

TOWN OF VINALHAVEN

AIRCRAFT LANDING AND LAUNCHING ORDINANCE

Section 1: Purpose

The purpose of this Ordinance is to restrict the landing and launching of aircrafts within the incorporated boundaries of the Town of Vinalhaven.

Section 2: Definitions

- a. Aircraft - Any device carrying or capable of carrying one or more persons through the air, including airplanes, gliders, helicopters, balloons and other lighter aircraft, parachutes and any other similar device.

Section 3: Prohibited Acts

- a. No person shall land, or cause to be landed, launch or cause to be launched, any aircraft as defined herein anywhere in the incorporated Town of Vinalhaven except:
 1. In the case of an emergency.
 2. At a location, time and date authorized by the receipt of a special event permit issued by the Manager and Selectboard of the Town of Vinalhaven at its sole discretion.
- b. This section is not intended to apply to aircraft owned or operated by a federal or state governmental agency.

Section 4: Emergency Landings by Specified Agencies

- a. Landings or takeoffs may occur at any time for emergency purposes at specified locations, with appropriate notification to Emergency Management Personnel. Such landings shall be on an emergency basis only.
- b. Aircraft landings and takeoffs associated with public safety training exercises shall be allowed anywhere with prior notification to the Emergency Management Personnel.
- c. An exception may be made for Flying Santa Claus with the prior notification of Emergency Management Personnel.

Section 5: Violations

- a. Any person who violates any provision of this ordinance shall
 - 1. Be deemed guilty of a municipal infraction and be subject to a fine of up to five thousand dollars (\$2,500.00) with each landing; and
 - 2. Be deemed guilty of a municipal infraction and be subject to a fine of up to five thousand dollars (\$2,500.00) with each launching; and

Section 6: Conflict with Other Regulations

Where a conflict exists between any of the provisions of this Ordinance and any other applicable regulations, the more stringent provision shall govern and prevail.

Section 7: Severability

In the event that any section, subsection or any portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to effect the validity of any other section, subsection or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 8: Effective Date

Notwithstanding the provisions of 1 M.R.S.A. Section 302 or any other law to the contrary, this Ordinance shall apply to any applications for permits or approvals required under the prior provisions of Title XVII or any other ordinance or code that were not pending before any officer, board, or agency of the Town as of Vinalhaven.

Enacted (Month) (Day), 20(XX), Effective (Month) (Day), 20(XX)

Emergency Management Ordinance of the Town of Vinalhaven

Adopted September 14, 2009

1. **Short Title:** This Ordinance shall be known and may be cited and referred to as the “Emergency Management Ordinance of the Town of Vinalhaven”. Authorized under Title 37-B MRSA., Section 782.
2. **Definition:** Emergency Management Director (EMD) shall be the appointed town official responsible for performing the four phases of Emergency Management (PREPAREDNESS, RESPONSE, RECOVERY, and MITIGATION) and for liaison with the Knox County Emergency Management Agency.
3. **Establishment:** The Vinalhaven Office of Emergency Management (OEM) and the position of Emergency Management Director for the Town of Vinalhaven is hereby created. The Selectmen may appoint a Deputy Emergency Management Director and additional OEM staff members, as needed.
4. **Appointment Term and Removal:** The Selectmen shall appoint the EMD pursuant to Title 37-B MRSA, Section 782. This appointment and all other OEM appointments shall be annual and made by July 15th of each year. The Selectmen may remove the EMD or other appointed OEM staff members for cause.
5. **Oath of the Emergency Management Director and OEM staff:** Once the EMD and/or OEM staff has been appointed, the EMD and/or OEM staff shall take an oath of office before assuming any duties, pursuant to Title 30-A MRSA., Section 2526.
6. **Duties of the Emergency Management Director:** The EMD shall:
 - A. Prepare and update a Hazard Risk and Vulnerability Assessment.
 - B. Prepare and maintain the Vinalhaven Emergency Operations Plan.
 - C. Organize, activate, and operate the Vinalhaven Emergency Operations Center (EOC).
 - D. Prepare and maintain a list of disaster resources.
 - E. Develop procedures for the operation of the Vinalhaven EOC.
 - F. Coordinate and maintain written disaster mutual aid agreements with the approval of the Selectmen.
 - G. Provide Emergency Management training to town officials and responders.
 - H. Attend Knox County Local Emergency Directors Meetings.
 - I. Provide Disaster Preparedness information to Town residents.
 - J. Complete and report Damage Assessments to Knox EMA.
 - K. Complete and submit applications for FEMA disaster funds and grants.
 - L. When necessary, serve as liaison between the town and county/state/federal officials during disaster recovery.
 - M. Serve as NIMS Coordinator for the Town of Vinalhaven

