

LOCAL LAW #5 OF 2008

**TOWN OF VIENNA
STATE AND LOCAL NATURAL AND MAN-MADE DISASTER
PREPAREDNESS PROCEDURE**

SUBJECT: Local disaster preparedness plans; local state of emergency, local emergency orders by the chief executive; use of local government resources; coordination of local disaster preparedness forces and local civil defense forces; and continuity of local governments. The previous “SPECIFIC POWERS AND AUTHORITIES DECLARATION OF A STATE OF EMERGENCY,” is superseded by this issue.

Approved for use:

Presented at the Vienna Town Board Meeting of the 18th day of July, 2008

WHEREAS, a natural or man-made disaster may, at any time, cause all or part of the Town of Vienna to be in need of coordinated emergency actions to relieve conditions caused by a wide variety of potential hazards including, but not limited to flood, drought, tornado, blizzard, windstorm, chemical accident and any national emergency; and

WHEREAS, a New York State Executive Law Article 2-B, Attachment-A, in the case of a natural or man-made disaster, and the New York State Defense Emergency Act, in the case of a national emergency:

- 1. Imposes upon the Chief Executive of the Town of Vienna, or in his/her absence the duly appointed Deputy Supervisor, the responsibility for the execution and implementation of the provision of the act relating to the Town; and**
- 2. Requires the responsibility for the utilization of all existing Town resources and the services available through existing Town offices, boards or commissions, to extend such services, equipment, supplies and facilities as required of them; and**
- 3. Requires the Town Executive, by order, to establish and direct town agencies and public officers to perform specific duties to execute and implement the relevant emergency management provisions of Article 2-B or in conjunction with the responsibility for the management and performance of essential functions during a natural or man-made disaster, or during periods of training.**
- 4. DEFINITIONS:**
 - A. “Chief Executive” means:**
 - 1. A county executive or manager of a county;**
 - 2. In a county not having a county executive or manager, the chairman or other presiding officer of the county legislative body;**
 - 3. A mayor of a city or village, except where a city or village has a manager, it shall mean such manager; and**
 - 4. A supervisor of a town, except where a town has a manger, it shall mean such manager.**
 - B. “Disaster” means:**
occurrence or imminent threat of wide spread or severe damage, injury, or loss of life or property resulting from any natural or man-

made causes, including, but not limited to fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, epidemic, air contamination blight, drought, infestation explosion, radiological accident, water contamination, bridge failure or bridge collapse.

- C. **“Emergency Services Organization”** means: a public or private agency, organization or group organized and functioning for the purpose of providing fire, medical, ambulance, rescue, housing, food or other services directed toward relieving human suffering, injury or loss of life or damage to property as a result of an emergency, including non-profit and governmentally-supported organizations, but excluding governmental agencies.

Local government and Emergency Service Organizations continue their essential role as the first line of defense in times of a disaster, and it is the policy of New York State, pursuant to Article 2-B, to provide appropriate supportive services to the extent necessary. Therefore, these procedures are generally outlined to provide a guide to cope with a disaster situation.

- A. Upon a finding by the Chief Executive of the Town that public safety is imperiled, such Chief Executive shall proclaim a Local State of Emergency within any part or all of the territorial limits of such local government pursuant to Sections 24, 25, and 26 of Executive Law, Article 2-B. The form entitled **LOCAL STATE OF EMERGENCY OR PROCLAMATION DECLARATION**; (Attachment-B) shall be used for this purpose.
- B. All Town Officers shall continue regular government operations to the extent permitted by disaster or national emergency from the Town Command Post or normal locations, as local conditions dictate, and will follow the lines of succession established by local law for the continuity of government.
- C. In the event of a natural or man-made disaster or national emergency, the Chief Executive shall coordinate the performance of specific emergency functions and responsibilities to include, but not limited to, those hereinafter designated and these same officers and agencies shall be responsible for providing plans and training to provide an efficiently and coordinate response to emergencies:
1. **TOWN ATTORNEY**: to render advice and opinions to the Chief Executive of the Town with regard to continuity of government, and interpretation, application and implementation of Article 2-B of the Executive Law, New York State Defense Emergency Act, related Defense Emergency Laws, and other relevant laws and regulations and orders.
 2. **DEPUTY SUPERVISOR**: Any person duly appointed by the Town Board, to act as assistant to the Town Supervisor and put emergency plans into effect in case of absence of the Supervisor.
 3. **TOWN CLERK**: To preserve Town records; direct the proper processing and operations of the Town, with the conservation, procurement, allocation and distribution of essential resources to serve operational needs; to provide fiscal advice to the Chief Executive during disaster situations and to support indirect

monetary, tax and credit measures adopted by the Federal government.

