

## Chapter 2.04 OFFICE OF EMERGENCY MANAGEMENT

### Sections:

<b>2.04.010</b>	<b>Short title</b>
<b>2.04.020</b>	<b>Intent and purpose</b>
<b>2.04.030</b>	<b>Definitions</b>
<b>2.04.040</b>	<b>Organization and appointments</b>
<b>2.04.050</b>	<b>Emergency powers and duties</b>
<b>2.04.060</b>	<b>Emergency management basic plan</b>
<b>2.04.070</b>	<b>No municipal or private liability</b>
<b>2.04.080</b>	<b>Violation of regulations</b>
<b>2.04.090</b>	<b>Penalty</b>
<b>2.04.100</b>	<b>Severability</b>
<b>2.04.110</b>	<b>Conflicting ordinances, orders, rules and regulations suspended</b>
<b>2.04.120</b>	<b>Effective date</b>
<b>2.04.130</b>	<b>Ordinance in force</b>

### **2.04.010 Short title**

This Chapter shall be known and may be cited and referred to as the “Emergency Management Ordinance of the Town of Milford.” (Ord. 5-1-03 § 1)

### **2.04.020 Intent and purpose**

- A. It is the intent and the purpose of this chapter to establish an office that will ensure the complete and efficient utilization of all of Milford’s facilities and resources to combat a disaster, as defined herein.
- B. The Milford Office of Emergency Management will be the coordinating agency for all activity in connection with emergency planning. It will be the instrument through which the Town officials may exercise the authority and discharge the responsibilities vested in them in NH RSA, Chapter 21-P:39 Local Organization for Emergency Management, state of New Hampshire, Emergency Management Act, as amended, and this chapter.
- C. This ordinance will not relieve any town department of the responsibilities or authority given to it in the town charter or by town ordinance; nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies. (Ord. 5-1-03 § 2)

### **2.04.030 Definitions**

The following definitions shall apply in the interpretation of this chapter

“**Attack**” means a direct or indirect assault against the town of Milford, its government, its environs, its citizens, or its resources; or of the state of New Hampshire; or the United States of America, including but not limited to the use of, or threatened

use of: explosives; radiological, biological or chemical agents; armed assault; or acts of sabotage.

**“Chairperson”** means the chairperson of the board of selectmen of the town of Milford.

**“Director”** means the director of the Milford Office of Emergency Management.

**“Disaster”** includes, but is not limited to, actual, perceived or threatened; attack, terrorism, sabotage, extraordinary fire, flood, storm, epidemic, or other impending or actual calamity which may endanger, or threaten to endanger the health, life, property, resources, or government of the town of Milford, the state of New Hampshire, or the United States of America.

**“Emergency management”** means, in its broad connotation, to carry out the basic government functions of maintaining the public peace, health, and safety during a disaster. This shall include the plans, preparations, and resources for protection, relief, recovery and rehabilitation from, such incidents as are outlined in this chapter. Emergency management shall not however, include any activity that is the primary responsibility of the military forces of the United State of America.

**“Emergency management basic plan”** means a comprehensive plan, including annexes, prepared by the Office of Emergency Management and designed to provide guidelines for the carrying out of emergency management activities. Herein referred to as “the Plan”.

**“Emergency response resources”** means the employees, equipment, and facilities of all of the town departments, boards, institutions, and commissions; and, in addition, it shall include all volunteer personnel, equipment, and facilities contributed by, or obtained from, volunteer persons, companies, or agencies

**“Emergency volunteer”** means any person duly registered, identified, and appointed by the Director of the Office of Emergency Management and assigned to participate in the emergency management effort.

**“Epidemic”** refers to a prevalent and rapidly spreading illness or disease, regardless of cause, which affects, or threatens to affect, a significant number of citizens.

**“The plan”** refers to the Emergency Management Basic Plan.

**“Regulations”** include all of the plans, programs, and other procedures as may be deemed essential to the function of emergency management and the Office of Emergency Management.

**“Terrorism”** means any act, whether actual or threatened, and whether committed by one or more persons acting alone or in connection with any group or organization, wherein, the unlawful use of force or violence; against persons or property; to intimidate or coerce a government, the civilian population, or any segment thereof; in furtherance of political or social objectives.

**“Terrorist”** means the actor(s) of terrorism, as defined in this chapter, including the supporters of, by whatever means, such acts or actor(s).

