

## **Emergency Management Ordinance**

### ARTICLE I – EMERGENCY MANAGEMENT

#### Section (A). Short Title.

This Ordinance shall be known and may be cited and referred to as the “Emergency Management Ordinance of the Town of Brandon, Vermont”.

#### Section (B). Intent and Purpose.

(1) It is the intent and purpose of this Ordinance to establish an office that will insure the complete and efficient utilization of all of the Town’s facilities to combat disaster resulting from disasters as defined herein.

(2) This Ordinance will not relieve any Town Department of the normal responsibilities or authority given to it in the Town Charter or by Town Ordinance, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

#### Section (C). Definitions.

(1) The following definitions shall apply in the interpretation of this Article:

(a) “Emergency Management” in its broad meaning is to carry out the basic government functions of maintaining the public peace, health, and safety during an emergency. This shall include plans and preparations for protection from, and relief, recovery and rehabilitation from, the effects of a disaster as defined herein. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States.

(b) “Disaster” includes but is not limited to actual or threatened enemy attack or act of terrorism, sabotage, extraordinary fire, flood, storm, epidemic, or other impending or actual calamity endangering or threatening to endanger health, life or property or constituted government.

(c) “Emergency Action Forces” 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) “Emergency Action Volunteer” shall mean any person duly registered, identified and appointed by the Emergency Management Coordinator and assigned to participate in the Joint Emergency Action Plan activity.

(e) “Joint Emergency Action Plan” (JEAP) shall refer to the document adopted by the Select board which standardizes and outlines the responsibilities of the various agencies in the Town of Brandon who are responsible for the care and protection of the lives and property of its citizens in the event of a natural disaster or other emergency situation within the Town of Brandon.

(f) “JEAP Committee” shall refer to a standing committee charged with the responsibility of reviewing the JEAP on a minimum of an annual basis. The committee shall consist of: the Fire Chief and his assistants, the Police Chief and the Police Sergeant, the Rescue Squad Captain, the Rescue Squad President, a representative of the dispatch service, the Town Manager, and the Emergency Management Coordinator.

(g) "Emergency Management Coordinator" shall mean the Coordinator of the Joint Emergency Action Plan, appointed as prescribed in the Ordinance.

(h) "Regulations" shall include plans, programs and other emergency procedures deemed essential to Emergency Management.

#### Section (D). Organization and Appointments.

(1) The Town Manager is hereby authorized and directed to utilize to the fullest extent the existing Town agencies in coordination with the Emergency Management Coordinator in activating the Joint Emergency Action Plan.

(2) The Select board shall appoint an Emergency Management Coordinator, 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 enemy action or disaster as defined in this Ordinance.

#### Section (E). Emergency Powers and Duties.

(1) If the Emergency Resources within the Town of Brandon have been exhausted in an emergency situation, a declaration of disaster shall be made by the Select board Chair. The Emergency Management Coordinator shall be responsible for making the determination that resources have been exhausted and recommending declaration of disaster to the Select board Chair.

(2) During any period when disaster threatens or when the Town has been struck by disaster, within the definition of this Ordinance, the Emergency Management Coordinator in cooperation with the Town Manager, may promulgate such Town 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:

(a) 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.

(b) Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster

(c) Such other regulations necessary to preserve public peace, health, and safety.

(d) 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 Town Clerk and violations will be subject to the penalties provided in Section H of this Ordinance.

(3) The Coordinator may require the Town Manager to employ the emergency services of any Town officer or employees. If regular Town forces are determined inadequate, the Coordinator may require the services of such other personnel as he can obtain that are available, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as are provided by state law, and Town 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.

(4) The Coordinator will be prepared to activate the Joint Emergency Action Plan herein referred to and to exercise the special duties of his office as specified in the duly adopted Joint Emergency Action Plan.

(5) The Coordinator, in cooperation with the JEAP Committee, shall be responsible for the planning, coordination, and operation of the Joint Emergency Action Plan. He shall maintain liaison with the State and Federal authorities and the authorities of other nearby political subdivisions as to ensure the most effective operation of the Joint Emergency Action Plan. His duties shall include, but not limited to, the following:

(a) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Town for Emergency Management purposes.

(b) Development and coordination of plans for the immediate use of all the facilities, equipment, manpower and other resources of the Town 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.

(c) 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 the emergency management purposes and designating suitable buildings as public shelters.

(d) Through public information programs, educating the civilian population 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.

(e) Conducting public practice alerts to ensure the efficient operation of the civil defense forces and to familiarize residents with civil defense regulations, procedures and operations.

(f) Coordinating the activity of all other public and private agencies engaged in any emergency activity.

(g) Assuming such authority and conducting such activity as the Select board may direct to promote and execute the Joint Emergency Action Plan.