4. **HIGHWAY DEPARTMENT:** To act as Chief of Engineering and Public Works Service; to provide barricades for road closings and to be responsible for closing of Town roads; mobilize and use public and privately owned construction assets, sanitation and public utility equipment and personnel; direct and coordinate Town operations
5. **FIRE DEPARTMENTS that the Town has contracted with for fire protection services (Camden and Cleveland):** When more than one contracted fire prevention service exists within the Town, the Fire Chief of each district shall act as Chief of Fire Services; coordinating all fire/emergency functions for that district. The Fire Services shall have the responsibility to coordinate all Emergency Response Groups and other outside Agencies as required to cope with the disaster. The Fire Departments shall provide coverage of their own district and provide mutual aid support. They will also provide for assisting and coordination with, other agencies in Traffic Control, Road closing and evacuation. Each Department shall maintain a process for fire fighter and volunteer person accountability at the disaster site.
6. **APPOINTED OFFICIAL:** To provide property values or tax assessment values to the local disaster assessment team and to the Chief Executive of the Town as required for any required disaster assessment report. To provide maps, charts, local governing body boundaries and other information to the Chief Executive during emergency periods, and in support of related training programs. To act as the coordinator of the Disaster Assessment team, in conjunction with the Chief of Fire Services, to provide consolidated data to the County, as outlined in the bulletin “Disaster Assessment Requirements for Counties, Towns, Cities and Villages,” Attachment – C.
7. **OTHER TOWN OFFICERS OR EMPLOYEES:** As required by the Chief Executive.
8. **OTHER AGENCIES:**
 - A. DPW
 1. Town of Vienna - 315-245-1019
 2. Oneida County – 315-336-0660
 3. NYS DOT – 315-336-0660
 - B. Ambulance:
 1. Amcare – 315-339-5600
 2. Camden – 315-245-4798
 3. North Shore Ambulance - 315-675-3110
 4. Vineall – 315-361-1000
 - C. Onondaga County Water Authority – 315-455-7061
 - D. Verizon – 315-890-7100
 - E. Time Warner – 315-634-6000
 - F. National Grid – 1-800-892-2345
 - G. Police
 1. Oneida County Sheriffs – 315-765-2222 or 911

- 2. NYS Police – 315-366-6000 or 911
- H. DEC – 1-800-847-7332
- I. Oneida County Emergency System – 315-765-2526 or 911
- J. Vienna Fire Districts
 - 1. Camden Fire Protection District – 315-245-0560 or 911
 - 2. Cleveland Fire Protection District – 315-675-3731 or 911
 - 3. McConnellsville Fire District – 315-245-2118 or 911
 - 4. North Bay Fire District – 315-245-2218 or 911
 - 5. Sylvan Beach Fire District – 315-762-5500 or 911
 - 6. Vienna Fire District – 315-245-1237 or 911
- K. Helicopters – 911
- L. Doctors
- M. Advanced Life Support - (315) 738-8351 or 911
- 9. **AMERICAN RED CROSS:** Will be asked to provide aid for disaster victims, to acquire and assist at the shelters, and track placement/locations of disaster victims. (315-336-0330)
- 10. **SCHOOL SYSTEMS:** the appropriate school system districts will be contacted for school bus re-routing, school bus use for mass evacuation, and potential use of school buildings for shelter sites. (Camden Schools, Central Square Schools, Oneida City Schools, Verona Schools)
- 11. **LAW ENFORCEMENT AGENCIES:** the County and State Agencies will be requested to provide assistance to the Fire Dept. at the disaster site, to monitor barricades on roads and other areas, to perform primary traffic control and assist with evacuation by, land, water or air.
- 12. **UTILITY COMPANIES:** (OCWA, SYLVAN SPRINGS SEWER, NATIONAL GRID) To provide necessary power to life sustaining equipment to persons requiring it, until provisions are made for evacuation; To provide disconnect services as required, and provide for emergency communications, power or water as required.
- 13. **EVACUATION PLAN:** Camden High School
- D. **SAME HARMLESS CLAUSE:** Nothing would be inconsistent with the County Plan.
- E. All Town Officers shall report to the Town Hall when so directed by the Chief Executive, or upon such directive issued subsequent to the dissemination of warning information through the emergency warning system.
- F. To ensure an effective operational capability in the event of a natural or man-made disaster or a national emergency. It is incumbent upon those named in this resolution to prepare themselves and their agencies to fulfill their assigned duties and responsibilities by organizing, planning, recruiting and training to achieve the full integration of existing local resources of man power, materials facilities and services into an emergency operation.
- G. In the event of a natural or man-made disaster, a national emergency or preparation thereof, the above officers of the town shall have authority to assign emergency management functions to members of their staffs and such personnel should cooperate and extend such services that are required of them.