7. **Membership of the Emergency Operations Center:** When directed by any one of the Selectmen, EMD, or Deputy EMD, the EOC will be established and manned. At the discretion of the Selectmen, EMD, or Deputy EMD, the following town officials may be included on the EOC staff:
 - A. Selectmen
 - B. Town Manager
 - C. Emergency Management Director
 - D. Deputy Emergency Management Director
 - E. Town Clerk & Treasurer
 - F. Code Enforcement Officer
 - G. Deputy Sheriff
 - H. Fire Chief or Deputy
 - I. Road Commissioner
 - J. Animal Control Officer
 - K. EMS Service Chief or Deputy
 - L. ICMS Representative

8. **Establishment of the National Incident Management System:** The Town of Vinalhaven hereby establishes the National Incident Management System (NIMS) as the municipal standard for incident management. This system provides a consistent approach for Federal, State, and Municipal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. NIMS will utilize standardized terminology, standardized organizational structure, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters. The NIMS Incident Command System (ICS) will be utilized by all Vinalhaven emergency and disaster responders for all hazards incident management.

9. **Disasters and States of Emergency:** The local EMD is empowered to make any reasonable requests for assistance from mutual aid partner jurisdictions pursuant to mutual aid agreements. The EMD may recommend to the Select Board that a State of Emergency be declared for the town when appropriate. The Select Board, when acting under the recommendation of the EMD, may make such a declaration and/or order evacuations necessary to protect lives and property. The EMD shall coordinate requests for assistance from other regional, county, state, or federal agencies through the Knox County EMA Director during emergencies or disasters. Under a locally declared State of Emergency, the EMD is authorized to commit town resources, including funding, to the extent necessary to prevent the loss of life, stabilize incidents or minimize loss or damage to public or private property. Whenever possible, these actions will be taken at the direction of the Select Board unless obtaining that authority would unnecessarily delay emergency actions.

10. **Compensation:** The EMD shall be compensated for duties rendered by an annual stipend as appropriated at Town Meeting.

11. **Training:** The EMD, Deputy EMD or other OEM staff may take necessary training as provided by the Knox County Emergency Agency, Maine Emergency Management Agency (MEMA) and FEMA relating to the duties required by this ordinance. The EMD is expected to pursue State of Maine Basic Emergency Manager Qualification.

Emergency Management Ordinance of the Town of Vinalhaven

Adopted: (MONTH) (DAY), 20(XX)

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Emergency Management Ordinance of the Town of Vinalhaven

Article 1. Authority

This ordinance is authorized under Title 30-A, §3001, et seq., and shall be known as the *Emergency Management Ordinance of the Town of Vinalhaven*.

Article 2. Purpose

- A. To establish the Office of Emergency Management that will ensure the complete and efficient utilization of the town's facilities and resources during any period of proclaimed emergency.
- B. To define the duties and authority of the Vinalhaven Office of Emergency Management Director who shall coordinate all activities in connection with Emergency Management.
- C. To define the protocol for issuing a Town Emergency Proclamation.
- D. To define powers and authorities given to the Town Manager and Emergency Management Director during a proclaimed emergency.
- E. To establish the National Incident Management System (NIMS) as the municipal standard for all- hazards incident management.

Article 3. Definitions

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

Disaster. *Disaster* means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause including, but not limited to, fire, ice storm, blizzard, flood, earthquake, windstorm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, critical material shortage, infestation, explosion, riot, said occurrence being of significant scope as to exceed the normal ability of the Town's resources to mitigate, respond to or recover from.

Emergency. *Emergency* is defined as an event that threatens the life, safety, and property of the residents or visitors of Vinalhaven or destruction of the environment, that requires immediate action to mitigate, contain or control.

Emergency Management Forces. *Emergency Management Forces* means the employees, equipment and facilities of all town departments, boards, institutions and commissions; and in addition, it shall include all volunteer persons, equipment and facilities contributed by or obtained from volunteer persons or agencies.

Emergency Proclamation. *Emergency Proclamation* refers to a governmental declaration that a disaster or emergency exists or appears imminent. These include a *state of emergency* proclamation at the national, state, county or local level that covers all or a section of the Town of Vinalhaven.

Local. *Local* means the geographic boundaries of Vinalhaven.

Article 4. Establishment of the Office of Emergency Management

There is hereby established within the Town of Vinalhaven, an emergency management organization to be known as the Vinalhaven Office of Emergency Management (OEM). The office is responsible for the preparation and implementation of emergency management plans to minimize injury and loss of life and/or property due to a serious emergency or disaster.

Article 5. Emergency Management Director Position and Office Members

The Vinalhaven Office of Emergency Management shall consist of a Director & Deputy Director, appointed by the Select Board. Other members shall be appointed by the Select Board when deemed necessary. The positions of Emergency Management Director (EMD) and Deputy Emergency Management Director for the Town of Vinalhaven are hereby created.

Section 5.01 Appointment and Term

The Select Board shall appoint the Emergency Management Director & Deputy Emergency Management Director and other staff as needed. These appointments shall be made within 30 days after the date of the Annual Town Meeting for a term of one year.

Section 5.02 Level and Training

The Emergency Management Director is expected to earn the *Maine Basic Emergency Management Director* level of certification. Training is available, but not limited to Knox County Emergency Management Agency (KXEMA), Maine Emergency Management Agency (MEMA) and FEMA.

Section 5.03 General Duties

The Emergency Management Director is responsible for performing the four phases of Emergency Management; preparedness, response, recovery and mitigation.

The Emergency Management Director duties shall include, but not being limited to the following:

- A. Prepare and maintain the Emergency Operations Plan (EOP) for the Town of Vinalhaven, which shall be submitted to the Select Board for approval and reviewed on an annual basis. The plan shall incorporate the principles of the National Incident Management System (NIMS) and the Incident Command System (ICS).
- B. Prepare and update a Hazard Risk and Vulnerability Assessment, annually.
- C. Complete and report Initial Damage Assessments (form 7's) to Knox EMA.
- D. Prepare and maintain a list of locally available disaster resources.
- E. Develop procedures for the organization, staffing, activation and operation of the Vinalhaven Emergency Operations Center (EOC).
- F. Coordinate and maintain written emergency and disaster Mutual Aid Agreements with the approval of the Select Board.

- G. Provide Emergency Management training to town officials, planners, and emergency responders.
- H. Develop and implement a Disaster Exercise program.
- I. Attend County Local Emergency Managers meetings.
- J. Maintain records and submit information as required for compliance with county, state and federal regulations and/or guidelines.
- K. Make Disaster Preparedness information available to town residents.
- L. When necessary, serve as liaison between the town and county/state/federal officials during disaster recovery.
- M. Complete and submit applications for grants that may become available and beneficial for improving emergency management and response capability for the Town of Vinalhaven.
- N. Serve as NIMS Coordinator for the Town of Vinalhaven.

Section 5.04 Powers During a Proclaimed Emergency

When an emergency proclamation is in effect, the Emergency Management Director or designee shall have the following responsibilities and authorities:

- A. Responsible for the organization, staffing and activation of the Emergency Operations Center (EOC) as defined in the Town's *Emergency Operations Plan*.
- B. Empowered to make any reasonable request for assistance from adjacent towns pursuant to established Mutual Aid Agreements.
- C. 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 state statute.
- D. Coordinate requests for assistance from other regional, county, state or federal agencies through the County EMA Director.

These provisions will terminate at the end of the proclaimed emergency.

Article 6. Emergency Proclamation

The Select Board shall have the power and authority to issue, by written declaration, 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 Town.

- A. Notwithstanding the above, when consultation with the Select Board would result in a substantial delay in initiating an effective response to alleviate or prevent an emergency or disaster, then the following persons shall have the power and authority to issue a proclamation that an emergency exists, in the following order of succession: the Chairperson of the Select Board, the Town Manager, the Emergency Management Director.
- B. A copy of such a proclamation shall be filed with the Town Clerk within twenty-four (24) hours or on the next business day that the Town Clerk's office is open.

- C. The Vinalhaven Emergency Operations Plan shall be the Town's governing document for emergency response and recovery by all municipal organizations.

The Emergency Management Director shall be responsible for submitting a full report to the Town Manager of all actions taken as a result of the proclaimed emergency. The Town Manager shall report to the Select Board as soon as it can be convened.