“Volunteer” Shall mean contributing a service, equipment, or facilities to the emergency management effort, without remuneration. (Ord. 5-1-03 § 3)

**2.04.040 Organization and appointments**

- A. The Chairperson of the Board of Selectmen is hereby authorized and directed to create an organization for Emergency Management utilizing to the fullest extent the existing agencies and resources from within the community. The Chairperson, as executive head of the municipal government, shall be responsible for the organization, administration, and operation of the Town’s Emergency Response Resources.
- B. The organization shall consist of the following:
  - 1. An Office of Emergency Management within the executive branch of the town government and under the direction of the chairperson. There shall be an executive head of the Office of Emergency Management who shall be known as the director, as well as such assistants and other employees and volunteers as are deemed necessary for the proper functioning of the organization.
  - 2. The employees, volunteers, equipment and facilities of Milford’s departments, boards, institutions and commissions will cooperate and participate in emergency management activity. Duties assigned to a town entity shall be the same, or similar thereto, the normal duties and functions of such entity, to the extent deemed reasonable and possible.
  - 3. Volunteers, as defined, who are accepted by the town to provide services, equipment, or facilities.
- C. The Board of Selectmen shall appoint a Director of the Office of Emergency Management who shall be a person well versed and trained in planning and organizing operations involving the activities of many different agencies which will operate in concert to protect the public health, safety and welfare in the event of disaster, as defined by this Chapter.
- D. The Chairperson shall designate and appoint a person or persons to assume the emergency duties of the Chairperson in the event of his/her absence or inability to act. The intent being a representative of the Board of Selectmen will always and at all times be in charge of the Town. (Ord. 5-1-03 § 4)

**2.04.050 Emergency powers and duties**

- A. Chairperson
  - 1. The chairperson may exercise the emergency power and authority necessary to fulfill his/her general powers and duties. The judgment of the chairperson shall be the sole criteria necessary to invoke the emergency powers provided in the town charter, the ordinance code, and other appropriate authorities.
  - 2. During any period when disaster threatens to strike or has struck the town, within the definition of this chapter, the board of selectmen may

promulgate such regulations as they deem necessary to protect life and property, preserve critical resources, and provide protection, relief, recovery and rehabilitation from such disaster. Such regulations may include, but are not limited to, the following:

- a. Prohibiting, restricting, or directing the movement of vehicles in order to facilitate the work of emergency management, or to facilitate the mass movement of persons from or to critical areas within or without the town.
  - b. Prohibiting, restricting, or directing the movement of persons as may be deemed necessary.
  - c. Such other regulations as may be deemed necessary to affect the emergency management effort.
  - d. Regulations promulgated in accordance with the provisions of this section will be given widespread circulation by proclamations, published and uttered, by all reasonable means, to include as available and timely; television, radio, newspapers, internet, mailing, and public posting. These regulations shall have the force of ordinance upon filing with the town clerk, and violations will be subject to the appropriate penalties by law.
3. The chairperson, or his/her designee in the event of his/her absence or inability to act, shall order the Office of Emergency Management to the aid of other communities when required in accordance with the statutes of the state of New Hampshire. The chairperson, or his/her designee in the event of his/her absence or inability to act, through the Office of Emergency Management, may request of the state, or a political subdivision of the state, to send aid to the town of Milford in case of disaster when conditions in the town are beyond the control and/or resources of the town's emergency response resources.
  4. The chairperson, or his/her designee in the event of his/her absence or inability to act, may obtain vital supplies, equipment, personnel and other resources found lacking and needed for the protection of life and property, preserving critical resources, and providing protection, relief, recovery and rehabilitation of the people, and may bind the town for the fair value thereof.
  5. The chairperson, or his/her designee in the event of his/her absence or inability to act, may require the emergency services of any town officer or employee. If regular town forces are deemed inadequate, the chairperson, or his/her designee in the event of his/her absence or inability to act, may require the services of such other personnel as can be obtained, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as are provided by state law, the town charter and other ordinances for regular town employees and other registered and

identified emergency management and disaster workers and, upon demand, may receive appropriate compensation for their emergency employment.

6. The board of selectmen will cause to be prepared the basic emergency management plan. The board of selectmen will exercise all of their ordinary powers as the board of selectmen, all of the special powers conferred upon them by any statute or ordinance or any other lawful authority.

#### B. Director

1. The director, or his/her designee in the event of his/her absence or inability to act, shall be responsible to the chairperson, or his/her designee in the event of his/her absence or inability to act, in regard to all phases of the emergency management activity. Under the direction of the chairperson, or his/her designee in the event of his/her absence or inability to act, the director shall be responsible for the planning, training, coordination, implementation, and operation of all emergency management activity in the town.
2. Under the direction of the chairperson, the director shall maintain a liaison with the state and federal authorities, the authorities of other nearby political subdivision of the state, and local department heads as to ensure the most effective implementation of the plan.
3. The director's duties shall include, but not be limited to the following:
  - a. Coordinate the recruitment and training of volunteer personnel and agencies to augment the personnel and resources of the town for emergency management; and
  - b. Develop and coordinate plans for the immediate use of facilities and resources for the protection of life and property, preserving critical resources, and providing protection, relief, recovery and rehabilitation of the people for the public health, safety, and welfare; and
  - c. Negotiate and conclude agreements with owners or persons in control of facilities and resources for the use of such facilities and resources, as may be deemed necessary, for the purposes of emergency management, and to designate such facilities as may be suitable as public shelters, reception centers, and rehabilitation centers; and
  - d. Perform public information activities to inform and educate the civilian population of the town as to the actions necessary and required for the protection of their persons and property in case of disaster, as defined herein; and
  - e. Conduct training and practice exercises to ensure the efficient operation of the emergency response resources and to familiarize

the emergency response resources and the public with emergency management regulations, responsibilities, procedures and operations; and

