

## CHAPTER 17

### EMERGENCY MANAGEMENT

#### Sec. 17-1. SHORT TITLE.

This Ordinance shall be known and may be cited and referred to as the “Emergency Management Ordinance of the City of Montpelier”.

#### Sec. 17-2. INTENT AND PURPOSE.

(a) It is the intent and purpose of this Ordinance to establish an office that will insure the complete and efficient utilization of all of the City’s facilities to combat disaster resulting in disaster emergencies, and to establish procedures and authority for the execution of Emergency Management regulations and policies.

(b) The City of Montpelier 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 City Manager may exercise the authority and discharge the responsibilities vested in him by the general law of this state and the Charter of the City of Montpelier and this ordinance.

(c) An Emergency Management Plan will be developed which will set forth policies and procedures for the preparedness, response, mitigation and recovery phases of emergency situations. The plan shall be periodically reviewed and updated as set forth in the plan.

(d) This Ordinance will not relieve any city department of the moral responsibilities or authority given to it by law or the City Charter or by local Ordinance, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

#### Sec. 17-3. DEFINITIONS.

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

- (1) “*Assistant City Manager*” shall mean the person to whom the City Manager delegates internal maintenance of routine operations and responsibilities while he/she is engaged in emergency management activities as the Emergency Management Director. The Assistant City Manager will have the same authority and responsibilities for managing normal internal operations as does the City Manager under normal circumstances.
- (2) “*Attack*” shall mean a direct or indirect assault against the City of Montpelier, its government, 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.
- (3) “*Coordinator*” shall mean the Emergency Management Coordinator of the City of Montpelier, appointed as prescribed in this Ordinance.
- (4) “*Director*” shall mean the City Manager or his designated alternate duly appointed in accordance with Title X of the City Charter.

- (5) **“Disaster”** includes, but is not limited to, actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic or other impending or actual calamity endangering or threatening to endanger health, life or property or constituted government.
- (6) **“Emergency Management”** in its broad meaning is to carry out the basic government functions of maintaining the public peace, health and safety during a disaster. It shall include activities necessary for preparedness, mitigation, response and recovery to disaster situations. This shall include plans and preparations for protection from, and disaster relief, recovery and rehabilitation from, the effects of an attack on the city by the forces of an enemy nation or the agents thereof, and such activity in connection with disaster as defined herein. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States.
- (7) **“Emergency Management”** shall mean the employees, equipment and facilities of all City departments, boards, institutions and, in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.
- (8) **“Emergency Management”** shall mean any person duly registered, identified and appointed by the Chairman of the Office of Emergency Management and assigned to participate in the emergency management activities.
- (9) **“Plan”** shall mean the Emergency Management Plan for the City of Montpelier.
- (10) **“Regulations”** shall include plans, programs, and other emergency procedures deemed essential to Emergency Management.
- (11) **“Volunteer”** shall mean contributing a service, equipment or facilities to the emergency management organization without remuneration.

**Sec. 17-4. ORGANIZATION AND APPOINTMENTS.**

(a) The City Manger is hereby authorized and directed to create an organization of emergency management utilizing to the fullest extent the existing agencies within the city. The City Manager, as executive head of the municipal government, shall be the Emergency Management Director for this city and shall be responsible for their organization, administration and operations.

(b) The organization shall consist of the following:

- (1) An Office of Emergency Management within the City Manager’s Office and under the direction of the City Manager. There shall be an executive head of the Office of Emergency Management, who shall be known as the Emergency Management Coordinator, and such assistants and other employees as may be deemed necessary for the proper functioning of the organization.
- (2) The employees, equipment and facilities of all city departments ad boards will participate in the emergency management activity. Duties assigned to a city department shall be the same or similar to the normal duties of the department.

- (3) Each Department Head will be delegated administration of a variety of critical activities during the emergency and the recovery, including but not limited to duties such as Housing Coordinator, as circumstances dictate.
- (4) Department Heads will have the responsibility to work with a variety of employees from possibly different departments to help administer their new responsibilities.
- (5) Volunteer persons and agencies offering service to, and accepted by, the City as further outlined in Annex V, Volunteers.

