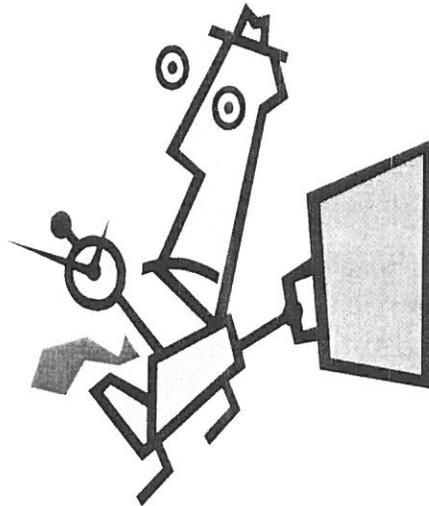


Town of Stratford

# Emergency Management Ordinance



January 7, 2002

## **EMERGENCY MANAGEMENT ORDINANCE**

### **Section I      EMERGENCY MANAGEMENT OFFICE**

- (1) In accordance with RSA Chapter 47:17 and Chapter 47:18 - the Town of Stratford ordains:
- (2) This Ordinance shall be known and may be cited and referred to as the "Emergency Management Ordinance of the Town of Stratford."

### **Section II      INTENT AND PURPOSE**

- (1) It is the intent and purpose of this Ordinance to establish an office that will insure the complete and efficient utilization of all of Stratford's facilities to combat disaster, natural or man-made, enemy attack or other disasters as defined herein.
- (2) The Stratford's Office of Emergency Management will be the coordinating agency for all activity in connection with emergency planning; it will be the instrument through which the community officials may exercise the authority and discharge the responsibilities vested in them in RSA, Chapter 107, State of New Hampshire, Civil Defense Act of 1950, revised Chapter 107-C, Emergency Management Act of 1987, as amended, and this Ordinance.
- (3) 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 III      DEFINITIONS**

- (1) 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 plans and preparations for protection from, and relief, recovery and rehabilitation from the effects of a natural or man made disaster on the community. And it shall also include such activity in connection with an enemy attack as defined herein. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States.
  - (b) "Disaster" includes but is not limited to actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, radiological incident, or other impending or actual calamity endangering or threatening to endanger health, life or property or constituted government.

- (c) "Attack" shall mean a direct or indirect assault against the Town of Stratford, its government, its environs, or the nation by the forces of a hostile nation or the agents thereof, including assault by bombing, radiological, chemical or biological warfare or sabotage.
- (d) "Emergency Response Resources" 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) "Volunteer" shall mean contributing a service, equipment or facility to the emergency management organization without remuneration.
- (f) "Emergency Volunteer" shall mean any person duly registered, identified and appointed by the Director of the Office of Emergency Management and assigned to participate in the Emergency Management activity.
- (g) "Director" shall mean the Director of the Stratford's Office of Emergency Management as prescribed in this Ordinance.
- (h) "Regulations" shall include plans, program and other emergency procedures deemed essential to Emergency Management.

**Section IV ORGANIZATION AND APPOINTMENTS**

- (1) The Chairman, Board of Selectmen is hereby authorized and directed to create an organization for Emergency Management utilizing to the fullest extent the existing agencies with the community. The Chairman, Board of Selectmen, as executive head of the municipal government, shall be responsible for the organization, administration and operation of emergency forces.
- (2) The organization shall consist of the following:
  - (a) An Office of Emergency Management within the executive department of the Town of Stratford government and under the direction of the Chairman, Board of Selectmen. There shall be an executive head of the Office of Emergency Management, and such assistants and other employees, as are deemed necessary for the proper functioning of the organization.
  - (b) The employees, equipment and facilities of all Stratford Departments, boards, institutions and commissions will participate in the Emergency Management activity. Duties assigned to a Stratford department shall be the same or similar to the normal duties of the department as far as possible.
  - (c) Volunteer persons and agencies offering service to, and accepted by, the Town of Stratford.

- (3) The Chairman, Board of Selectmen shall appoint a Director of the Town of Stratford's Office of Emergency Management who shall be a person well versed and trained in planning operation involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of danger from disaster or enemy action as defined in this Ordinance.
- (4) The Board of Selectmen shall designate and appoint a person or persons to assume the emergency duties of the Director in the event of his absence or inability to act, the intent being that there will always and at all times be a representative of the selectmen in charge of the Town of Stratford.

