Emergency Management Ordinance for the Town of Fairfield

Section 1

1. **Short Title:** This ordinance shall be known and may be cited and referred to as the “Emergency Management Ordinance for the Town of Fairfield”, authorized under Title 37-B M.R.S.A., Sec 782.

2. **Appointment, Term and Removal:** The Fairfield Town Council shall appoint the EMD. This appointment shall be annual and shall take place at the time the Council sets. The Council may remove the EMD for cause.

3. **Oath of Office:** Once appointed, the EMD shall take an oath of office before assuming any duties, pursuant to Title-B M.R.S.A., Sec 2526.

4. **Authority:** Once sworn, the EMD shall have that authority afforded the position under Title 37-B Chapter 13, Maine Emergency Management Agency and this ordinance.

5. **Duties and Responsibilities:**

   A. Control and direct emergency training activities of the Emergency Management forces for the Town.

   B. Maintain a liaison with other Municipal, County, State and Federal Emergency Management Agencies.
C. Maintain up-to-date Emergency Action Plan for the Town of Fairfield to include resources from all Town departments and private industry.

D. When appropriate, request that the Town Manager or designee, or in their absence the Council Chair, declare a State of Emergency for the Town of Fairfield.

E. Prepare, under the direction and control of the Town Manager, for the consideration of the Town Council, such policies and operating procedures as may be deemed necessary for the administration and operational requirements of the Town. These policies and procedures will be effective upon approval of the Town Council. The Town Council may amend policies and procedures at their discretion.

F. Notwithstanding any provision of this Ordinance to the contrary, the Director, with consultation of the Town Manager or designee, may procure by purchase or lease, such goods and services as are deemed necessary for the Town’s emergency response effort. This emergency procurement of goods or services may be made in the open market for immediate delivery or furnishing without filing a requisition or estimate and without advertisement. A full written account of all emergency procurements made during an emergency, to include supplies, equipment, or services, shall be submitted by the EMD to the Town Manager and Town Council within 30 days of the conclusion of the emergency.

Section 2 -Definitions

**Disaster:** 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 hazardous
material, or other water contamination requiring emergency action to avert danger or damage, epidemic, extreme public health emergency, blight, drought, infestation, explosion, riot or hostile terrorist act.

**Emergency Management:** The coordination and implementation of an organized effort to prepare for, respond to, recover from a disaster and/or alleviate the conditions that may lead to a disaster.

**Emergency Management Director:** (EMD) shall mean the appointed Town official responsible for the four phases of Emergency Management “preparedness, response, recovery and mitigation” and for liaison with the Somerset County Emergency Management Agency.

**Emergency Management Forces:** Shall mean the employees, equipment and facilities of all the Town of Fairfield’s departments and agencies, and in addition shall also include all volunteer personnel, equipment and facilities contributed by, or obtained from volunteer persons and/or agencies.

**Section 3 -Emergency Proclamation; Town Managers Powers:**

The Town Council is responsible for the safety and well being of the citizens of Fairfield and in protecting their property. Although the Town Council is in session only when assembled in a Council Meeting, the Town Manager shall have the authority to proclaim, after consultation with available members of the Town Council, that a state of emergency exists under the conditions specified in Title 37-B M.R.S.A., Sec. 742. The proclamation shall declare that an emergency exists in a specified section or throughout the Town. A copy of such proclamation shall be filed within twenty-four (24) hours with the Town Clerk. In the event that consultation with the majority of the Town Council would result in substantial delay in an effective response in alleviating or preventing an emergency or disaster, the Town Manager is authorized to take whatever actions are
necessary to prevent the loss of life and property in the Town. If the Town Manager or designee are absent or unavailable, then the appointed Emergency Management Director for the Town of Fairfield shall declare an emergency after consultation with a majority of the Town Council. In the event that majority of the Town Council is not available for consultation, then the Emergency Management Director shall be authorized to take whatever actions are necessary to prevent the loss of life and property in the Town.

Section 4 - Town Managers Duties and Emergency Powers

During any emergency or disaster or the imminent threat of an emergency or disaster, the Town Manager or designee may promulgate temporary regulations in order to preserve critical resources within the purpose of this section. Such regulations may include, but shall not be limited to the following:

A. Regulations prohibiting or restricting the movement of vehicles and/or persons from areas within or without the Town.

B. Such other regulations necessary to preserve public peace, health and safety.

C. The power to execute contracts for emergency construction or repair of public improvements, when the delay of advertising and public bidding might cause serious loss or injury to the Town.

D. The power to purchase or lease goods and services that the Emergency Management Director deems necessary to the Town’s emergency response, or for the repair of Town facilities, or both, upon following the procedures of SECTION 1-(F).
E. The power to lease real property, or structures, or both, that the Emergency Management Director deems necessary for the continued operation of Town government.

F. The power to establish temporary curfews when necessary to protect public health, safety and welfare.

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 Town ordinance.

**Section 4-1**

A. The Town Manager or Director shall be authorized to request aid and/or assistance from Somerset County and/or the State or any other political subdivision of the State and shall render assistance to other areas or political subdivisions under provisions of Title 37-B M.R.S.A.

B. During the existence of an emergency, the powers, functions and duties of the emergency organization of this Town shall be those prescribed by State law, ordinance and resolutions of this Town and by the Fairfield Emergency Management Plan, as approved by the Town Council.

C. The duties and powers prescribed by this ordinance shall terminate at the end of the declared emergency.

**Section 5 – Emergency Operational Plans**

The Emergency Management Director for the Town of Fairfield will prepare an emergency operations plan for the Town, which shall be
submitted to the Town Council for approval. Amendments to the plan will be submitted to the Town Council for approval.

It shall be the responsibility of all municipal departments and agencies to perform the functions assigned and to maintain their portion of the plan in a current state of readiness. The plan shall be reviewed annually by the Town Manager in conjunction with all Town department heads and the Emergency Management Director.

Section 6 – No Municipal or Private Liability

Immunity from liability shall be set forth in Title 37-B M.R.S.A., Sec. 795 and Sec. 822 of Maine law.

Section 7 -Compensation for Injuries

All members of the Fairfield Emergency Management Forces shall be deemed to be employees of the State of Maine when engaged in training for or on duty, and shall have the rights of State employees under the Workers’ Compensation Act and as specified in Title 37-B M.R.S.A., Sec. 823.

Section 8 – Right-of-way Penalties

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 said right-of-way shall suffer penalties as specified under Title 37-B M.R.S.A., Sec. 828.

Section 9 – 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 willfully obstruct, hinder or delay any member of the EMA Forces as herein defined in carrying out the
provisions of this Ordinance or any regulation of plan issued pursuant to the same.

**Section 10 – Severability Clause**

Should any section or part thereof be declared invalid by the court, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

This ordinance is enacted this 13th day of September, 2006 by the Fairfield Town Council.

________________________________________
Richard Spear, Chairman

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Philip Roy, Jr., Vice-Chair

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Edward Stevens, Jr., Secretary

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Franklin Bouchard

________________________________________
William Towne

A True Copy Attest: ________________________
Tracey L. Stevens, Town Clerk