

*AN ORDINANCE
RELATING TO THE CREATION OF AN
OFFICE OF EMERGENCY MANAGEMENT*

WHEREAS the Town Council is desirous of exercising the authority and to discharge the responsibilities vested in them through RSA, Chapter 107, State of New Hampshire Emergency Management Act, as amended and the Londonderry Town Charter; and

WHEREAS it is the intent and purpose of the Council to establish an office that will insure the complete and efficient utilization of all of the Town's facilities to combat disaster, natural or man made, or other disasters as defined herein; and,

WHEREAS the Londonderry Office of Emergency Management will be the coordinating agency for all activity in connection with emergency planning; and,

WHEREAS this ordinance will not relieve any Londonderry department of the responsibilities or authority given to it in the Londonderry Charter, or by Local Ordinance, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that Ordinance 97-5 establishing an Office of Emergency Management as hereafter set forth is adopted.

Daniel J. Vecchione
Chairman - Londonderry Town Council

A TRUE COPY ATTEST:
06/30/97

Joan M. Savina
Town Clerk

Chapter X - Emergency Management

SECTION I. PURPOSE:

- A. It is the intent and purpose of this section to establish an office that will insure the complete and efficient utilization of all of the Town of Londonderry's facilities to combat disaster, natural or man-made, or other disasters as defined herein.
- B. The Londonderry Office of Emergency Management will be the coordinating agency for all activity in connection with emergency planning.
- C. The Office of Emergency Management will be the instrument through which the community officials may exercise the authority and discharge the responsibilities vested in them in RSA, Chapter 107, State of New Hampshire Emergency Management Act, as amended, and this Ordinance.
- D. This Ordinance will not relieve any Londonderry department of the responsibilities or authority given to it in the Londonderry Charter, or by local ordinance, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

SECTION II. DEFINITIONS:

The following definitions shall apply in the interpretation of this Ordinance.

- A. **Emergency Management** - means the preparation for and the carrying out of all emergency functions, including but not limited to, emergency response and training functions; to prevent, minimize and repair injury or damage resulting from the occurrence or threat of widespread or severe damage, injury, or cause; including, but not limited to, fire, flood, earthquake, windstorm, wave actions, technological incidents, oil or chemical spill, or water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, or riot.
- B. **Disaster** - includes, but is not limited to, extraordinary fire, flood, storm, epidemic, radiological incident, or other impending or actual calamity endangering or threatening to endanger health, life, or property or constituted government.
- C. **Emergency Response Resources** - shall mean the employees, equipment and facilities of all 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 or agencies.
- D. **Volunteer** - shall mean contributing a service, equipment, or facilities to the emergency management organization without remuneration.

Chapter X - Emergency Management (Cont'd)

SECTION II. DEFINITIONS: (Cont'd)

- E. **Emergency Volunteer** - shall mean any person duly registered, identified and appointed by the Director of the Office of Emergency Management and assigned to participate in the emergency management activity.
- F. **Director** - shall mean the Director of the Londonderry Office of Emergency Management as prescribed in this Ordinance.
- G. **Regulations** - shall include plans, programs, and other emergency procedures deemed essential to emergency management.

III. ORGANIZATION AND APPOINTMENTS:

- A. The Londonderry Town Council is hereby authorized and directed to create an organization for Emergency Management, utilizing, to the fullest extent, the existing agencies within the community.
- B. The Town Council, as Executive Head of the municipal government, shall be responsible for the organization, administration and the operation of emergency forces.
- C. The organization shall consist of the following:
 - 1. An Office of Emergency Management within the Executive Department of the Town of Londonderry. There shall be an executive head of the Office of Emergency Management who shall be known as the Director of the Office of Emergency Management and such assistants and other employees as are deemed necessary for the proper functioning of the organization.
 - 2. The employees, equipment, and facilities of the Town of Londonderry departments, boards, institutions, and commissions, will participate in the emergency management activity. Duties assigned to a Town department shall be the same as, or similar to, the normal duties of the department, as far as possible.
 - 3. Volunteer persons and/or agencies offering service to, and accepted by, the Town of Londonderry.
- D. The Town Council shall appoint a Director of the Londonderry Office of Emergency Management who 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 disaster or enemy action as defined in this Ordinance.

