

Town of Lamoine

Emergency Declaration Ordinance

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I. Creation of Local Emergency Management Agency

Pursuant to the provisions of MRSA 37-B § 701 et Seq., there is hereby created the Lamoine Emergency Management Agency. The executive heads (the Board of Selectmen) are granted certain emergency powers under this state law.

The Chairman of the Board of Selectmen shall be responsible for the Agency’s organization, administration and operation. The Selectmen may employ such permanent and temporary employees as they deem necessary and prescribe their duties.

The Selectmen shall advise the Local Emergency Management Agency Director on all matters of preparedness, review the existing operations plan, and ascertain the Town’s

ability to cope with its responsibilities and accept or reject such rules and regulations submitted to them.

II. Appointment of, Duties and Responsibilities

The Board of Selectmen shall appoint a Local Emergency Management Agency Director (LEMAD) who shall coordinate the activities of all town departments, organizations and agencies for Civil Preparedness within the community and maintain liaison with other Civil Preparedness agencies, Public Safety agencies and have such additional duties and responsibilities as may be prescribed by the Board of Selectmen.

III. Rules & Regulations

The LEMAD shall prepare such policies as maybe 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. The Board of Selectmen shall accept, amend, or reject said policies.

IV. Emergency Proclamation – Chairman’s Power

The Chairman of the Board of Selectmen shall have the power and authority, after consultation with the other Selectmen, to issue a proclamation that an emergency exists under conditions specified in MRSA 37-B §742. The proclamation may declare the fact that an emergency exists in any or all sections of the Town. A copy of such proclamation shall be filed within twenty-four (24) hours with the Town Clerk.

- A. Notwithstanding the above, when consultation with the Board of Selectmen would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the Chairman is authorized to take whatever actions are necessary to prevent the loss of life and property in the Town.
- B. Whereas the Lamoine Board of Selectmen is charged with the responsibility for the well being of Citizens residing within said Town; and
- C. Whereas the Lamoine Board of Selectmen is in session only at special times, and when the Chairman is not available, they have empowered the Local Emergency Management Agency Director (LEMAD), or in his absence, the Fire Chief, with the authority to proclaim an emergency state for or within Lamoine should it exist.

V. Reporting Requirements

The LEMAD shall be responsible to submit a full report to the Board of Selectmen of actions taken as soon as the Board can convene.

VI. Chairman Duties and Emergency Powers

- A. During any period when an emergency or disaster exists or appears imminent, the Chairman or designated representative above may promulgate such regulations and to preserve critical resources with in the purpose of this section. Such regulations may include but shall not be limited to the following:
1. Regulations prohibiting o restricting the movement of vehicles or to facilitate the movement of persons from areas within or without the community.
 2. Regulations pertaining to the movement of persons from areas deemed hazardous to them.
 3. Such other regulations necessary to preserve public peace, health and safety.

Nothing in this section shall be construed to limit the authority or responsibility of any department to proceed under powers and authority granted them by State statute or Town ordinance.

- B. The Chairman of the Selectmen or LEMAD shall be authorized to request aid and/or assistance from State or other political subdivision of the State and shall render assistance to other areas or political subdivision under provisions of MRSA 37-B.
- C. It is further proclaimed and ordered that during the existence of said local emergency the powers, functions and duties of the emergency organization of this Town shall be those prescribed by State law, by local ordinances and resolutions of the Town, and by the Lamoine Emergency Operations Plan as approved by the Board of Selectmen.
- D. The provisions of the above subsections will terminate at the ending of the declared emergency.

VII. Emergency Operating Plans

The LEMAD will cause to be prepared an Emergency Operating Plan for the Town of Lamoine which shall be submitted to the Board of Selectmen for approval. Amendments to the Emergency Operating Plan shall also be submitted to the Board of Selectmen 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 Town shall be reviewed periodically by the Chairman of the Selectmen in conjunction with any department heads and the LEMAD.

VIII. Emergency Operating Preparedness Forces

“Emergency Operating Preparedness Forces” shall mean the employees, equipment and facilities of all Town departments and agencies, Board and Commissions suitable for or adaptable to Civil Preparedness and in addition shall include all volunteer personnel, equipment and facilities contributed by, or obtained from volunteer persons and agencies.

IX. No Municipal or Private Liability

Immunity from liability shall be set forth as in MRSA 37-B § 822.

