
TOWN OF TO'VVNSHEND EMERGENCY MANAGEMENT ORDINANCE

The Selectmen of the Town of Townshend hereby ordain:

ARTICLE I OFFICE OF EMERGENCY MANAGEMENT

Section 1. Short Title.

This Ordinance shall be known and may be cited and referred to as the Town of Townshend Emergency Management Ordinance.

Section 2. Intent and

- (1) It is the intent and purpose of this Ordinance to establish a local organization that will ensure the complete and efficient utilization of all the Town's facilities to combat attacks or other disasters as defined herein.**
- (2) The Town of Townshend Office of Emergency Management will be the coordinating agency for all activity in connection with emergency management; it will be the instrument through which the Town Selectmen may exercise the authority and discharge the responsibilities vested in them in VSA Title 20, Part 1, Chapter 1, Section 6, and as amended in this Ordinance.**
- (3) This Ordinance will not relieve any Town department of the moral responsibilities or authority given to it in by Vermont Statute or by local Ordinance, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.**

Section 3. Definitions.

(1) The following definitions shall apply in the interpretation of this Article:

- (a) "Emergency Management" means the preparation for and carrying out of all emergency functions to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action or from flood, fire, storm, or other natural causes, or from radiological incidents or hazardous chemical or substance incidents and the preparation and planning designed to insure that this town is prepared to deal with such disaster or emergencies and includes civil defense activities, but excludes any functions for which military forces or other federal agencies hold primarily responsibility.**
- (b) "Attacks" shall mean a direct or indirect assault against the Town or its environs, or of the nation, by the forces of a hostile nation or the agents thereof, including assault by bombing, radiological, chemical or biological warfare; or sabotage.**
- (c) "Disaster" includes natural and man-made disaster but is not limited to actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic or**

other impending or actual emergency or calamity endangering or threatening to endanger health, life or property or constituted government.

- (d) " Emergency Management Forces " shall mean the employees, equipment and facilities of all Town departments, boards, institutions and commissions; 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 facilities to the emergency management organization without remuneration. Volunteer in this definition refers to the act of volunteering and can reference a person, corporation, or organization.**
- (f) " Emergency Management Volunteer " shall mean any person duly registered, identified and appointed by the Town of Townshend, Local Emergency Management Director, appointed as prescribed in this Ordinance.**
- (g) " Local Emergency Management Director (LEMD) " shall mean the person appointed by the Board of Selectmen or his or her designated alternate, duly appointed in accordance with 24 V.S.A. Section 872.**
- (h) " Regulations " shall include plans, programs and other emergency procedures deemed essential to emergency management.**

Section 4. Organization and Appointments.

- (1) The Town Selectmen are hereby authorized and directed to create an organization for emergency management utilizing to the fullest extent the existing agencies within, this Town. The Town of Townshend shall appoint a Local Emergency Management Director to oversee the organization, administration and operation of a local Office of Emergency Management.**
- (2) The Organization shall consist of the following:**
 - (a) An Office of Emergency Management within the Town government and under the direction of the Town Selectmen. There shall be a head of the Office of Emergency Management, who shall be known as the Local Emergency Management Director 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 Town departments, boards, institutions and commissions, will participate in the emergency management activity. Duties assigned to the Town department shall be the same or similar to the normal duties of the department.**
 - (c) Volunteer persons and agencies offering service to, and accepted by, the Town.**

- (3) The Local Emergency Management Director shall be a person well versed and trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of danger from enemy action or disaster as defined in this Ordinance.
- (4) The Local Emergency Management Director shall designate and appoint a Coordinator and/or Deputy Directors (with consent of the Board of Selectmen) to assume the emergency duties of the Director in the event of his/her absence or inability to act. (This designation to be compatible with the provisions of 20 V.S.A. Chapter 1, Section 6. The intent being that at all times there be a Local Emergency Management Director in charge of the Town.)

Section 5. Emergency Powers and Duties.