#### Section (F). Joint Emergency Action Plan

(1) The Joint Emergency Action Plan shall be adopted and maintained by the Select board upon the recommendation the JEAP Committee. In the preparation of this Plan as it pertains to Town organization, it is the intent that the services, equipment, facilities, and personnel of all existing department and agencies 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 Joint Emergency Action Plan of Brandon shall be adopted as an adjunct to the District 2 (Rutland County) Hazardous Materials Response Plan. The Plan shall be considered supplementary to this Ordinance and have the effect of law whenever a disaster, as defined in this Ordinance, has been proclaimed.

(2) The Coordinator shall prescribe in the Plan those positions within the disaster organization, in addition to his own, for which lines of succession are necessary.

(3) Each service chief and department head assigned responsibility in the Plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned Town employees and volunteers.

(4) Amendments to the Plan shall be submitted to the JEAP Committee. If approved, the Town Manager will submit the amendments to the Select board with his recommendations for their approval. Such amendments shall take effect 30 days from the date of Select board approval. In the event an amendment is pending at the time that a disaster is proclaimed under provisions of this Ordinance, the amendment will be considered approved immediately and will remain effective unless specifically revoked by the Select board.

Section (G). Violation of Ordinance Regulations.

It shall be unlawful for any person 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 person charged with duties appointed by the Emergency Management Coordinator as herein defined in the enforcement of the provisions of this Ordinance or any regulations or plan issued thereunder.

Section (H). Penalty.

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 \$500 dollars, and costs of prosecution, or imprisonment for a period of not more than ninety (90) days, or both such fine and imprisonment in the discretion of the court as set forth in 20 VSA 24.

Section (I). Severability.

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

Section (J). 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 inconsistent therewith.

Section (K). Effective Date.

This Ordinance shall take effect on the 11th day of June 1993, in accordance with the provisions of 24 VSA 1972, signed this 12th day April, 1993.

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**[Establishment of Historic Preservation Commission](#)**

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WHEREAS, the Town of Brandon contains historic sites, structures and districts of local, statewide and national significance and the Board of Selectmen has determined that a Historic Preservation Commission would be beneficial to the cultural enrichment and general well-being of the Community.

NOW, THEREFORE, pursuant to authority granted to them by Title 24, Vermont Statutes Annotated, The Board of Selectmen hereby ordains and enacts as follows:

1. The Town of Brandon has agreed to enforce, within its jurisdiction, the provisions of the Vermont Municipal and Regional Planning and Development Act (24 V.S.A. Chapter 117), the Vermont Historic Preservation Act (22 V.S.A. Chapter 14), and any other state or local legislation which may be protection of historic properties.

2. The Town of Brandon hereby establishes a Historic Preservation Commission of five members appointed by the Board of Selectmen. The structure and responsibilities of the commission shall be as follows:

A. The commission shall be composed of professional and lay members, a majority of whom reside within the jurisdiction of the Town of Brandon and to the extent available, have professional disciplines of history, archaeology, architectural history, architecture and historical architecture who meet the requirements outlined in Appendix A of the Regulations for the Vermont Certified Local Government Program. Members representing other historic preservation disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology, and lay members are encouraged but not mandated. When a discipline is not represented on the commission, the commission shall seek the assistance of the Division in obtaining the necessary expertise when considering National Register nominations.

B. All members of the commission shall have a demonstrated interest, competence or knowledge in historic preservation.

C. All activities of the commission shall be in accord with the terms of the Vermont Open Meeting Law (1 V.S.A. Chapter 5, Subchapter 3), and the commission shall take additional steps as it deems appropriate to stimulate public participation in commission activities, such as, publishing its minutes, publishing the procedures by which assessments of potential National Register nominations will be carried out or using public service announcements to publicize commission activities.

D. The commission shall meet no less than four times each year, and maintain an attendance rule for commission members.

E. The commission shall have written rules of procedure, including conflict of interest provisions in compliance with the National Register Programs Guideline.

F. The commission shall have the following responsibilities, to be carried out in coordination with and in accord with format and standards established by the Vermont Division for Historic Preservation:

(1) Creation and maintenance of a system for the survey and inventory of historic properties within its jurisdiction that is coordinated with the Vermont Historic Sites and Structures Survey and the Vermont Archaeological Inventory.

(2) Preparation, for submission to the Division by the Board of Selectmen, of a report concerning properties within its jurisdiction that are under consideration for nomination to the National Register of Historic Places. The report shall be prepared in cooperation with the Division and shall be prepared in a manner consistent with the requirements of the National Historic Preservation Act as described in the Regulations for the Vermont Certified Local Government Program, Chapter 5, Section 50 1 (a)2(F)(2).

(3) When determined to be appropriate in the discretion of the commission, preparation and submission for approval by the Board of Selectmen of grant applications to the Division for funds from the CLG share of the state's annual Historic Preservation Fund (HPF) grant award.

(4) Advising and assisting the Board of Selectmen, Planning Commission, and other appropriate persons on matters related to historic preservation.

(5) Performance of additional responsibilities in accordance with a mutual written agreement between the Division and the Board of Selectmen.

Adopted the 22nd of March, 1999, at Brandon, County of Rutland,

Brandon Selectboard

Board of Selectmen