Chapter X - Emergency Management (Cont'd)

SECTION III. ORGANIZATION AND APPOINTMENTS: (Cont'd)

- E. The Town Manager shall assume the emergency duties of the Director in the event of

the Director's absence or inability to act. The intent being that there will always and at all times be a representative of the Town Council in charge of the Town of Londonderry.

SECTION IV. EMERGENCY POWERS AND DUTIES:

- A. The Town Council may exercise the emergency power and authority necessary to fulfill their general powers and duties as defined in the Londonderry Town Charter, Section 3. The judgement of the Town Council shall be the sole criteria necessary to invoke emergency powers provided in the Londonderry Town Charter, the Code of Ordinances, and other appropriate authorities.
- B. During any period when disaster threatens or when the Town of Londonderry has been struck by disaster, within the definition of this Ordinance, the Town Council may promulgate such regulations as deemed necessary to protect life and property and to 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 of Londonderry.
 - 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.
- C. Regulations promulgated in accordance with the authority above will be given widespread circulation by proclamations published and uttered by newspaper, radio and any other media resources.
- D. These regulations will have the force of Ordinance when duly filed with the Londonderry Town Clerk, and violations will be subject to the penalties provided in RSA 107-C:16.
- E. The Town Council shall order emergency management forces to the aid of other communities when required in accordance with the statutes of the State, and they may request the State, or a political subdivision of the State, to send aid to the Town of Londonderry in case of disaster when conditions in the Town of Londonderry are beyond the control of the local Emergency Management forces.

Chapter X - Emergency Management (Cont'd)

SECTION IV. EMERGENCY POWERS AND DUTIES: (Cont'd)

- F. The Town Council 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 of Londonderry for the fair value thereof.

- G. The Town Council may require emergency services of any Londonderry officer or employee.
- H. If regular Town forces are determined inadequate, the Town Council may require the services of such other personnel as they can obtain that are available, including citizen volunteers.
- I. All duly authorized persons rendering emergency services shall be entitled to all the privileges and immunities as are provided by State law, the Londonderry Town Charter, and Policies and 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.
- J. The Town Council will cause to be prepared the Basic Plan herein referred to, and to exercise their ordinary powers as the Town Council, all of the special powers conferred upon them by any statutes, or any other lawful authority.

SECTION V. DIRECTOR OF THE OFFICE OF EMERGENCY MANAGEMENT:

- A. The Director of the Office of Emergency Management shall be responsible to the Town Council in regard to all phases of emergency management activity. Under the supervision of the Town Council, the Director shall be responsible for the planning, coordination, and operation of the Emergency Management activity of the Town of Londonderry.
- B. Under the supervision of the Town Council, the Director shall maintain liaison with State and Federal authorities and the authorities of other nearby political subdivisions as to insure the most effective operation of the Emergency Management Plan. The Director's duties shall include, but not be limited to, the following:
 - 1. Coordinating and recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Town of Londonderry for Emergency Management.

Chapter X - Emergency Management (Cont'd)

**SECTION V. DIRECTOR OF THE OFFICE OF EMERGENCY MANAGEMENT:
(Cont'd)**

B. Duties..... (Cont'd)

2. Development and coordination of plans for the immediate use of all of the facilities, equipment, manpower and other resources of the Town of Londonderry, 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 buildings or property for emergency management purposes and designating suitable buildings as public shelters.
4. Through public informational programs, educate the population as to actions necessary and required for the protection of their persons and property in case of disaster, as defined herein, either impending or present.
5. 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.
6. Coordinating the activity of all other public and private agencies engaged in any emergency management activity.
7. Assuming such authority and conducting such activity as the Town Council may direct to promote and execute the Emergency Management Plan.

