



Gloucester City Council
CERTIFICATE OF VOTE
Certificate Number: 2017-036

The Gloucester City Council, at a meeting held on **Tuesday, February 14, 2017** at 7:00 p.m. in the Kyrouz Auditorium, City Hall, voted to approve the following:

IN CITY COUNCIL:

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to accept Fire Chief Eric Smith's suggested revisions to GCO Chapter 2, Article VII, and Chapter 8 as presented in a memorandum dated December 27, 2016 and incorporated herein.

Joanne M. Senos

Joanne M. Senos, City Clerk

Date: **FEB 16 2017**

APPROVED BY THE MAYOR

[Signature]

Sefatia Romeo Theken

VETOED BY THE MAYOR

Sefatia Romeo Theken

SIGNED THIS 16th DAY OF FEBRUARY, 2017

All Ordinances shall become effective 31 days after passage except
Emergency Orders and Zoning Amendments shall become effective the next day.

ARTICLE VII. - ~~CIVIL DEFENSE~~ EMERGENCY MANAGEMENT

FOOTNOTE(S):

--- (22) ---

Editor's note—Sections 1—11 of a nonamendatory ordinance adopted January 19, 1988, has been included herein at the discretion of the editor as article VII, §§ 2-650—2-660.

Sec. 2-650. - Short title.

This article shall be known and may be cited and referred to as the "~~Civil Defense~~ Emergency Management Ordinance of the City of Gloucester."

(Ord. of 1-19-1988, § 1)

Sec. 2-651. - Intent and purpose.

- (a) It is the intent and purpose of this article to establish an office that will ensure the complete and efficient utilization of all the city's facilities and combat disasters resulting from attack or other emergency situations.
- (b) The city ~~office of civil defense~~ department of emergency management will be the coordinating agency for all activity in connection with emergency management-civil defense; it will be the instrument through which the mayor may exercise the authority and discharge the responsibilities vested in him/her in the appendix of to M.G.L. c. 33, as amended, and this article.

(Ord. of 1-19-1988, § 2)

Sec. 2-652. - Definitions.

The following definitions shall apply in the interpretation of this article:

~~Civil defense~~ Emergency management shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces other than the National Guard are primarily responsible, for the purpose of minimizing and repairing injury and damage resulting from disasters caused by attack, sabotage or other hostile action; or by riot or other civil disturbance; or by fire, flood, earthquake or other natural causes. Said functions shall include specifically, but without limiting the generality of the foregoing, firefighting and police services other than the actual control or suppression of riot or other civil disturbance, medical and health services, rescue, engineering and air raid warning services, evacuation of persons from stricken areas, emergency welfare services, communications, radiological, chemical and other special weapons of defense, emergency transportation, existing or property assigned functions of plant protection, temporary restoration of public utility services and other functions.

~~Civil defense~~ Emergency management-forces shall mean the employees, equipment and facilities and all 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.

~~Civil defense~~ Emergency management-volunteer shall mean any person duly registered, identified and appointed by the director of the ~~office of civil defense~~ department of emergency management -and assigned to participate in the ~~civil defense~~ emergency management activity.

Director shall mean the director of the city ~~office of civil defense~~ department of emergency management, appointed as prescribed in this article.

Mayor shall mean the mayor or the acting mayor as provided in Charter, § 3-10(a), except that the acting mayor shall assume such office immediately upon the mayor's becoming unable to perform the duties of the office.

Regulations shall include plans, programs and other emergency procedures.

Volunteer shall mean contributing a service, equipment or facilities to the ~~civil defense emergency~~ management organization without remuneration.

(Ord. of 1-19-1988, § 3)

Sec. 2-653. - Organization and appointments.

- (a) The mayor is authorized and directed to establish an organization for ~~civil defense emergency~~ management in accordance with the commonwealth ~~civil defense emergency management~~ plan and program. Said organization is to be known as the city ~~office of civil defense~~ department of emergency management.
- (b) The organization shall be constituted as follows:
 - (1) There shall be a director who shall be appointed by the mayor and who shall have direct responsibility for the organization, administration and operation of the city ~~office of civil defense~~ department of emergency management, subject to the direction and control of the mayor.
 - (2) Every agency and all members of every department and division of the government of the city may be employed as part of the ~~civil defense emergency management~~ organization.
 - (3) Whenever the federal government or any agency or officer thereof, or any person, firm or corporation, shall offer to the city services, equipment, supplies, materials or funds, by way of gift, grant or loan for purposes of ~~civil defense emergency management~~, the city, acting through its city council, may accept such offer, and upon acceptance, the city council may authorize any officer of the city to receive such services, equipment, supplies, materials or funds on behalf of the city, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

(Ord. of 1-19-1988, § 4)

Sec. 2-654. - Emergency powers and duties.

- (a) The mayor.
 - (1) The mayor may exercise the emergency power and authority necessary to fulfill his general powers and duties as defined in the city Charter, article 3. The city council may convene to perform its legislative and administrative powers as the situation demands, and shall receive reports relative to ~~civil defense emergency management~~ activities. Nothing in that article shall be construed as abridging or curtailing the powers or restrictions of the city council as defined in the city Charter, article 2.
 - (2) During any period when disaster threatens or when the city has been struck by disaster, within the definition of this article, the mayor may promulgate such regulations as he/she 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 ~~civil defense emergency management~~ forces, or to facilitate the mass movement of persons from critical areas within or without the city.