- H. **Once local resources have been exhausted, the local government will rely on county resources. This will be done through the Oneida County Emergency Management Office.**
- I. **Bridge Flood Warning Action Plan: the Town Highway Superintendent shall institute the New York State Bridge Flood Warning Action Plan, when a potential flood is determined. This is done in accordance with the list of bridges defined by the NYS Dept. of Transportation.**
 - 1. **Initiation of a locality's Bridge Flood Warning Action Plan is at the discretion of the local bridge owner. The Department of Transportation recommends that the plan be initiated, at least, during the period of a National Weather Service Flood Warning. It should be initiated at other times as local conditions warrant.**
 - 2. **Termination of the Action Plan is also at the discretion of the owner. The department recommends the plan be terminated only when the National Weather Service cancels the flood warning in the affected area, the water is receding and debris flow, if present, is lessening. Any bridge closed due to a flood watch has a Post Flood Inspection conducted before it is reopened to traffic.**

§ 24. Local state of emergency; local emergency orders by chief executive.

1. Notwithstanding any inconsistent provision of law, general or special, in the event of a disaster, rioting, catastrophe, or similar public emergency within the territorial limits of any county, city, town or village, or in the event of reasonable apprehension of immediate danger thereof, and upon a finding by the chief executive thereof that the public safety is imperiled thereby, such chief executive may proclaim a local state of emergency within any part or all of the territorial limits of such local government; provided, however, that in the event of a radiological accident as defined in section twenty-nine-c of this article, such chief executive may request of the governor a declaration of disaster emergency. Following such proclamation and during the continuance of such local state of emergency, the chief executive may promulgate local emergency orders to protect life and property or to bring the emergency situation under control. As illustration, such orders may, within any part or all of the territorial limits of such local government, provide for:

- a. the establishment of a curfew and the prohibition and control of pedestrian and vehicular traffic, except essential emergency vehicles and personnel;
- b. the designation of specific zones within which the occupancy and use of buildings and the ingress and egress of vehicles and persons may be prohibited or regulated;
- c. the regulation and closing of places of amusement and assembly;
- d. the suspension or limitation of the sale, dispensing, use or transportation of alcoholic beverages, firearms, explosives, and flammable materials and liquids;
- e. the prohibition and control of the presence of persons on public streets and places;
- f. the establishment or designation of emergency shelters and/or emergency medical shelters;
- g. the suspension within any part or all of its territorial limits of any of its local laws, ordinances or regulations, or parts thereof subject to federal and state constitutional, statutory and regulatory limitations, which may prevent, hinder, or delay necessary action in coping with a disaster or recovery there from whenever (1) a request has been made pursuant to subdivision seven of this section, or (2) whenever the governor has declared a state disaster emergency pursuant to section twenty-eight of this article. Suspension of any local law, ordinance or regulation pursuant to this paragraph shall be subject to the following standards and limits:
 - (i) no suspension shall be made for a period in excess of five days, provided, however, that upon reconsideration of all the relevant facts and circumstances, a suspension may be extended for additional periods not to exceed five days each during the pendency of the state of emergency;
 - (ii) no suspension shall be made which does not safeguard the health and welfare of the public and which is not reasonably necessary to the disaster effort;
 - (iii) any such suspension order shall specify the local law, ordinance or regulation, or part thereof suspended and the terms and conditions of the suspension;
 - (iv) the order may provide for such suspension only under particular circumstances, and may provide for the alteration or modification of the requirements of such local law, ordinance or regulation suspended, and may include other terms and conditions;
 - (v) any such suspension order shall provide for the minimum deviation from the requirements of the local law, ordinance or regulation suspended consistent with the disaster action deemed necessary; and

(vi) when practicable, specialists shall be assigned to assist with the related emergency actions to avoid adverse effects resulting from such suspension.

2. A local emergency order shall be effective from the time and in the manner prescribed in the order and shall be published as soon as practicable in a newspaper of general circulation in the area affected by such order and transmitted to the radio and television media for publication and broadcast. Such orders may be amended, modified and rescinded by the chief executive during the pendency or existence of the state of emergency. Such orders shall cease to be in effect five days after promulgation or upon declaration by the chief executive that the state of emergency no longer exists, whichever occurs sooner. The chief executive nevertheless, may extend such orders for additional periods not to exceed five days each during the pendency of the local state of emergency.

3. The local emergency orders of a chief executive of a county shall be executed in triplicate and shall be filed within seventy-two hours or as soon thereafter as practicable in the office of the clerk of the governing board of the county, the office of the county clerk and the office of the secretary of state. The local emergency orders of a chief executive of a city, town or village shall be executed in triplicate and shall be filed within seventy-two hours or as soon thereafter as practicable in the office of the clerk of such municipal corporation, the office of the county clerk and the office of the secretary of state.

4. Nothing in this section shall be deemed to limit the power of any local government to confer upon its chief executive any additional duties or responsibilities deemed appropriate.

5. Any person who knowingly violates any local emergency order of a chief executive promulgated pursuant to this section is guilty of a class B misdemeanor.

6. Whenever a local state of emergency is declared by the chief executive of a local government pursuant to this section, the chief executive of the county in which such local state of emergency is declared, or where a county is wholly contained within a city, the mayor of such city, may request the governor to remove all or any number of sentenced inmates from institutions maintained by such county in accordance with section ninety-three of the correction law.

7. Whenever a local state of emergency has been declared pursuant to this section, the chief executive of the county in which the local state of emergency has been declared, or where a county is wholly contained within a city, the chief executive of the city, may request the governor to provide assistance under this chapter, provided that such chief executive determines that the disaster is beyond the capacity of local government to meet adequately and state assistance is necessary to supplement local efforts to save lives and to protect property, public health and safety, or to avert or lessen the threat of a disaster.

8. The legislature may terminate by concurrent resolution, such emergency orders at any time.

§ 25. Use of local government resources in a disaster.

1. Upon the threat or occurrence of a disaster, the chief executive of any political subdivision is hereby authorized and empowered to and shall use any and all facilities, equipment, supplies, personnel and other resources of his political subdivision in such manner as may be necessary or appropriate to cope with the disaster or any emergency resulting there from.

2. Upon the threat or occurrence of a disaster, a chief executive may request and accept assistance which is coordinated and directed by the county chief executive as provided in section twenty-six of this article.

3. A chief executive may also request and accept assistance from any other political subdivision and may receive there from and utilize any real or personal property or the service of any personnel thereof on such terms and conditions as may be mutually agreed to by the chief executives of the requesting and assisting political subdivisions.

4. Upon the receipt of a request for assistance made pursuant to subdivision two or three of this section, the chief executive of any political subdivision may give, lend or lease, on such terms and conditions as he may deem necessary to promote the public welfare and protect the interests of such political subdivision, any services, equipment, facilities, supplies or other resources of his political subdivision. Any lease or loan of real or personal property pursuant to this subdivision, or any transfer of personnel pursuant hereto, shall be only for the purpose of assisting a political subdivision in emergency relief, reconstruction, or rehabilitation made necessary by the disaster.

5. A political subdivision shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of any officer or employee in carrying out the provisions of this section.

6. The chief executive, when requesting assistance pursuant to this section may request assistance from the civil defense and disaster preparedness forces of any other political subdivision, but only if the civil defense and disaster preparedness forces of the type being requested have already been activated within the political subdivisions requesting assistance. The chief executive of any political subdivision receiving such a request is hereby authorized and empowered, subject to the provisions of section twenty-six of this article, to respond thereto.

7. Any power or authority conferred upon any political subdivision by this section shall be in addition to and not in substitution for or limitation of any powers or authority otherwise vested in such subdivision or any officer thereof

§ 26. Coordination of local disaster preparedness forces and local civil defense forces in disasters.

1. Upon the threat or occurrence of a disaster, the chief executive of a county may coordinate responses for requests for assistance made by the chief executive of any political subdivision within the county.

2. Coordination of assistance shall utilize existing organizations and lines of authority and shall utilize any disaster preparedness or civil defense plans prepared by the affected municipality.

3. A chief executive or any elected or appointed county, city, town or village official shall not be held responsible for acts or omissions of municipal employees, disaster preparedness forces or civil defense forces when performing disaster assistance pursuant to a declared disaster emergency or when exercising disaster preparedness plans.

Local State of Emergency or Proclamation Declaration

A State of Emergency is hereby declared in _____.

for a period of time beginning at _____ Hrs. on the date of _____.

And continuing in effect for a period not to exceed (5) five days and ending at

_____ Hrs. on the date of _____.

The State of Emergency has been declared due to emergency conditions produced by:

Such conditions threaten or imperil the public safety of the citizens of;

_____.

As Chief Executive of _____,

I, _____, have exercised the authority given to me under New York State Executive Law, Article 2-B, to preserve the public safety and hereby render all required and available assistance vital to the security, well being and health of the citizens of the community.

I hereby direct the Department of _____

To take whatever steps necessary to protect life and property, public infrastructure and other such Emergency Assistance as deemed necessary.

Date: _____

Signed: _____

Title

The local emergency orders of a chief executive of a city, town, and village shall be filed within 72 hrs. or as soon thereafter as practicable in the office of the clerk of such municipal corporation, the office of the county clerk and the office of the secretary of state.

New York State Emergency Management Office

Disaster Assessment Requirements for: Counties, Towns, Cities, and Villages

Local disaster assessment activities should be organized by each affected jurisdiction and further consolidated at the county level. Counties should work with towns, villages and cities to provide advice and coordination in the assessment process.

Each subdivision, as well as the county, should assemble assessment personnel (an assessment team), to assist local superintendents, supervisors and emergency managers in collecting data and information. It should not be left to one person or burden those involved in emergency response activities.

Assessment should begin almost immediately as an emergency or disaster unfolds. It cannot be postponed until after emergency requirements are met. Assessment should be considered an essential function of the community's emergency response.

Assessments will concentrate on determining disaster and emergency impacts, estimating costs and examining documentation not simply looking at sites.

Assessments are generally done in stages which are determined by the nature of the emergency, local requirements and the scope of the disaster. General information and initial cost estimates are usually developed first, and then increasingly detailed documentation is assembled. The stages of a disaster assessment effort are often implemented in the following sequence.

- 1 Immediate analysis of actions and resources required to provide for public health, safety, the protection of property, and provision of essential services.**
- 2 Develop an initial overview of the disaster's impact on people and property, and also provide summary estimates of dollar losses to public facilities and to private property by jurisdiction.**
- 3 Develop an Impact Statement and provide estimates of dollar losses which detail the types of costs or losses in several general categories, including preparation of initial justification of those estimates and providing local budget dated.**
- 4 Continue to work on detailed documentation of disaster costs by site and category, which includes records.**

INITIAL DISASTER ASSESSMENT

Stages 1 and 2 are defined as the Initial Disaster Assessment phase, where quick and broad estimates of the emergency and its impacts are required to determine the scope of the disaster and the need for assistance.

STAGE I.

Immediate analysis of actions and resources required to provide for public health, safety, the protection of property and provision of essential services.

At this point the community needs to determine critical emergency demands. This would include:

1. The need to clear roads for emergency vehicle access.
2. To provide food, shelter and emergency medical services.
3. Restoring power, Sandbagging or Digging, and Establishing Security.

Assessment, focuses on critical human needs, the prevention of further property damage and essential community services, it is not concerned with full restoration or dollar losses.

Assessment should evaluate the community's capabilities and resources to address emergency needs, which will then lead to an assessment of disaster assistance and support, the community requires.

The more specific and detailed a community can be in identifying its capabilities and assistance requirements, the quicker and more efficiently, assistance can be arranged and put into place. Important information to provide in Stage I. assessment includes the following items;

1. Type and Location of the disaster.
2. Specific impacts on people, property, facilities and essential services.
3. