

# Emergency Management Ordinance of the Town of Troy, Maine

**Article 1. Authority.** This Ordinance is authorized under Title 30-A M.R.S.A. 3001 et seq., and as required by Title 37-B M.R.S.A., Section 782; and shall be known as the Emergency Management Ordinance of the Town of Troy.

## **Article 2. Purpose.**

- A. To establish the Office of Emergency Management (OEM) to ensure the complete and efficient utilization of the Town's facilities and resources during any period of proclaimed emergency.
- B. To define the duties and authority of the Town Emergency Management Director (EMD).
- C. To define the protocol for issuing a Town Emergency Proclamation.
- D. To define the powers and authorities given to the Board of Selectmen during a proclaimed emergency.
- E. To establish the National Incident Management System (NIMS) as the municipal standard for all-hazards incident management.

**Article 3. Definitions.** The following definitions shall apply in the interpretation of this Ordinance:

- A. **Disaster.** A natural or man-made calamitous event that results in widespread or severe injury or loss of life or damage to property or the environment, requiring emergency actions to avert danger or damage; said occurrence being of significant scope as to exceed the normal capability of the Town's resources to effectively prevent, respond to, or recover from the event.
- B. **Emergency.** Emergency is defined as a natural or man-made hazardous event that threatens the life, safety, and property of the residents or visitors of Troy or destruction of the environment; that requires immediate action to mitigate, contain or control.
- C. **Emergency Proclamation.** A declaration by the municipal government that states a disaster or emergency exists or appears imminent within or impacting the Town and its occupants.
- D. **Emergency Management Forces.** All employees, equipment and facilities of all Town departments, offices, agencies boards, and committees; that are organized by the Town EMD to complete actions to prepare, prevent, protect, mitigate, respond and recover from local emergencies and disasters.
- E. **Civil Defense Forces.** All volunteer persons, equipment and facilities that are organized by the Town EMD to assist with the actions to prepare, prevent, protect, mitigate, respond and recover from local emergencies and disasters.

J. Serve as National Incident Management System (NIMS) Coordinator for the Town.

K. Attend monthly Local Emergency Managers meetings at the County EMA.

L. Call and employ any person in a civil defense role. Any person called and employed for assistance is deemed to be an employee of the State for purposes of immunity from liability and for purposes of workers' compensation insurance pursuant to Title 37-B, Chapter 13.

#### **Article 6. Adoption of the National Incident Management System**

The Town of Troy hereby establishes the National Incident Management System (NIMS) as the municipal standard for incident management. This system provides a consistent approach for Federal, State, county and municipal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity. NIMS will utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters. All Town emergency and disaster responders, for all-hazards incident management, will utilize the NIMS Incident Command System (ICS).

#### **Article 7. Emergency Proclamation**

The Board of Selectmen shall have the power and authority to issue, by written declaration, a proclamation that an emergency exists whenever a disaster or civil emergency exists or appears imminent. The proclamation may declare that an emergency exists in any or all sections of the municipal boundaries.

A. Notwithstanding the above, when consultation with the Board of Selectmen would result in a substantial delay in initiating an effective response to alleviate or prevent an emergency or disaster, then the following persons shall have the power and authority to issue a proclamation that an emergency exists, in the following order of succession: the Chairperson of the Board of Selectmen, the members of the Board of Selectmen and the Emergency Management Director.

B. A copy of such a proclamation shall be filed within twenty-four (24) hours with the Town Clerk.

C. The Town Emergency Operations Plan shall be the Town's governing document for emergency response and recovery by all municipal organizations. The Emergency Management Director shall be responsible for submitting a full report to the Board of Selectmen of all actions taken as a result of the declared emergency. The Town Manager or Emergency Management Director shall report to the Board of Selectmen as soon as it can be convened.

**Article 8. Powers during a Proclaimed Emergency.** When an emergency proclamation is in effect, the Board of Selectmen or designee shall have the following responsibilities and authorities, as he or she deems necessary, to protect life and property and to preserve critical resources within the purposes of this article. Such authorities may include, but are not limited to, the following:

A. Activate the Town Emergency Operations Center (EOC), as defined in the Town's Emergency Operations Plan (EOP).

B. The Board of Selectmen will be provided with a warrant for signature as soon as a majority of them are able to convene at a Selectmen's meeting. The provisions of this section will terminate at the end of the proclaimed emergency.

#### **Article 10. Acceptance of Emergency Donations**

A. The Board of Selectmen may accept financial, material and equipment donations during a proclaimed emergency.

B. The Town Treasurer will open a separate account for financial donations and establish an accounting system to track the contributions.

#### **Article 11. Termination of a Proclaimed Emergency**

A. When the Emergency Management Director is satisfied that a disaster no longer exists, the Emergency Management Director shall recommend to the Board of Selectmen to terminate the emergency proclamation, or any part thereof. When consultation with the Board of Selectmen would result in a substantial delay then the following persons shall have the power and authority to terminate the emergency proclamation in the following order of succession: the Chairperson of the Board of Selectmen, other members of the Board of Selectmen, Emergency Management Director).

B. When the Board of Selectmen does not terminate the proclaimed emergency, the Emergency Management Director is responsible for notifying the Board of Selectmen that the proclamation has been terminated.

C. Terminations of emergency proclamation shall be filed in the Office of the Town Clerk.

D. No local emergency proclamation may stay in effect for longer than seven days unless renewed by a Special Town Meeting.

#### **Article 12. Severability**

Should any provisions 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.

#### **Article 13. Conflicting Policies, Orders, Rules and Regulations Suspended**

At all times when an emergency proclamation is in effect and any inconsistencies exists, the orders, rules and regulations made and promulgated pursuant to this Ordinance shall supersede all existing policies, orders, rules and regulations.

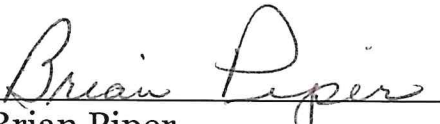
CERTIFICATE OF ORDINANCE BY MUNICIPAL OFFICERS

We, the following Board of Selectmen for the Town of Troy certify this ordinance entitled:

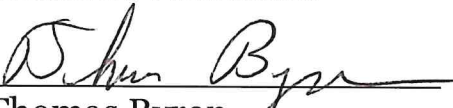
“EMERGENCY MANAGEMENT ORDINANCE OF THE TOWN OF TROY, MAINE”

Date: 4-3-2021

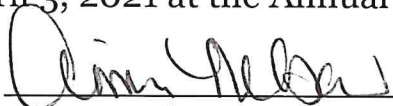
Board of Selectmen for Town of Troy:

  
Brian Piper

  
Richard P. Montana

  
Thomas Byron

Enacted: April 3, 2021 at the Annual Town Meeting

Certified by:   
Aimee Nelson, Town Clerk