

**TOWN OF WARNER  
EMERGENCY MANAGEMENT ORDINANCE**

November 15, 1995

The Town of Warner ordains the creation of the **EMERGENCY  
MANAGEMENT OFFICE**

**ITEM I - Short Title.**

This Ordinance shall be known and may be cited and referred to as the "Emergency Management Ordinance for the Town of Warner".

**ITEM II - 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 Towns' facilities to combat disaster, natural or man-made, enemy attack or other disasters as defined herein.

(2) The Town of Warner Office of Emergency Management will be the coordinating agency for all activity in connection with emergency planning; it 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, Civil Defense Act of 1950, as amended, and this Ordinance.

(3) This Ordinance will not relieve any Town Official of the moral responsibilities or authority given to them in the State of New Hampshire RSA(s) or by Local Ordinance, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

**ITEM III - 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 natural or man made disaster on the community. And it shall also include such activity in connection with an enemy attack 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, sabotage, 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) "Attack" shall mean a direct or indirect assault against the Town of Warner, its government, its environs, or of the nation, by the forces of a hostile nation or the agents thereof, including the assault by bombing, radiological, chemical or biological warfare, or sabotage.

(d) "Emergency Response Resources" shall mean the employees, equipment and Town facilities, boards, 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 Volunteer" shall mean any person duly registered, identified and appointed by the Coordinator of the Office of Emergency Management and assigned to participate in the Emergency Management activity.

(g) "Coordinator" shall mean the Coordinator for the Town of Warner Office of Emergency Management as prescribed in this Ordinance.

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

#### **ITEM IV - Organization and Appointments.**

(1) The Selectmen are hereby authorized and directed to create an organization for Emergency Management utilizing to the fullest extent the existing resources within the community. The Selectmen, as head of the municipal government, shall be responsible for the organization, administration and operation of emergency forces.

(2) The organization shall consist of the following:

(a) An Office of Emergency Management within the Towns' government and under the direction of the Selectmen. There shall be an Appointee to the Office of Emergency Management who shall be known as the Coordinator of the Office of Emergency Management, and such assistants and other employees as are deemed necessary for the proper functioning of the organization.

(b) The employees, equipment and facilities of the Town of Warner Departments, boards, institutions and commissions, will participate in the Emergency Management activity. Duties assigned to Town employees shall be the same or similar to their normal duties, as far as possible.

(c) Volunteer persons and agencies offering service to, and accepted by, the Town of Warner.

(3) The Selectmen, shall appoint a Coordinator to the 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.

(4) The Selectmen, shall designate and appoint a person or persons to assume the emergency duties of the Coordinator in the event of his/her absence. The intent being that there will always and at all times be a representative of the Selectmens' Office in charge of the Towns' Emergency Operations.

#### **ITEM V - Emergency Powers and Duties.**

##### **(1) The Selectmens' Office:**

(a) The Selectmen shall exercise the emergency power and authority necessary to fulfill their general powers and duties as required. The judgment of the Selectmen shall be the sole criteria necessary to invoke emergency powers.

(b) During any period when disaster threatens or when the Town has been struck by disaster, within the definition of this Ordinance, the Selectmen may promulgate such regulations as they deem 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 mass movement of persons from critical areas within or without the Town.

2. Regulations pertaining to the movement of persons from areas deemed 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 the Ordinance when duly filed with the Town Clerk.

(c) The Selectmen shall order Emergency Management forces to the aid of other communities when required in accordance with the statutes of the State, and may request the State, or a political subdivision of the State, to send aid to the Town of Warner in case of disaster when conditions in the Town of Warner are beyond the control of local Emergency Management forces.

(d) Selectmen 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 Warner for the fair value thereof.

(e) Selectmen may require emergency services of any Town officer or employees. If regular Town forces are determined inadequate, the Selectmen may require the services of such other personnel as can be obtained, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to privileges and immunities as provided by State law. Employees and other registered and identified Emergency Management and disaster workers, may receive appropriate compensation for their emergency employment.

(f) The Selectmen will cause to be prepared the Basic Plan herein referred to, and to exercise their ordinary and special powers as conferred upon them by any statute, or any other lawful authority.

(2) Coordinator of the Office of Emergency Preparedness:

(a) The Coordinator of the Office of Emergency Preparedness shall be responsible to the Selectmen in regard to all phases of the Emergency Management activity. Under the supervision of the Selectmen he/she shall be responsible for the planning, coordination and operation of the Emergency Management activity in the Town of Warner.

Under the supervision of the Selectmen, he/she 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. These duties shall include, but not limited to, the following:

1. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Town for Emergency Management.
2. Development and coordination of plans for the immediate use of all of 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.
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. Through public informational programs, educating the civilian population as to actions necessary and required for the protection of their person and property in case of disaster or enemy attack, 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 Selectmen may direct to promote and execute the Emergency Management plan.

**ITEM VI - Emergency Management Basic Plan.**

(1) A comprehensive Emergency Management Basic Plan shall be adopted and maintained by the Selectmen. In the preparation of this Plan as it pertains to the Towns' organization, it is the intent that the services, equipment, facilities, and personnel shall be utilized to the fullest extent. When approved, it shall be the duty of all Town employees, elected and appointed officials to perform the functions assigned by the Plan and to maintain their portion of the Plan in a current state of readiness at all time. The Basic Plan shall be considered to have the effect of law whenever a disaster has been proclaimed.

(2) The Selectmen shall prescribe in the Basic Plan those positions with 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 Selectmen a current list of successors to his/her position. The 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.

(3) Each individual 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 chief shall formulate the operational plan for his/her service which, when approved, shall be an Annex to, and a part of the Basic Plan.

(4) Amendments to the Basic Plan shall be submitted to the Selectmen. If approved, such amendments shall take effect 30 days from the date of approval. In the event an amendment is pending at the time that a disaster is proclaimed under provisions of this Chapter, the amendment will be considered approved immediately and will remain effective unless specifically revoked.

(5) When a required competency or skill for a disaster function is not available within the Town, the Selectmen are 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 Warner may be accepted by the Town on a volunteer basis. Such citizens shall be enrolled as emergency volunteers in cooperation with the heads of the Towns' function affected.

(6) Some of the duties ascribed to the Selectmen in this section will ordinarily be handled as a matter of routine by the Emergency Management Coordinator but the responsibility and authority stem from and remain with the Selectmen.

**ITEM VII - No Municipal or Private Liability.**

(1) This Ordinance is an initiative by the Town of Warner as its governmental functions for the protection of the public peace, health, and safety, and neither the Town nor its agents and representatives of the said Town, or any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule 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.

(2) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the Town 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 or an enemy attack 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 other permission, or for loss of, or damage to, the property of such person.

**ITEM VIII - Violation of Regulations.**

It shall be unlawful for any persons to violate any of the provisions of the 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.

**ITEM IX - 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 in the Merrimack County Jail for a period of not more than ninety (90) days, or both such fine and imprisonment, at the discretion of the court.

**ITEM X - 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.

**ITEM XI - 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.

**ITEM XII - Effective Date.**

This Ordinance shall take effect on the 14th day of March 1996, in accordance with the voting results of the Town Meeting held on March 13, 1996.

November 15, 1995  
Date

**SELECTMEN:**

[Signature]

Gardner-Lynn Beau

[Signature]

Attest: \_\_\_\_\_