

Town of Waitsfield, Emergency Management Ordinance  
Adopted by the Waitsfield Selectboard on August 14, 2023  
Effective Date: October 13, 2023

The Selectpersons of the Town of Waitsfield 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 Emergency Management Ordinance of the Town of Waitsfield.

### **Section 2. Intent and Purpose.**

(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 Waitsfield 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 Selectboard 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.

**This Ordinance will not relieve any Town Department of the moral responsibilities or authority given to it in the Town Charter 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, other than the functions for which military forces or other federal agencies are primarily responsible, 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.

(b) "Attacks" shall mean a direct or indirect assault against the Town of 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.

(f) "Emergency Management Volunteer" shall mean any person duly registered, identified and appointed by the Town of Waitsfield, Local Emergency Management Director, appointed as prescribed in this Ordinance.

(g) "Local Emergency Management Director (EMD)" shall mean the Town Chairperson of Town Selectboard or his or her designated alternate duly appointed in accordance with the Town Charter.

(h) "Regulations" shall include plans, programs and other emergency procedures deemed essential to emergency management.

#### **Section 4. Organization and Appointments.**

(1) The Town Selectboard 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 Waitsfield shall declare [either Chairperson of the Selectboard or another duly appointed person], as the of the 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 executive department of the Town government and under the direction of the Town Selectboard. There shall be an executive 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 (Chairman of the Selectboard or duly appointed person) 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 Selectboard) 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 Town Charter. 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 Chairperson of the Selectboard.

(a) The Emergency Management Director may exercise the emergency power and authority necessary to fulfill his/her general powers and duties as defined in the Town Charter. The judgment of the Local Emergency Management Director shall be the sole criteria necessary to invoke emergency powers provided in the Town Charter, the Ordinance Code and other appropriate authorities. The Town Selectpersons 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 Selectboard as defined in the Town Charter.

(b) During any period when disaster threatens or when the Town has been struck by disaster, within the definition of this Ordinance, The Town Chairperson of the Town Selectboard 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 radio. 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 the Town Charter.

(c) The Local Emergency Management Director shall order emergency management forces to the aid of other communities when required in accordance with statutes of the state, and he/she may request the state, or a political sub-division of the state, to send aid to the Town of Waitsfield 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. Emergency Management Director shall not exceed combined expenditures of \$10,000 without Selectboard Authorization.

(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, The Town Charter, and Ordinances for regular Town employees and other registered and identified emergency management and disaster workers.

(f) The Emergency Management Director will exercise his/her ordinary powers [either Chairperson of the Board of Selectpersons or with consent of the Board of Selectpersons] and all of the special powers conferred upon him/her by the Town Charter and the Ordinance Code of the Town of all powers conferred upon him/her by any statute, or any other lawful authority.

(2) Town Emergency Management Coordinator.

(a) The Town Emergency Management Coordinator shall be responsible to the Local Emergency Management Director in regard to all phases of the emergency management activity. Under the supervision of the Director, he/she shall be responsible for the planning, coordination and operation of the emergency management activity in the Town. Under the supervision of the Director, he/she shall maintain liaison with the state and federal authorities and the authorities of other nearby political subdivisions as to ensure the most effective operation of the Emergency Management plan. His/her 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.

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7. Assuming such authority and conducting such activity as the Director may direct to promote and execute the emergency management plan.

**Section 6. Violation of Regulations.**

It shall be unlawful for any person to violate any of the provisions of this Ordinance or the Regulation of Plans issued pursuant to the authority contained within, or to willingly obstruct, hinder or delay any member of the emergency management organization as herein define in the enforcement of the provisions of this Ordinance or any written Regulation or Plan issued thereafter.

**Section 7. Penalty.**

1. This ordinance shall be exempt from the “Town of Waitsfield’s Enforcement of Ordinances” ordinance. No civil penalties will be assessed for violation of this ordinance.
2. When at the discretion of the Emergency Management Director/Coordinator, a person or groups of persons violate this ordinance, he/she will notify such individuals via phone or other electronic means of their violation. The EMD will explain the necessity of this ordinance and invite their voluntary cooperation and compliance. The EMD may invite such people or groups to join the Town of Waitsfield’s officially sponsored emergency relief efforts.
3. If the violation continues, the Selectboard may send a certified letter to the individual or individuals requesting their appearance before the Selectboard to explain their actions. The Selectboard may take such actions as they deem appropriate and necessary to assure the smooth operation of Waitsfield's Office of Emergency Management and its official emergency relief efforts.

**Section 8. Severability.**

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. Conflicting Ordinances, Orders, Rules and Regulations Suspended.**

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 in so far as the latter may be inconsistent therewith.

**Section 10. Effective Date.**

This Ordinance shall take effect on 13<sup>th</sup> day of October, 2023, in accordance with the provisions of the Town Charter or Amendments thereto.