Article 7. Termination of a Proclaimed Emergency

- A. When the Emergency Management Director is satisfied that a disaster no longer exists, the director shall recommend to the Select Board to terminate the emergency proclamation, or any part thereof. When consultation with the Select Board would result in a substantial delay then the following persons shall have the power and authority to terminate the emergency proclamation in the following order of succession: the Chairperson of the Select Board, the Town Manager, the Emergency Management Director.
- B. When the Select Board does not terminate the proclaimed emergency, the Town Manager is responsible for notifying the Board that the proclamation has been terminated. In the absence of the Town Manager it is the responsibility of the Emergency Management Director to notify the Board.
- C. Terminations of emergency proclamation shall be filed in the Office of the Town Clerk within 24 hours or on the next business day that the Town Clerks office is open.
- D. No local emergency proclamation may stay in effect for longer than five days unless renewed by the Select Board.

Article 8. Town Manager – Powers During a Proclaimed Emergency

- A. When an emergency proclamation is in effect, the Town Manager or in his or her absence the Emergency Management Director (EMD), or designee may declare such regulations, as he or she deems 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 the Town;
 2. Regulations facilitating or restricting the movement of persons within the Town;
 3. Regulations pertaining to the movement of persons from hazardous areas within the Town;
 4. Such other regulations necessary to preserve public peace, health, and safety.
- B. The Town Manager or in his/her absence the EMD, or designee may order the evacuation of persons from hazardous areas within the Town.

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

Article 9. Commitment of Town Resources During a Proclaimed Emergency

- A. During a proclaimed emergency the Town Manager is authorized to commit Town resources, including funding, to the extent necessary to prevent loss of life, stabilize incidents, or minimize loss or damage to public or private property without following normal purchasing disbursement

procedures. In the absence of the Town Manager, the Emergency Management Director is given this authority. Whenever possible, these actions will be taken at the direction of the Select Board or Select Board Chair unless obtaining that authority would unnecessarily delay emergency actions.

- B. The Select Board will be provided with a Treasurer's Warrant showing expenditures during the proclaimed emergency as soon as a majority of them are able to convene at a Select Board meeting.

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

Article 10. Acceptance of Emergency Donations

- A. Cash donations help to avoid the labor and expense of sorting, packing, transporting and distributing donated goods. The Town Treasurer will receive and record any, financial donations and establish an accounting system to track the contributions.
- B. To oversee any material donations, the Emergency Management Director will appoint a Donations Manager.

Article 11. Adoption of the National Incident Management System

The Town of Vinalhaven hereby establishes the National Incident Management System (NIMS) as the municipal standard for all hazards incident management.

This system provides a consistent approach for Federal, State, and municipal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity. NIMS will utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters.

The NIMS Incident Command System (ICS) will be utilized by all Vinalhaven emergency and disaster responders for all hazards incident management.

Article 12. Severability

Should any provisions 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.

Article 13. Conflicting Ordinances, Orders, Rules and Regulations Suspended

At all times when an emergency proclamation is in effect and any inconsistencies exists, the orders, rules and regulations made and promulgated pursuant to this ordinance shall supersede all existing ordinances, orders, rules and regulations.

Adopted: September 14, 2009

Amended:

Vinalhaven Quarry Preservation Ordinance

Section 1. Purpose

The purpose of this ordinance is to preserve the town-owned quarries and see that the use of the quarries does not have a deleterious impact on the public health, safety, and general welfare or on the natural environment.

Section 2. Authority

This ordinance is enacted pursuant to Title 30-A MRSA §3001 et. seq and §3751 et seq.

Section 3. Applicability

This ordinance shall apply to all town-owned quarries unless otherwise noted.

Section 4. Prohibited Acts

- a. “No person shall cause or allow the entrance of pollutants including, but not limited to soaps & shampoo, into Town owned quarries used for the purpose of public swimming”.
- b. No person shall possess or consume alcohol, tobacco, marijuana, vape products, and/or any other drug or drug paraphernalia.
- c. No person shall permit or allow any animal under his ownership or control to enter Town owned ~~quarries~~ quarry properties used for the purposes of public swimming.
- d. No person shall cause or allow water to be removed from Town owned quarries.
- e. The Town reserves the right to remove water from the quarries for its own use.

Section 5. Enforcement

- a. Prohibited acts identified in this ordinance can be enforced by a law enforcement officer.
- b. Each and every violation of this ordinance shall be subject to a fine of not less than \$100.00 nor more than \$2,500.00 per violation.”

~~Art. 58 Shall an ordinance entitled “Vinalhaven Quarry Preservation” be e~~Enacted by the Town- (4/26/1986)

Revised and Adopted MM/DD/YYYY