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CITY CLERK'S OFFICE

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City of So. Burlington Land Records

Attest: Margaret A. Picard

and Vol 64
P. 509-514

Margaret A. Picard, City Clerk

The Council of the City of South Burlington hereby ordain that this ordinance shall be known and may be cited and referred to as "Emergency Management Ordinance of the City of South Burlington."

Section 1. Intent and Purpose

- (1) It is the intent and purpose of the Ordinance to establish an office that will insure the complete and efficient utilization of all of the City's facilities to combat attacks or other disasters as defined herein.
- (2) The City of South Burlington's Office of Emergency Management will be the coordinated agency for all activity in connection with civil defense; it will be the instrument through which the City Manager may exercise the authority and discharge the responsibilities vested in him in Title 20, Section 6, VSA, as amended.
- (3) This Ordinance will not relieve any City Department of the responsibilities or authority given to it in the City Charter or by local Ordinance, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

Section 2. Definitions

- (1) The following definitions shall apply in the interpretation of this Article:
 - (a) "Emergency Management" means the preparation for and carrying out of all emergency functions, other than the functions for which military forces or other federal agencies are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action or from flood, fire, storm, or other natural causes, or from radiological incidents or hazardous chemical or substance incidents and the preparation and planning designated to insure that this City is prepared to deal with such disasters or emergencies and includes civil defense activities.
 - (b) "Attack" shall mean a direct or indirect assault

against the City of South Burlington, 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 of sabotage.

- (c) "Disaster" includes but is not limited to actual or threatened enemy attack, sabotage, extraordinary fire flood, storm, epidemic or other impending or actual emergency or calamity endangering or threatening to endanger health, life or property or constituted government.
- (d) "Emergency Management Forces" shall mean the employee equipment and facilities of City 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.
- (e) "Volunteer" shall mean contributing a service, equipment or facilities to the civil defense organization without remuneration.
- (f) "Emergency Management 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.
- (g) "Regulations" shall include plans, programs and other emergency procedures deemed essential to Emergency Management.

Section 3. Organization and Appointments

- (1) The City Manager is hereby authorized and directed to create an organization for emergency management utilizing to the fullest extent the existing agencies within this City.
- (2) The organization shall consist of the following:
 - (a) The employees, equipment and facilities of City departments, boards, institutions and commissions, 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.
 - (b) Volunteer persons and agencies offering service to, and accepted by, the City.

Section 4. Emergency Powers and Duties

(1) The City Manager

- (a) The City Manager may exercise the emergency power and authority necessary to fulfill his general powers and duties as defined in the City Charter.
- (b) 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:
 - 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 City.
 - 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.
 - 4 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.
 - 5 As soon as reasonable following the promulgation of emergency regulations, the City Manager shall notify the City Council of any regulation.

(2) Emergency Manager Director

- (a) There is hereby created the position of Emergency Management Director for the city. The Emergency Management Director shall be appointed biannually by the City Council. The Emergency Management Director may hold another office within the City.
- (b) The Emergency Management Director may order emergency management forces to the aid of other communities when required in accordance with the statues of the state, and he may request the state, or a political sub-

division of the state, to send aid to the City of South Burlington in case of disaster when conditions in the City are beyond the control of the local emergency management forces.

- (c) Emergency Management Director 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.
- (d) Emergency Management Director may request emergency services of any City officer or employees. If regular City forces are determined inadequate, the Director may request the services of such other personnel as he can obtain that are available, included 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.
- (e) The Director of the Office of Emergency Management shall be responsible to the City Manager in regard to all phases of the emergency management activity. Under the supervision of the Manager he shall be responsible for planning and coordination, 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:
 - (1) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the City for emergency management purposes.
 - (2) 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 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 other property for emergency management purposes and designating suitable buildings as public shelters.

- (4) Educating the civilian population, through public information programs 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.
 - (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 the public and private agencies engaged in an emergency management activity.
 - (7) Assuming such authority and conducting such activity as the City Manager may direct to promote and execute the emergency management plan.
- (3) Assistant Emergency Management Director

There is hereby created the position of assistant emergency management director for the City. The assistant emergency management director shall be appointed biannually by the City Council. The assistant emergency management director may hold another office in the City. The assistant emergency management director shall serve as emergency management director in the absence of the director.

Section 5. Violation of Regulations

It shall be unlawful for any person to violate any of the provisions of this Ordinance or any provision of any Regulations or Plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the Emergency Management Organization has herein defined in the enforcement of the provisions of this Ordinance or any Regulations or Plan issued thereunder.

Section 6. Penalty

Any person, firm or corporation violating any provisions of this Ordinance, or any Rule or Regulations formulated thereunder, shall be subject to legal action relating to applicable state and federal statutes.

Section 7. Severability

Should any provision of this Ordinance be declared invalid for any reason, such declaration shall not affect the validity of the other provisions.


Section 8. Conflicting Ordinances, Orders, Rules and Regulations Suspended

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.

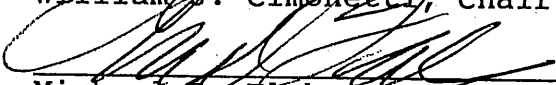
Section 9. Effective Date

This Ordinance shall take effect February 21, 1995.

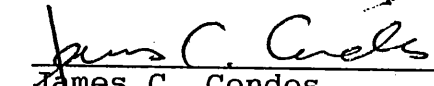
SOUTH BURLINGTON CITY COUNCIL:



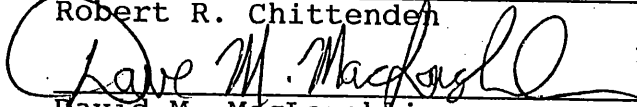
William J. Cimonetti, Chair



Michael D. Flaherty



James C. Condos

Robert R. Chittenden


David M. MacLaughlin