

NOTICE OF PUBLIC HEARING  
MUNICIPAL OFFICERS OF THE TOWN OF  
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on February 15, 2011, at 7:00 p.m. to consider the following:

Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that Chapter 22, Emergency Services, is hereby amended by adding the new Article III: The Emergency Management Ordinance:

**EMERGENCY MANAGEMENT ORDINANCE**

Be it hereby ordained by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that Chapter 22 of the Old Orchard Beach Code, Emergency Services, is amended by adding the following new Article III:

**ARTICLE III. EMERGENCY MANAGEMENT**

**Sec. 22-40. Authority.**

This article is enacted pursuant to and in accordance with the provisions of subchapter 3 of Chapter 13 of Title 37-B of the Maine Revised Statutes.

**Sec. 22-41. Intent and purpose.**

It is the intent and purpose of this article to establish a mechanism and procedures that will ensure the complete and efficient utilization of all the Town's facilities to combat disaster as defined herein.

**Sec. 22-42. Definitions.**

*Disaster* means 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 water contamination requiring emergency action to avert danger or damage, epidemic, extreme public health emergency, air contamination, blight, drought, critical material shortage, infestation, explosion, riot or hostile military or paramilitary action.

*Emergency management* means the coordination and implementation of an organized effort to mitigate against, prepare for, respond to or recover from a disaster.

*Emergency management forces* means persons, including volunteers, engaged in performing emergency management, including, but not limited to, persons acting pursuant to an emergency proclamation by the Governor or an emergency declaration under this article.

**Sec. 22-43. Emergency Management Director.**

The Emergency Management Director shall be appointed by the Town Council upon recommendation of the Town Manager for the Town of Old Orchard Beach. The Emergency Management Director shall coordinate the activities of the fire, police, code enforcement, public works and planning departments with respect to emergency management. Collectively, such departments shall constitute the municipal emergency management agency for the Town of Old Orchard Beach.

**Sec. 22-44. Duties of Emergency Management Director.**

The Emergency Management Director shall be responsible for the planning, coordination and operation of emergency management in the Town and shall maintain liaison with county, state and federal authorities and the authorities of other nearby cities and towns so as to ensure the most effective operation of the emergency management plan. His duties shall include, but are not limited to, the following:

- (a) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Town for emergency management purposes.
- (b) Development of plans for the immediate use of all the facilities, equipment, manpower and other resources of the Town for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.
- (c) Subject to approval of the Town Council (or the Town Manager during a declared emergency), 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.
- (d) 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, either impending or present.
- (e) Conducting public practice alerts or providing educational resources to ensure the efficient operation of the emergency management forces and to familiarize residents with emergency management regulations, procedures and operations.
- (f) Coordinating the activity of all other public and private agencies engaged in any emergency management activity.

(g) Assuming such authority and conducting such activity as the Town Manager may direct to promote and execute the emergency management plan.

**Sec. 22-45. Declaration of emergency.**

Whenever a disaster exists or appears imminent within the Town of Old Orchard Beach, the Emergency Management Director, in consultation with the Town Manager and after notification to the members of the Town Council where feasible, may, by written declaration, declare that an emergency exists in the Town. A copy of the declaration shall be posted in the Town Office and a copy filed with the Town Clerk. The Emergency Management Director may contact representatives of the news media to inform them about the declaration, when appropriate.

**Sec. 22-46. Emergency powers and duties.**

(a) During any period when an emergency has been declared by the Emergency Management Director under section 22-45 of this article or when the Governor has proclaimed an emergency pursuant to state statute, the Emergency Management Director may promulgate such rules and regulations as he deems necessary to protect life and property and preserve critical resources. Such regulations may include, but are not limited to:

(1) Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of emergency management forces to facilitate the mass movement of persons from critical areas within or outside 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.

(b) The Emergency Management Director, with the approval of the Town Manager, may obtain or commandeer vital supplies, equipment and other property needed for the protection of health, life and property of the people and bind the Town for the fair value thereof.

(c) The Emergency Management Director 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 all immunities provided by law.

**Sec. 22-47. Termination of emergency.**

When the Emergency Management Director is satisfied that an emergency no longer exists within the Town, he shall terminate the declaration of emergency by issuing a written

declaration of termination of emergency, in the same manner as a declaration of emergency is issued under section 22-45 above.

**Sec. 22-48. Emergency management plan.**

The Emergency Management Director shall prepare, maintain and periodically update as needed a comprehensive emergency management plan and submit the same to the Town Council for adoption by Town Council order.

**Sec. 22-49. Prohibited acts.**

It shall be unlawful for any person to violate any of the provisions of this article or of the regulations or plans issued pursuant to this article or to willfully obstruct, hinder or delay any emergency management forces in the exercise of their duties under this article.

**Sec. 22-50. Violations and penalties.**

Any person violating any provision of this article or rule or regulation promulgated under this article commits a civil violation punishable by a civil penalty of a minimum of \$100 to a maximum of \$500 per occurrence.

**Sec. 22-51. Effect on existing ordinances and regulations.**

At all times when the orders, rules and regulations made and promulgated pursuant to this article are in effect, they shall supersede any inconsistent provisions of existing ordinances, orders or rules for as long as the declared emergency exists.

Per Order of the Municipal Officers this 1<sup>st</sup> day of February, 2011.

A True Copy

Attest:

s/Kim M. McLaughlin

Kim M. McLaughlin, Town Clerk