- f. Coordinate the activities of all other public and private agencies engaged in emergency management activity; and
- g. Assume such authority and conduct such activity as the chairperson may direct to promote and exercise the Plan. (Ord. 5-1-03 § 5)

#### **2.04.060 Emergency management basic plan**

- A. A comprehensive emergency management basic plan, herein the “plan”, shall be adopted and maintained by the resolution of the board of selectmen upon the recommendation of the chairperson and the director. In preparing this plan for the town of Milford, it is the intent that the services, equipment, facilities, personnel, and resources of all departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all of the town’s departments and agencies to perform the functions assigned to them by the plan. It shall also be the responsibility of all of the town’s departments and agencies to maintain their respective departments and agencies in a current state of readiness at all times. Each department and agency shall review, modify, and update as necessary, their respective sections of the Plan annually. The plan shall be considered a supplement of this chapter and, is hereby proclaimed.
- B. The chairperson shall prescribe in the plan, those positions within the disaster organization, in addition to his/her own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the selectmen’s office and the Office of Emergency Management, a current list of three (3) persons as successors to his/her position. The list will be in order of succession and will as nearly as possible, designate persons best capable of carrying out all of the assigned duties and functions.
- C. Each service chief, department head, and individual assigned responsibility in the plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned employees and volunteers. Each service chief, department head, and individual assigned responsibility in the plan shall formulate the operational plan for their respective function which, when approved, shall be made an annex to, and a part of, the plan.
- D. Amendments to the plan shall be submitted to the board of selectmen. If approved, such amendments shall take effect immediately upon approval. In the event an amendment is pending at the time that a disaster is proclaimed, under provisions of this chapter, the amendment will be considered approved immediately, and will remain in effect unless specifically revoked.
- E. When a required competency or skill for a disaster function is not available within the emergency response resources, the chairperson, or his/her designee in the event of his/her absence or inability to act, is authorized to seek assistance from

persons, companies or agencies outside of the emergency response resources. The assignment of duties to outside persons, companies or agencies, when of a supervisory nature, shall also grant authority to the persons so assigned to carry out such duties prior to, during, and after the occurrence of a disaster. The chairperson, or his/her designee in the event his/her absence or inability to act, may accept such services by persons outside of government on a volunteer basis. Such persons shall be enrolled as emergency volunteers in cooperation with the heads of the affected town departments.

- F. Some of the duties ascribed to the chairperson in this chapter will ordinarily be handled as a matter of routine by the director, but the responsibility and authority stem from and remain with the chairperson.
- G. As its title so clearly denotes, the emergency management plan, is a vital tool to the mitigation, response, and recovery of a disaster within and without the town of Milford. Therefore, in accordance with the provisions of NH RSA Chapter 91-A:5 VI, the plan will be restricted in distribution and availability. Only those persons having a legitimate “need-to-know” shall have access to the plan, in whole or in part. (Ord. 5-1-03 § 6)

**2.04.070 No municipal or private liability**

- A. This chapter is an exercise by the town of Milford of its governmental functions for the protection of the public peace, health, and safety, and neither Milford, nor its agents and representatives of said town, or any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof, in good faith and carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this chapter, shall be liable for any damage sustained to persons or property as the result of said activity.
- B. Any person who owning or controlling real estate or other premises or private property who grants a license or privilege or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises or private property for the purpose of compliance or attempting to comply with this chapter during an actual or impending emergency or training exercise, together with his or her successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises or private property or loss of, or damage to, the property of such person. (Ord. 5-1-03 § 7)

**2.04.080 Violation of regulations**

It shall be unlawful for any persons to violate any of the provisions of this chapter or of the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder, or delay any member of the Office of Emergency Management as herein defined, in the enforcement of the provisions of this chapter or any regulation or plan issued there under. (Ord. 5-1-03 § 8)

**2.04.090 Penalty**

Any person, firm or corporation violating any provision of this chapter, or any rule or regulation promulgated there under, upon conviction of such violation, shall be punished by a fine as further described in Milford Municipal Code Appendix B – Fines, for each violation; costs of prosecution, or imprisonment in the Hillsborough county jail for a period of not more than ninety (90) days; or both such fine and imprisonment, at the discretion of the court. (Ord. 5-1-03 § 9)

**2.04.100 Severability**

Should any provision of this chapter be declared invalid for any reason, such declaration shall not affect the validity of other provisions, or of the chapter, as a whole, it being the legislative intent that the provisions of the chapter shall be severable and remain valid notwithstanding such declaration. (Ord. 5-1-03 § 10)

**2.04.110 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 insofar as the latter may be inconsistent therewith. (Ord. 5-1-03 § 11)

**2.04.120 Effective date**

This ordinance shall take effect immediately upon passage. (Ord. 5-1-03 § 12)

**2.04.130 Ordinance in force**

This ordinance shall be in full force and effect from and after its passage, approval, recording, and publications as provided by law. (Ord. 5-1-03 § 13)