(c) The Emergency Management Coordinator, with the approval of the Director, may designate and appoint a Deputy Coordinator of Emergency Management to fulfill the duties and responsibilities in the absence or inability of the Coordinator.

**Sec. 17-5. EMERGENCY POWERS AND DUTIES.**

(a) The City Manager operating as the Emergency Management Director.

(1) The City Manager may exercise the emergency power and authority necessary to fulfill his general powers and duties as defined in Title X of the City Charter. The judgment of the City Manager shall be the sole criteria necessary to invoke emergency powers provided in the City Charter, in the Ordinances and other appropriate authorities. The City Council may convene to perform its legislative and administrative powers as management activities. Nothing in this Ordinance shall be construed as abridging or curtailing the powers or restrictions of the City Council as defined in Title III of the City Charter.

(2) During any period when disaster threatens or when the City has been struck by disaster, within the definition of this Ordinance, the City Manager may promulgate such regulations as he deems necessary to protect life and property and preserve critical resources. Such regulations may include, but shall not be limited to, the following:

- (A) Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of forces, or to facilitate the mass movement of persons from critical areas within or without the City.
- (B) Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.
- (C) Such other regulations necessary to preserve public peace, health and safety.
- (D) 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 City Clerk and violation will be subject to the penalties provided in Title VII, Section 5, of the City Charter.

(3) The City Manager shall order emergency management forces to the aid of other communities when required in accordance with the statutes of the state, to send aid to the City of Montpelier in case of disaster when conditions in the city are beyond the control of the local emergency management forces.

(4) The City Manager 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 City for the fair value thereof.

(5) The City Manager may require emergency services of any City officer or employees. If regular City forces are determined inadequate, the Manager 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 are provided by state law, the City Charter and Ordinances for regular City employees and other registered and identified emergency management and disaster workers.

(6) The City Manager will exercise his ordinary powers as City Manager and all of the special powers conferred upon him by the City Charter and the Ordinances of the City of Montpelier, all powers conferred upon him by any statute, or any other lawful authority.

(7) The Emergency Management Coordinator will assume the emergency duties and responsibilities of the City Manager under this ordinance in the absence of, or inability of, the City Manager.

(8) The Emergency Management Director may appoint an Assistant City Manager and invest all normal internal responsibilities in such position, as needed, to provide for normal organizational functions given the City Manager's Emergency Management Director functions.

(9) The Emergency Management Director shall exercise the right to convene such community meetings as are necessary to maintain vital public information flow and interchange necessary for immediate disaster control and total community recover.

(b) Emergency Management Coordinator.

(1) The Emergency Management Coordinator shall be responsible to the Emergency Management Director in regard to all phases of the emergency management activity. Under the supervision of the Emergency Management Director, he shall be responsible for the planning, coordination and operation of emergency management activities in the City. Under the supervision of the Emergency Management Director, he shall maintain liaison with the state and federal authorities and the authorities of other nearby political subdivisions as to insure the most effective operation of the emergency management plan. His duties shall include, but not be limited to, the following:

- (A) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the City for emergency management purposes.
- (B) Development and coordination of plans for the immediate use of all of the facilities, equipment, manpower and other resources of the City 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.
- (C) Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for emergency management purposes and designating suitable buildings as public shelters.

- (D) Through public informational programs, educating the civilian population 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.
- (E) Conducting public practice alerts to insure the efficient operation of the emergency management forces and to familiarize residents with emergency management regulations, procedures and operations.
- (F) Coordinating the activity of all other public and private agencies engaged in any emergency management.
- (G) Assuming such authority and conducting such activity as the Emergency Management Director may direct to promote and execute the emergency management plan.
- (H) Assuming the duties and responsibilities of the Emergency Management Director in his absence or inability to perform.

**Sec. 17-6. VIOLATION OF REGULATIONS.**

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.

**Sec. 17-7. PENALTY.**

Any person, firm or corporation violating any provisions of this Ordinance, or any Rule or Regulations formulated thereunder, upon conviction thereof, shall be punished pursuant to Title VII, Section 5 of the Montpelier City Charter.

**Sec. 17-8. 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.

**Sec. 17-9. CONFLICTING ENACTMENTS.**

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.

Enacted November 12, 1980.

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