equipment and facilities contributed by or obtained from private volunteer persons and organizations.

(Ord. No. 92-10, § 2-537, 5-21-92)

Sec. 30-33. Immunity from liability.

Immunity from liability shall be as set forth in 37-B M.R.S.A. § 822.

(Ord. No. 92-10, § 2-538, 5-21-92)

Sec. 30-34. Compensation for injuries.

All members of the civil emergency preparedness forces shall be deemed to be employees of the state when engaged in training for, or on, duty and shall have all the rights of state employees under the workmen's compensation act as specified in 37-B M.R.S.A. § 823.

(Ord. No. 92-10, § 2-539, 5-21-92)

Sec. 30-35. Right-of-way; penalty.

Personnel and equipment required to respond to an emergency or disaster shall have the right-of-way over all public ways and roads, and anyone failing to grant such right-of-way shall suffer penalties as specified under 37-B M.R.S.A. § 828.

(Ord. No. 92-10, § 2-540, 5-21-92)

Sec. 30-36. Violation of article.

It shall be unlawful for any person to violate any of the provisions of this article or the regulations or plans issued pursuant to the authority contained in this article, or to willfully obstruct, hinder or delay any member of the emergency management organization as described in this article in the enforcement of the provisions of this article or any regulation or plan issued thereunder.

(Ord. No. 92-10, § 2-541, 5-21-92)