

Chapter 2.28

DISASTER AND EMERGENCY CONTROL<sup>5</sup>

Sections:

- 2.28.010 Purposes.
- 2.28.020 Definition.
- 2.28.030 Disaster council membership.
- 2.28.040 Disaster council powers and duties.
- 2.28.050 Director and assistant director of emergency services.
- 2.28.060 Powers and duties of the director and assistant director of emergency services.
- 2.28.070 Emergency organization.
- 2.28.080 Emergency plan.
- 2.28.090 Expenditures
- 2.28.100 Punishment of violations.

2.28.010 Purposes. The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this town in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this town with all other public agencies, corporations, organizations, and affected private persons. (Ord. 318 §1(part), 1971).

2.28.020 Definition. As used in this chapter, "emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this town caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this town, requiring the combined forces of other political subdivisions to combat. (Ord. 318 §1(part), 1971).

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<sup>5</sup> For statutory provisions authorizing the creation of "local disaster councils" and defining their powers, see Mil. & Vet. C.A. §1571.

2.28.030 Disaster council membership. The disaster council is created and shall consist of the following:

- (a) The mayor or his appointed designate shall be chairperson;
- (b) The assistant director shall be appointed by the mayor or his designate and shall serve for three years as the vice-chairperson;
- (c) Such chiefs of emergency services as are provided for in a current emergency plan of this town, adopted pursuant to this chapter;
- (d) Such representatives of the Ross School, Ross Property Owners Association (RPOA), civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and consent of the town council and shall serve for a three year term. (Ord. 615 (part), 2009; Ord. 318 §1(part), 1971).

2.28.040 Disaster council powers and duties. It shall be the duty of the disaster council, and it is empowered, to develop and recommend for adoption by the town council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The disaster council shall meet quarterly upon the call of the chairperson or, in his or her absence, upon call of the vice-chairperson. The disaster council shall report quarterly at a regularly schedule Town Council meeting. (Ord. 615 (part), 2009; Ord. 318 §1(part), 1971).

2.28.050 Director and assistant director of emergency services. (a) There is created the office of director of emergency services. The mayor shall be the director of emergency services.

(b) There is created the office of assistant director of emergency services, who shall be appointed by the director. (Ord. 318 §1(part), 1971).

2.28.060 Powers and duties of the director and assistant director of emergency services.

- (a) The director is empowered to:
  - (1) Request the town council to proclaim the existence or threatened existence of a "local emergency" if the town council is in session, or to issue such proclamation if the town council is not in session. Whenever a local emergency is proclaimed by the director, the town council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect;
  - (2) Request the governor to proclaim a "state of emergency" when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency;
  - (3) Control and direct the effort of the emergency organization of this town for the accomplishment of the purposes of this chapter;
  - (4) Direct cooperation between and coordination of services and staff of the emergency organization of this town; and resolve questions of authority and responsibility that may arise between them;
  - (5) Represent this town in all dealings with public or private agencies on matters pertaining to emergencies as defined herein;
  - (6) In the event of the proclamation of a local emergency as herein provided, the proclamation of a state of emergency by the governor or the Director of the State Office of Emergency Services, or the existence of a "state of war emergency," the director is empowered:

(A) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the town council;

(B) To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the town for the fair value thereof and, if required immediately, to commandeer the same for public use;

(C) To require emergency services of any town officer or employee and, in the event of the proclamation of a state of emergency in the county in which this town is located or the existence of a state of war emergency, to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;

(D) To requisition necessary personnel or material of any town department or agency; and

(E) To execute all of his ordinary power as mayor, all of the special powers conferred upon him by this chapter or by resolution or emergency plan pursuant hereto adopted by the town council, all powers conferred upon him by any statute, by any agreement approved by the town council, and by any other lawful authority;

(b) The director of emergency services shall designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the town council.

(c) The assistant director shall, under the supervision of the director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this town; and shall have such other powers and duties as may be assigned by the director. (Ord. 318 §1(part), 1971).

2.28.070 Emergency organization. All officers and employees of this town, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 2.28.060(a)(6)(C), be charged with duties incident to the protection of life and property in this town during such emergency, shall constitute the town emergency organization. (Ord. 318 §1(part), 1971).

2.28.080 Emergency plan. The disaster council shall be responsible for the development of the emergency plan, which plan shall provide for the effective mobilization of all of the resources of this town, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the town council. (Ord. 318 §1(part), 1971)

2.28.090 Expenditures. Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of town inhabitants and property. (Ord. 318 §1(part), 1971).

2.28.100 Punishment of violations. It is a misdemeanor, punishable as provided in Section 1.04.010, for any person, during an emergency, to:

(a) Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter;

(b) Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of this town, or to prevent, hinder, or delay the defense or protection thereof;

(c) Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the state. (Ord. 318 §1(part), 1971).