

EXETER TOWNSHIP

ORDINANCE NO. 24

AN ORDINANCE TO ESTABLISH TOWNSHIP EMERGENCY PREPAREDNESS POLICY AND ORGANIZATION; TO DEFINE THE DUTIES AND RESPONSIBILITIES OF THE EMERGENCY PREPAREDNESS COORDINATOR AND OTHER PERSONNEL; TO AUTHORIZE THE USE OF THE MATERIAL RESOURCES AND MANPOWER OF THE TOWNSHIP IN EMERGENCY OPERATIONS; AND TO PREVENT, MINIMIZE AND RELIEVE DAMAGE TO PERSONS AND PROPERTY RESULTING FROM ANY FORM OF DISASTER.

BE IT ORDAINED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF EXETER.

Article 1. Intent and Purpose

Section 101. It is the intent and purpose of this ordinance to establish an organization that will insure the complete and efficient utilization of all municipal resources during periods of emergency and disaster.

Section 102. The Township of Exeter Office of Emergency Preparedness will be the coordinating agency responsible for township-wide emergency preparedness; it will provide the means through which the Township Board and the Supervisor may exercise the authority and discharge the responsibilities vested in them by this ordinance and Act. No. 390, Public Acts of 1976.

Section 103. This ordinance will not relieve any elected officials or municipal departments of the normal responsibilities or authority given by general law or local ordinance, nor will it affect the work of the American Red Cross or other volunteer agencies organized for relief in a natural disaster.

Article 2. Definitions

Section 201. For the purpose of this ordinance, certain words used herein are defined as follows:

(a) "Coordinator" shall mean a person appointed to coordinate emergency planning and services within the Township of Exeter or as prescribed in this ordinance. In the absence of an appointed person, "Coordinator" shall mean the Supervisor.

(b) "Disaster" means an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, snow, ice or wind storm, wave action, oil spills, water contamination requiring emergency action to avert danger or damage, utility failure, hazardous peacetime radiological incident, major transportation accident, epidemic, air contamination, blight, drought, infestation, explosion, riot, or hostile military or paramilitary action. Riots and other civil disorders are not within the meaning of this term unless they directly result from and are aggravating element of the disaster.

(c) "District Coordinator" means the State Police District Emergency Services Coordinator or his authorized representative.

(d) "Emergency Operations Plan" means the Township of Exeter Emergency Operations Plan which has been prepared under Section 602 of this ordinance to coordinate disaster response and recovery within the Township of Exeter.

(e) "Emergency Preparedness" shall have a broad meaning to include preparations for, and relief from, the effects of natural and man-made disasters as defined herein, and to include Civil Defense.

(f) "Emergency Preparedness Forces" means all disaster relief forces; all agencies of the municipal government, private and volunteer personnel, public officers and employees; and all other persons or groups of persons having duties or responsibilities under this ordinance or pursuant to a lawful order or directive authorized by this ordinance.

(g) "Emergency Preparedness Volunteer" shall mean any person duly registered and appointed by the Coordinator and assigned to participate in the Emergency Preparedness activity.

(h) "Emergency Situation" means any situation confronting a community requiring emergency actions of a lesser nature than a disaster, as defined above, to include, but not limited to, civil disturbances, labor strikes, visits by national or international dignitaries, and build-up activities prior to an actual disaster.

(i) "Supervisor" shall mean the Chief elected official of the Township of Exeter; and Council Board shall mean the Township Board of Exeter.

(j) "State of Disaster" means a declaration by executive order or proclamation by the Governor under the provisions of Act 390, Public Acts of 1976, which activates the disaster response and recovery aspects of state, local and interjurisdictional disaster emergency plans and authorizes the deployment and use of any forces to which the plan or plans apply.

(k) "State of Emergency" means a declaration by the Supervisor pursuant to this ordinance which activates the disaster response and recovery aspects of the Township of Exeter Emergency Operations Plan and authorizes the deployment and use of any municipal forces to which the plan applies.

Article 3. Organization for Emergency Preparedness

Section 301. The Supervisor, with the approval of the Council Board, is hereby authorized and directed to create an organization to prepare for community disasters utilizing to the fullest extent existing agencies within the municipality. The Supervisor, as executive head of the township government, shall be the director of the Emergency Preparedness Forces of the township and shall be responsible for their organization, administration and operation, working through the Coordinator.

