

Chapter 14 Caribou Emergency Management Agency

ARTICLE I ADMINISTRATION AND ORGANIZATION

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ARTICLE I ADMINISTRATION AND ORGANIZATION

Sec. 14-101 Generally

(a) There is created a Caribou Emergency Management Agency in compliance and conformity with the provisions of Title 37-B MRSA Sec. 701 et seq., hereinafter referred to as the Agency.

(b) The City Manager shall be responsible for the Agency's organization, administration and operation. The City Manager may employ such permanent and temporary employees as he deems necessary and prescribe their duties.

(c) The City Council shall advise the City Manager and Director all matters of civil preparedness, review the existing operations organization to ascertain the Agency's ability to cope with its responsibilities and accept or reject, such rules and regulations submitted to it under Section 14-102 of this article.

Sec. 14-101.1 Appointment of Director; Duties and Responsibilities

The City Manager shall, with the consent and approval of the City Council, appoint a Director who shall coordinate the activities of all City departments, organizations and agencies for civil preparedness within the City and maintain liaison with other civil preparedness agencies, public safety agencies and have such additional duties and responsibilities as may be prescribed by the City Manager.

Sec. 14-102 Rules and Regulations

The Director shall prepare under the direction and control of the City Manager such policies as may be deemed necessary for the administration and operational requirements of the Agency, which policies must be approved by the City Council prior to becoming effective. The City Council shall accept, amend, or reject same.

Sec. 14-102.1 Emergency Proclamation; Mayor's Powers

The Mayor shall have the power and authority, after consultation with the City Council to issue a proclamation that an emergency exists under the conditions specified in Title 37-B MRSA Sec. 742. The proclamation may declare the fact that an emergency exists in any or all sections of the City. A copy of such a proclamation shall be filed within twenty-four (24) hours with the City Clerk.

(a) Notwithstanding the above, when consultation with the City Council would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the Mayor is authorized to take whatever actions are necessary to prevent the loss of life and property in the City.

(b) Whereas, the Caribou City Council is charged with the responsibility for the well being of citizens residing within said City; and

(c) Whereas, the Caribou City Council is in session only at special times, and when the Mayor is not available, they have empowered the City Manager, or in his absence the Director of Caribou Emergency Management Agency, with the authority to proclaim an emergency state for or within the said City should it exist.

Sec. 14-103 Mayor to Report to Council

The Mayor and/or the Director shall be responsible to submit a full report to the City Council of actions taken as soon as the City Council can convene.

Sec. 14-103.1 Mayor's Duties and Emergency Powers

(a) During any period when an emergency or disaster exists or appears imminent, the Mayor or representative designated above may promulgate such regulations and to preserve critical resources within the purpose of this section. Such regulations may include but shall not be limited to the following:

(1) Regulations prohibiting or restricting the movement of vehicles or to facilitate the movement of persons from areas within or without the City.

(2) Regulations pertaining to the movement of persons from areas deemed hazardous to them.

(3) Such other regulations necessary to preserve public peace, health and safety. Nothing in this article shall be construed to limit the authority or responsibility of any department to proceed under powers and authority granted to them by State statute or City ordinance.

(b) The Mayor or Director shall be authorized to request aid and/or assistance from State or any other political subdivision of the State and shall render assistance to other areas or political subdivision under provisions of Title 37-B MRSA.

(c) It is further proclaimed and ordered that during the existence of said local emergency the powers, functions and duties of the emergency organization of this City shall be those prescribed by state law, by ordinances and resolutions of this City, and by the Caribou Comprehensive Emergency Management Plan, as approved by the City Council.

(d) The provisions of the above subsections will terminate at the ending of the declared emergency.

Sec. 14-104 Emergency Operational Plans

The City Manager will cause to be prepared an emergency operations plan for the City of Caribou which shall be submitted to the City Council for approval. Amendments to the operational plan shall be submitted to the City Council for approval.

It shall be the responsibility of all municipal departments and agencies to perform the functions assigned and to maintain their portion of the plan in a current state of readiness. The City plan shall be reviewed periodically by the Mayor in conjunction with all City department heads and the Director.

Sec. 14-105 Caribou Emergency Management Agency Forces

"Caribou Emergency Management Agency Forces" shall mean the employees, equipment and facilities of all City departments and agencies, Boards and Commissions suitable for, or adaptable to civil preparedness and in addition it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from volunteer persons and agencies.

Sec. 14-106 No Municipal or Private Liability

Immunity from liability shall be set forth in Title 37-B MRSA Sec. 822.

Sec. 14-107 Compensation for Injuries

All members of the Caribou Emergency Management Agency Forces shall be deemed to be employees of the States when engaged in training for or on duty, and shall have the rights of State employees under the Workmen's Compensation Act and as specified in Title 37-B MRSA Sec. 823.

Sec. 14-108 Right-of-Way; Penalty; Jurisdiction

Personnel and equipment required to respond to an emergency of disaster shall have the right-of-way over all public ways and roads and anyone failing to grant said right-of-way shall suffer penalties as specified under Title 37-B MRSA Sec. 828.

Sec. 14-109 Violation of Regulations

It shall be unlawful for any person to violate any of the Provisions of this article or of the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the C.E.P. organization as herein defined in the enforcement of the provisions of this article or any regulation or plan issued thereunder.

Violators of the above are guilty of a Class E crime.

Sec. 14-110 Saving Clause

Should any section or part thereof of this Chapter be declared invalid by the court, the same shall not affect the validity of the Chapter as a whole or any part thereof, other than the part so declared to be invalid.

Historical Note: Adopted 8/12/85; amended 9/28/87.