SECTION VI. EMERGENCY MANAGEMENT BASIC PLAN:

- A. A comprehensive Emergency Management Basic Plan shall be adopted and maintained by Resolution of the Londonderry Town Council.
- B. In the preparation of this Plan, as it pertains to the Londonderry organization, it is the intent that the services, equipment, facilities, and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all municipal departments and agencies to perform the functions assigned by the Plan, and to maintain their portion of the Plan in a current state of readiness at all times. The Basic Plan shall be considered supplementary to this Ordinance, and have the effect of law whenever a disaster, as defined this Ordinance, has been proclaimed.

Chapter X - Emergency Management (Cont'd)

SECTION VI. EMERGENCY MANAGEMENT BASIC PLAN: (Cont'd)

- C. The Town Council shall prescribe in the Basic Plan those positions within the disaster organization, in addition to their own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the Town Council a current list of three persons as successors to his/her position. This list will be in order of succession and will as nearly as possible designate persons best capable of carrying out all assigned duties and functions.
- D. Each head of a Service Group or Department Head assigned responsibility in the Basic 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 shall formulate the operational plan for his/her service, which, when approved, shall be incorporated as part of the Basic Plan.
- E. Amendments to the Basic Plan shall be submitted to the Town Council. If approved, such amendments shall take effect thirty (30) days from the date of approval. In the event an amendment is pending at the time that a disaster is proclaimed under the provisions of this Ordinance, the amendment will be considered approved immediately and will remain effective unless specifically revoked.
- F. When a required competency or skill for a disaster function is not available within the Town government, the Town Council is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons so assigned to carry out such duties prior to, during, and after the occurrence of a disaster. Such services from persons outside of government may be accepted by the Town Council on a volunteer basis. Such citizens shall be enrolled as Emergency Volunteers in cooperation with the heads of Town departments affected.
- G. Some of the duties ascribed to the Town Council in this Ordinance will ordinarily be handled as a matter of routine by the Director of Emergency Management, but the responsibility and authority stem from and remain with the Town Council.

Chapter X - Emergency Management (Cont'd)

SECTION VII. INDEMNIFICATION:

- A. This Ordinance is an exercise by the Town Council of its governmental functions for the protection of the public peace, health, and safety, and neither the Town of Londonderry, nor 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, for carrying out, complying with, or attempting to comply with any order, rules or regulation promulgated pursuant to the provisions of this Ordinance, shall be liable for any damage sustained to persons or property as the result of said activity.
- B. Any person owning or controlling real estate or other premises who, voluntarily and without compensation, grants the Town of Londonderry the rights to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, or practice disaster shall not be civilly liable for the death of, or injury to, any persons on or about such real estate or premises under such license, privilege or permission, or for the loss of, damage to, the property of such person.

SECTION VIII. VIOLATION OF REGULATIONS:

- A. It shall be unlawful for any persons to violate any of the provisions of this Ordinance, or of the regulations or 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 thereunder.

SECTION IX. PENALTY

- A. Any person, firm, or corporation violating any provision of this Ordinance, or any rule or regulation promulgated thereunder, upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000), and costs of prosecution, or imprisonment in the Rockingham County Jail for a period of not more than ninety (90) days, or both such fine and imprisonment, at the discretion of the Court.

SECTION X. SEVERABILITY:

- A. Should any provision of this Ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions, or of the Londonderry Town Charter, as a whole, it being the legislative intent that the provisions of this Ordinance shall be severable and remain valid notwithstanding such declaration.

Chapter X - Emergency Management (Cont'd)

SECTION XI. CONFLICTING ORDINANCES, ORDERS, RULES & REGULATIONS SUSPENDED:

- A. At all times when the orders, rules and regulations made and promulgated pursuant to this Ordinance shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

SECTION XII. EFFECTIVE DATE:

- A. This Ordinance shall take effect immediately upon adoption of the Londonderry Municipal Code by the Town Council.

~~End of Ordinance~~