X. Compensation for Injuries

All members of the Emergency Operating Preparedness Forces shall be deemed to be employees of the State 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 MRSA 37-B § 823

XI. Right of Way, Penalty, Jurisdiction

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 MRSA 37-B § 828.

XII. 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 Local Emergency Management Agency as

herein defined in the enforcement of the provisions of this article or any regulation or plan issued thereunder.

VIOLATORS OF THE ABOVE ARE GUILTY OF A CLASS "E" CRIME.

XIII. Severability

Should any section or part thereof of this ordinance be declared invalid by the courts, 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.

So ordered this 29th day of December, 1999 by:

Glenn Crawford, Chairman

Arthur Alley

Richard Davis, Sr.

The Lamoine Board of Selectmen

DECLARATION OF LOCAL DISASTER

Whereas the Town of Lamoine has experienced an emergency event in the form of a/an _____ which threatens the life, welfare, and property of its citizens; And

Such emergency conditions prevent the timely meeting of the Lamoine Board of Selectmen who are the community's elected municipal officers; And

Events have exceeded this communities resources and/or abilities; Now

Pursuant to state and local statute a local "Disaster" is hereby declared; which authorizes promulgation and enforcement of the provisions described in such statutes. Furthermore, the following additional regulations/activities are to be implemented for the duration of this emergency event.

This declaration, with full concurrence of the Lamoine Board of Selectmen, is hereby in effect until further notice; Furthermore Assistance is requested from County and State as indicated on the accompanying request for assistance form.

I _____ hereby authorize activation of this disaster declaration and request assistance at _____ (hours) on this _____ day of _____, 20__.

I understand this document must be notarized and filed with the Town Clerk's office, county and state officials within 24 hours.

Signed _____ Title _____

I, _____ chairman of the Lamoine Board of Selectmen concur that a disaster exists as stated and agree to provide whatever assistance is available.

Signed _____ Date _____

PROCLAMATION OF LOCAL STATE OF EMERGENCY

Whereas the Town of Lamoine has experienced an emergency event in the form of a/an _____ which threatens the life, welfare, and property of its citizens; And

Such emergency conditions prevent the timely meeting of the Lamoine Board of Selectmen who are the community's elected municipal officers; And

Extraordinary actions must be taken to ensure a proper and adequate response to the stated emergency; Now

Pursuant to state and local statute a local "State of Emergency" is hereby declared; which authorizes promulgation and enforcement of the provisions described in such statutes. Furthermore, the following additional regulations/activities are to be implemented for the duration of this emergency event.

This declaration, with full concurrence of the Lamoine Board of Selectmen, is hereby in effect until further notice.

I _____ hereby authorize activation of this state of emergency at _____ (hours) on this _____ day of _____, 20__.

I understand this document must be notarized and filed with the Town Clerk's office, county and state officials within 24 hours.

Signed _____ Title _____

Notary Signature and seal: _____

PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, the Lamoine Board of Selectmen is charged with the responsibility for the well being of citizens residing within Lamoine; and

WHEREAS, the Board of Selectmen is in session only at special times they have empowered the Director of the Lamoine Emergency Management Agency with the authority to proclaim an Emergency State for or within Lamoine should it exist; and

WHEREAS, the Director of the Lamoine Emergency Management Agency does hereby find;

that conditions of extreme peril to the safety of persons and property have arisen within Lamoine, caused by _____

and the Lamoine Board of Selectmen is not in session;

NOW, THEREFORE IT IS HEREBY PROCLAIMED that a local emergency exists (throughout or in portions of) Lamoine, and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the emergency organizations of this Town shall be those prescribed by state law, by ordinances and resolutions of this Town, and by the Lamoine Emergency Operations Plan, as approved by the Board of Selectmen.

Signed,

Director, Lamoine Emergency Management Agency

Signature Page

This ordinance on the preceding 7 pages is adopted effective December 29, 1999 by the Lamoine Board of Selectmen.

Signed,

Glenn Crawford, Chairman

Arthur Alley

Richard Davis, Sr.

The Lamoine Board of Selectmen

State of Maine
County of Hancock, ss.

Personally appeared before me and affixed their signatures to this Emergency Management Ordinance were the above-signed Glenn Crawford, Arthur Alley and Richard Davis, Sr., the Selectmen of the Town of Lamoine.

Before me, this 29th day of December, 1999

Stuart Marckoon, Notary Public
My commission expires June 11, 2000