- (1) **The Board of Selectmen.**
 - (a) The judgment of a quorum of the Board of Selectmen shall be the sole criteria necessary to invoke emergency powers by declaring a state of "disaster" as provided in Vermont Statute, the Ordinance Code and other appropriate authorities.
 - (b) The Town Selectmen may convene to perform its legislative and administrative powers as the situation demands, and shall receive reports, relative to emergency management activities. Nothing in this Ordinance shall be construed as abridging or curtailing the powers or restrictions of the Town Selectmen as defined in Vermont Statute.
- (2) **Town Emergency Management Director.**
 - (a) The Town Emergency Management Director shall be responsible to the Board of Selectmen in regard to all phases of the emergency management activity.
 - (b) During any period when disaster threatens or when the Town has been struck by disaster, within the definition of this Ordinance and following declaration of disaster by a quorum of the Board of Selectmen, the Local Emergency Management Director may promulgate such regulations as he/she 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.
 - 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 above will be given widespread circulation by proclamations published and uttered by newspaper and public radio unless publicity would be of aid and comfort to the enemy. These regulations will have the force of Ordinance when duly filed with the Town Clerk and violations will be subject to the penalties provided in Vermont and Federal Statute.

(c) Emergency Management Aid:

1 The Local Emergency Management Director shall order emergency management forces to the aid of other communities when required in accordance with Vermont Statutes.

2 The Local Emergency Management Directory may request the state, or a political sub-division of the state, to send aid to the Town of Townshend in case of disaster when conditions in the Town are beyond the control of the local emergency management forces.

(d) Local Emergency Management Director 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 for the fair value thereof.

(e) Local Emergency Management Director may require emergency services of any Town officer or employees. 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 the privileges and immunities as provided by state law, federal law, and Ordinances for regular Town employees and other registered and identified emergency management and disaster workers.

(f) The Local Emergency Management Director will exercise all of the special powers conferred upon him/her by the Ordinance Code of the Town, and all powers conferred upon him/her by any statute, or any other lawful authority.

(g) Under the supervision of the Board of Selectmen the Local Emergency Management Director shall be responsible for the planning, coordination and operation of the emergency management activity in the Town. Under the supervision of the Board of Selectmen, he/she shall maintain liaison with the state and federal authorities and the authorities of other nearby political sub-divisions as to ensure the most effective operation of the Emergency Management plan. Duties shall include, but not be limited to, the following:

1 Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Town for emergency management purposes.

2 Development and coordination 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.

- 3 Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such building or other property for the emergency management purposes and designation suitable building as public shelters.**
- 4 Through public informational programs, educating the civilian populations as to actions necessary and required for the protection of their persons and property in case of enemy attack, or disaster, as defined herein, either impending or present.**
- 5 Conducting public exercises and practice alerts to ensure 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 Board of Selectmen may direct to promote and execute the emergency management plan.**
- 8 Annually creating a draft budget for approval by the Board of Selectmen and the voters of the Town of Townshend to allow for emergency management preparation, training, and initiatives.**

Section 6. Violation of Regulations.

- (1) It shall be unlawful for any person to violate any of the provisions of this Ordinance or the. Regulations of 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 thereafter. It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the Emergency Management organization of the Town of Townshend, unless authority to do so has been granted to such person by the proper officials.**

Section 7. Penalty.

- (1) Any person, firm, or corporation violating any provisions of this Ordinance, or any Rule or Regulation formulated thereafter, upon conviction thereof, shall be punishable by fine not to exceed Two Hundred and No/100 (\$200.00) Dollars.**

Section 8. Severability.

(1) 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 of the provisions of this Ordinance shall be severable and remain valid notwithstanding such declaration.

Section 9.

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(1) 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 of the Town of Townshend in so far as the latter may be inconsistent therewith.

Section 10. Effective Date.

- (1) This Ordinance shall effect on the Third day of March, 2010, in accordance with the provisions of 24 V.S.A. Section 1972 or Amendments thereto.
- (2) Dated at Town of Townshend, County of Windham, State of Vermont this Twenty First day of December, 2009.



/s/

Steve Ovenden, Chairperson, Townshend Board of Selectman