**Section V**      **Emergency Power and Duties**

- (1) The Chairman, Board of Selectmen
  - (a) The Chairman may exercise the emergency power and authority necessary to fulfill his general power and duties. The judgment of the Chairman shall be the sole criteria necessary to invoke emergency power provided in this Ordinance and other appropriate authorities.
  - (b) During any period when disaster threatens or when the Town of Stratford has been struck by disaster, with in the definition of this Ordinance, the Chairman may promulgate such regulations as he deems necessary to protect life and property and preserve critical resources. Such regulations may include, but shall not be limited 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 within or without the Town of Stratford.
    - (2) Regulations pertaining to the movement of persons from areas deemed to be 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 and 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 penalties.
  - (c) The Chairman shall order Emergency Management forces to the aid of other communities when required in accordance with the statutes of the State, and he may request the state, or a political subdivision of the state, to send aid to the Town of Stratford in case of disaster when conditions in the Town are beyond the control of the local Emergency Management forces.

- (d) Chairman 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 of Stratford for the fair value thereof.
- (e) Chairman may require emergency services of any Town of Stratford officer or employees. If regular Town forces are determined inadequate, the Chairman 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 and Town Ordinances for regular Town employees and other registered and identified Emergency Management and disaster workers and, upon demand, may receive appropriate compensation for their emergency employment.
- (f) The Chairman will cause to be prepared the Basic Plan herein referred to and to exercise his ordinary power as Chairman, all of the special powers conferred upon him by any statute, or any other lawful authority.

(2) Director of the Office of Emergency Management

- (a) The Director of the Office of Emergency Management shall be responsible to the Chairman in regard to all phases of the Emergency Management activity. Under the supervision of the Chairman, he shall be responsible for the planning, coordination and operation of the Emergency Management activity in the Town.

Under the supervision of the Chairman, he shall maintain liaison with the state and federal authorities and the authorities of other nearby political subdivisions as to insure the most effective operation of the Emergency Management plan. His duties shall include, but not limited to, the following:

1. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of Stratford for Emergency Management.
2. Developing and coordinating of plans for the immediate use of all of the facilities, equipment, manpower and other resources of Stratford for the purpose of minimizing or preventing damage to persons and property and to utilities necessary for the public health, safety and welfare.
3. Negotiating and concluding agreement with owners or persons in control of buildings or other property for the use of such 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 persons and property in case of disaster or enemy attack, as defined herein, either impending or present.

5. Conducting public proactive 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 Chairman may direct to promote and execute the Emergency Management Plan.

## **Section VI    Emergency Management Basic Plan**

- (1) A comprehensive Emergency Management Basic Plan shall be adopted and maintained by resolution of the Board of Selectmen upon the recommendation of the Chairman, Board of Selectmen. In the preparation of this Plan as it pertains to the Stratford Emergency Management organization, it is the intent that the services, equipment, facilities, and personnel of all existing departments and agencies 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 Basic Plan shall be considered supplementary to this Chapter and have the effect of law whenever a disaster, as defined in this Chapter, has been proclaimed.
- (2) The Chairman shall prescribe in the Basic Plan those positions within the disaster organization, in addition to his own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the Chairman a current list of three 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 capping out all assigned duties, and functions.
- (3) Each service chief and department head assigned responsibility in the Basic Plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned 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.
- (4) When a required competency or skill for a disaster function is not available within the town government, the Chairman is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons so assigned to carry out such duties prior to, during, and after the occurrence of a disaster. Such services from persons outside of government may be accepted by the Town on a volunteer basis. Such citizens shall be enrolled as emergency volunteers in cooperation with the heads of Town departments affected.

- (5) Some of the duties ascribed to the Chairman in this section will ordinarily be handled as a matter of routine by the Emergency Management Director, but the responsibility and authority stem from and remain with the Chairman.

#### **Section VII No Municipal or Private Liability**

- (1) This Ordinance is an exercise by the Town of Stratford of its governmental functions for the protection of the public peace, health, and safety, and neither Stratford nor agents and representatives of said Town, or any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provision of this Ordinance, shall be liable for any damage sustained to persons or property as the result of said activity.
- (2) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the Town of Stratford the rights to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice disaster or an enemy attack shall not be civilly liable for the death of, or injury to, any persons on or about such real estate or premises under such license, privilege or other permission, or for loss of, or damage to, the property of such persons.

#### **Section VIII Violation of Regulations**

It shall be unlawful for any persons to violate any of the provisions of this Ordinance or of the regulations or plans issued pursuant to the authority contained herein, or to willfully 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 thereunder.

#### **Section IX 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 less than \$500.00, and cost of prosecution, or imprisonment in the Coos 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 X    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 XI    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, orders, rules and regulations insofar as the latter may be inconsistent therewith.

**Section XII    Effective Date**

This Ordinance shall take effect on the 1<sup>st</sup> day of January 2002.