- 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 city clerk.
- (3) The mayor 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 fair value thereof.
- (4) The mayor may require emergency services of any city officer or employee. If regular city forces are determined inadequate, the mayor may require the services of such other personnel as he/she is able to obtain, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to such privileges and immunities as are provided by commonwealth law, the city Charter and ordinances for regular city employees and other registered and identified civil-defense-emergency management and disaster workers.
- (5) The mayor shall cause to be prepared the basic plan herein referenced, shall exercise his/her ordinary powers as mayor, all of the special powers conferred upon him/her by the city Charter and this Code, and all powers conferred upon him/her by any commonwealth statute, or other lawful authority.
- (b) Director of the office of civil defense department of emergency management.
- (1) The director, acting under the supervision-authority of the mayor, shall be responsible for the planning, coordination and operation of the civil-defense-emergency management activity in the city. He/she shall maintain liaison with the commonwealth and federal authorities and the authorities of other nearby political subdivisions as to ensure the most effective operation of the civil-defense-emergency management plan. The director's duties shall include, but shall not be limited to, the following:
- a. Developing or causing to be developed, in collaboration with other public and private agencies, mutual aid arrangements for reciprocal civil-defense-emergency management aid and assistance in case of disaster too great to be dealt with unassisted.
 - b. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the city for civil-defense-emergency management purposes.
 - c. Developing and coordinating 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 utilities necessary for the public health, safety and welfare.
 - d. 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 civil-defense-emergency management purposes and designating suitable buildings as public shelters which comply with standards for shelters promulgated by the commonwealth director of civil-defense emergency management.
 - e. Educating the civilian population, through public informational 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.
 - f. Conducting public practice alerts to ensure the efficient operation of the civil-defense emergency management forces and to familiarize residents with civil-defense-emergency management regulations, procedures and operations.
 - g. Coordinating the activity of all other public and private agencies engaged in any civil-defense emergency management activity.

- h. Assuming such authority and conducting such activity as the mayor may direct to promote and execute the civil defense emergency management plan.

(Ord. of 1-19-1988, § 5)

Sec. 2-655. - Civil defense Emergency management and disaster basic plan.

- (a) A comprehensive civil defense and disaster basic emergency management plan shall be adopted and maintained by resolution of the council upon the recommendations of the mayor. In the preparation of this plan as it pertains to city organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved, it 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 basic plan shall be considered supplementary to this article and have the effect of law whenever a disaster, as defined in this article, has been proclaimed. Such a plan shall be electronic in accordance with MEMA standards and updated annually.
- (b) The mayor emergency management director shall prescribe in the basic plan those positions within the disaster organization city, in addition to his own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the mayor for each city organization will provide when asked, a current list of three persons as successors to this-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.
- (c) Each service public safety chief and department head 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 city employees and volunteers. Each public safety chief shall formulate the operational plan for his/her service or department which, when approved, shall be an annex to and a part of the basic plan.
- (d) Amendments to the basic plan shall be submitted by the emergency management director to the mayor. If approved, the mayor will submit the amendments to the city council with his recommendations for their approval. Such amendments shall take effect 30 days from the date of approval unless action is taken by the council disapproving the mayor's submission. In the event an amendment is pending at the time that a disaster is proclaimed under provisions of this article, the amendment will be considered approved immediately and will remain effective unless specifically revoked by the council.
- (e) When a required competency or skill for a disaster function is not available within the city government, the mayor is 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 in reasonable anticipation, during, and after the occurrence of a disaster. Such services from persons outside of government may be accepted by the city on a volunteer basis. Such citizens shall be enrolled as civil defense emergency management volunteers in cooperation with the heads of city departments affected.
- (f) Some of the duties ascribed to the mayor in this section will ordinarily be handled as a matter of routine by the emergency management director, but the responsibility and authority stem from and remain with the mayor.

(Ord. of 1-19-1988, § 6)

Sec. 2-656. - No municipal or private liability.

- (a) This article is an exercise by the city of its governmental functions for the protection of the public peace, health and safety, and neither the city nor agents and representatives of said city, or any individual,

receiver, firm, partnership, corporation, association or trustee, or any of the agents thereof in good faith and in the absence of gross negligence, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this article, shall be liable for any damage sustained by persons or property as the result of said activity. The provisions of this section shall not affect the right of any person to benefits to which he would otherwise be entitled under the State Civil Defense-Emergency Management Act, Workmen's Compensation Act, pension and other similar law.

- (b) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the city the right 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 enemy attack community emergency 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.

(Ord. of 1-19-1988, § 7)

Sec. 2-657. - Violation of regulations.

It shall be unlawful for any person to violate any of the provisions of this article or of the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the civil defense-emergency management organization as herein defined in the enforcement of the provisions of this article or any regulation or plan issued thereunder.

(Ord. of 1-19-1988, § 8)

Sec. 2-658. - Penalty.

Any person, firm or corporation violating any provision of this article, or any rule or regulation promulgated thereunder, upon conviction thereof, shall be punished by a fine of not more than \$300.00 and costs of prosecution or imprisonment in the county jail for a period of not more than 90 days, or both such fine and imprisonment, in the discretion of the court.

(Ord. of 1-19-1988, § 9)

Sec. 2-659. - Severability.

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

(Ord. of 1-19-1988, § 10)

Sec. 2-660. - 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.

(Ord. of 1-19-1988, § 11)

Secs. 2-661—2-700. - Reserved.