Section 302. The organization for providing emergency services shall consist of the following:

(a) An Office of Emergency Preparedness established within township government. The Office of Emergency Preparedness shall have an administrative head appointed who will be known as the Coordinator, Office of Emergency Preparedness. Such assistants and other employees as are deemed necessary for the proper functioning of the organization will be employed.

(b) The employees, equipment and facilities of all municipal departments, boards, institutions and commissions suitable for, or adaptable to emergency services activities may be designated as part of the total Emergency Preparedness Forces. Such designations shall be by the Supervisor with the approval of the Council Board.

Section 303. All officers and employees of departments, commissions, boards, institutions and other agencies of the township government designated by the Supervisor with the approval of the Council Board as Emergency Preparedness Forces shall cooperate with the Emergency Preparedness Coordinator in the formulation of the Emergency Operations Plan, and they shall assist the Coordinator in all matters pursuant to the provisions of this ordinance.

Article 4. Emergency Preparedness Coordinator; Assistants; Deputies

Section 401. The Supervisor with the approval of the Council Board, shall appoint an Emergency Preparedness Coordinator who shall be a person with the personal attributes, experience, and training needed to coordinate the activities of the agencies, departments, and individuals within the township to protect the public health, safety and welfare during emergency situations and disasters.

Section 402. Assistant Coordinators shall be designated to work with the Coordinator on emergency planning matters. Assistant Coordinators shall be selected and shall serve as follows:

(a) There shall be one such Assistant Coordinator appointed from each township department as designated by the department head, with the approval of the Supervisor as part of the Emergency Preparedness Forces.

(b) Assistant Coordinators shall assume the duties of the Coordinator whenever he is unavailable during disasters or emergency situations in the order of designation by the Supervisor acting upon the recommendation of the Coordinator.

Article 5. Supervisor; Powers; Duties.

Section 501. The Supervisor may exercise the emergency power and authority as specified herein. Whenever a situation requires, or is likely to require, that the Supervisor invoke such power and authority, he shall, as soon as reasonably expedient, convene the Council Board to perform its legislative and administrative duties as the situation demands, and shall report to that body relative to emergency activities. Nothing in this ordinance shall be construed as abridging or curtailing the powers of the Council Board unless specifically provided herein.

Section 502. Under the following circumstances, the Supervisor may declare a state of emergency exists in the Township of Exeter and may assemble and utilize the Emergency Preparedness Forces in accordance with the Township of Exeter Emergency Operations Plan, and he may prescribe the manner and conditions of the use of such Emergency Preparedness Forces:

(a) Whenever, on the basis of information received from authoritative sources, he feels that a large-scale disaster or emergency situation in the township or state is imminent.

(b) During any period of disaster in the township or state and thereafter as long as he shall deem it necessary.

Section 503. Whenever the Supervisor deems that any condition in the township is beyond control of local public or private agencies or has attained or threatens to attain the proportions of a major disaster, he may request the Governor to declare a state of disaster exists therein by instructing the Coordinator to contact the District Coordinator in accordance with Section 14, Act 390, Public Acts of 1976.

Section 504. The Supervisor with the approval of the Council Board, is hereby empowered and has the authority:

(a) To appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for disaster purposes.

(b) To provide for the health and safety of persons and property, including emergency assistance to the victims of a disaster.

(c) To assign and make equipment available for duty, the employees, property, or equipment of the municipality relating to fire fighting; engineering; rescue; health, medical, and related services; police; transportation; construction; and similar items or service for disaster relief purposes within or without the physical limits of the municipality.

(d) In the event of a foreign attack upon this State, to waive procedures and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of permanent and temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution with or without compensation of supplies, materials, and facilities, and the appropriation and expenditure of public funds.

Section 505. The Supervisor, with the approval of the Council Board, shall establish procedures for the succession of government during emergencies where officials are unavailable for exercising the powers and discharging the duties of their respective offices.

Section 506. The Supervisor, with the approval of the Council Board, may make regulations permitting the Coordinator to assemble and utilize the Emergency Preparedness Forces and provide disaster relief aid as prescribed in Sections 502, 503, and 504.

Section 507. When obtaining formal approvals would result in delay of relief activity, the Supervisor, until the Council Board convenes, waive procedures and formalities otherwise required pertaining to the performance of public works, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase and distribution of supplies, materials and facilities and expenditure of existing funds, and the Council Board is also empowered to waive any such procedures and formalities.

Article 6. Emergency Preparedness Coordinator; Powers; Duties

Section 601. The Emergency Preparedness Coordinator shall be responsible for the administration, planning, coordination and operation of all emergency preparedness activities in the township. He shall maintain liaison with county, state and federal authorities, and the authorities of adjacent and nearby political subdivisions so as to insure the most effective emergency operations.

Section 602. His duties shall include, but not be limited to, the following:

(a) Development of the Township of Exeter Emergency Operations Plan, and any other appropriate disaster plans, for the immediate use of all the facilities, equipment, manpower, and other resources of the township for the purpose of minimizing or preventing damage to persons or property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety, and general welfare.

(b) Coordinating the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the township emergency purposes.

(c) Through public information programs, educating the population as to actions necessary and required for the protection of persons and property in case of a disaster.

(d) Conducting practice alerts and exercises to insure the efficient operation of the township's emergency organization and to familiarize residents of the township with emergency regulations, and procedures, and operations.

(e) Coordinating the activity of all other public and private agencies engaged in any emergency or disaster relief programs.

(f) Negotiating with owners or persons in control of buildings or other property for the use of such buildings or property for emergency or disaster relief purposes, and designating suitable buildings as public shelters.

(g) Establishing and maintaining administrative control over a local radiological defense program, to include emergency preparations for both peacetime radiation incidents and international wartime disasters.

(h) Coordinating municipal emergency preparedness activities with those at the county level and adjacent municipalities.

Article 7. Volunteers; Appointments; Records

Section 701. Each department, commission, board, or other agency of township government may at any time appoint or authorize the appointment of volunteer citizens to augment the personnel of such township department, commission, board or agency in time of emergency. Such individuals shall be enrolled as Emergency Preparedness Volunteers and shall be subject to the rules and regulations set forth by the respective department, commission, board or agency head for such volunteers.

Section 702. The Coordinator may enlist volunteer citizens to form the Personnel of an emergency service for which the township has no counterpart, or to temporarily augment personnel of the township engaged in emergency activities. The Coordinator shall maintain formal records of all such volunteers for workmen's compensation purposes.

Article 8. Rights of Township Employees

Section 801. Township employees assigned to duty as a part of the Emergency Preparedness Forces pursuant to the provisions of this ordinance and shall retain all of the right, privileges, and immunities of township employees and shall receive the compensation incident to their employment.

Article 9. No Governmental or Private Liability

Section 901. This ordinance is an exercise by the township of its governmental functions for the protection of the public health, safety, and general welfare. As such, neither the township nor agents and representatives of the township nor any individual, receiver, firm, partnership, corporation, association, nor trustee, nor any of the agents thereof acting in good faith carrying out, complying with or attempting to comply with this ordinance shall be liable for any damage sustained to persons or property as a result of said activity.

Section 902. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the township the right to inspect, designate and use the whole or any part of such real estate or premises for the purpose of sheltering persons during a disaster or during an authorized practice

disaster exercise, shall not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for loss of, or damage to, the property of such person.

Article 10.

Conflicting Ordinances, Orders, Rules and Regulations Suspended

Section 1001. At all times when the orders, rules and regulations made and promulgated pursuant to this ordinance shall be in effect, they shall supersede all other existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent therewith.

Article 11. Violations

Section 1101. It shall be unlawful for any person willfully to obstruct, hinder or delay any Emergency Preparedness Forces in the enforcement or accomplishment of any rule or regulation issued pursuant to this ordinance, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this ordinance. It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or other means of identification as a member of the Emergency Preparedness Forces of the Township of Exeter unless authority to do so has been granted to such person by proper officials.

Article 12. Severability

Section 1201. Should any section, clause, or provision of this ordinance be declared by the courts invalid for any reason, such declaration shall not effect the validity of the ordinance as a whole or any part thereof, other than the section, clause, or provision so declared to be invalid.

Article 13. Repeals

Section 1301. The Resolution creating a Civil Defence Agency passed on May 19, 1975 being in conflict with this ordinance is hereby repealed.

Article 14. Effective Date

Section 1401. This ordinance shall have immediate effect.

This Ordinance No. 24 was made and passed by the Exeter Township Board at a regular meeting of said Board held on October 17, 1978, at the Exeter Township Hall with 5 members of said Board being present and 5 voting in favor thereof and 0 voting against.

Margaret M. Bruck
Exeter Township Clerk

Attested.

Frederick Kurtycz

I, Margaret M. Bruck, Clerk of the Township of Exeter, do hereby certify that this Ordinance was approved and adopted by the Exeter Township Board at a regular meeting thereof held on the 20th day of October, 1978.

Margaret M. Bruck
Exeter Township Clerk