



## EMERGENCY POWERS ORDINANCE

### (1) AUTHORITY

This Emergency Powers Ordinance is enacted pursuant to Article VIII, Part Second, of the Maine Constitution, 30-A M.R.S.A. §3001, and Article IV, Section 9, of the Waterville City Charter.

### (2) EMERGENCY PROCLAMATION

A. The City Manager, or Manager's designee, shall have the power and authority, after consultation with the Mayor and Chair of the City Council, to issue a proclamation that an emergency exists whenever a disaster or civil emergency exists or appears imminent. The proclamation may declare that an emergency exists in any or all sections of the City. The proclamation shall be promptly filed in the office of the City Clerk.

B. Notwithstanding the above, when consultation with the Mayor and Chair of the City Council would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the City Manager, or Manager's designee, is authorized to take whatever action is necessary to prevent the loss of life and property in the City.

C. The City Manager shall be responsible for submitting a full report to the City Council of all actions taken as a result of the declared emergency as soon as the City Council can be convened.

### (3) TERMINATION OF EMERGENCY

A. When the City Manager, or Manager's designee, is satisfied that a disaster or civil emergency no longer exists, he or she shall terminate the emergency proclamation by another proclamation affecting the sections of the City covered by the original proclamation, or any part thereof. Said termination of emergency shall be promptly filed in the office of the City Clerk.

B. No state of emergency declared by the City Manager, or Manager's designee, may continue for longer than five calendar days unless renewed by the City Council. The City Council, by Resolution, may terminate or modify the state of emergency by majority vote of councilors present. A meeting for this purpose may be called by the Mayor or four councilors upon 24 hours' notice.

### (4) CITY MANAGER'S DUTIES AND EMERGENCY POWERS

A. During any period when an emergency proclamation is in effect, the City Manager may promulgate such regulations deemed necessary to protect life and property and to preserve critical resources within the purposes of this article. Such regulations may include, but are not limited to, the following:

- (1) Regulations prohibiting or restricting the movement of vehicles in areas within or without the City;
- (2) Regulations facilitating or restricting the movement of persons within the City;
- (3) Regulations pertaining to the movement of persons from hazardous areas within the City;
- (4) Such other regulations necessary to preserve public peace, health, and safety.

B. Nothing in this section shall be construed to limit the authority or responsibility of any department to proceed under powers and authority granted to them by State Statute, City ordinance, or the Charter of the City of Waterville.

C. The City Manager or his or her designee may order the evacuation of persons from hazardous areas within the City.

D. The City Manager or his or her designee shall be authorized to request aid or assistance from the state or any political subdivision of the state and may render assistance to other political subdivision under the provisions of 37-B M.R.S.A. §784, as amended.

E. The City Manager may obtain vital supplies, equipment, and other items found lacking and needed for the protection of health, life, and property during an emergency without following normal purchasing or formal bid procedures.

F. The provisions of this section will terminate at the end of the declared emergency.

#### **(5) VIOLATIONS AND PENALTIES**

A. It shall be unlawful for any person to violate any provisions of this article or of the regulations or plans issued pursuant to the authority contained herein, or to obstruct, hinder, or delay any emergency management agency in the enforcement of the provisions of this article or any regulation or plan issued hereunder.

B. Any person, firm, or corporation violating any provision of this article or any rule or regulation promulgated hereunder, upon conviction thereof, shall be punished by a fine of not less than \$100 and not more than \$500, which fine cannot be suspended, and shall be responsible for the costs of prosecution, including the City's reasonable attorney's fees.

#### **(6) CONFLICTING ORDINANCES, ORDERS, RULES AND REGULATIONS**

At all times when an emergency proclamation is in effect, the orders, rules, and regulations made and promulgated pursuant to this article shall supersede all existing ordinances, orders, rules, and regulations, insofar as the latter may be inconsistent herewith.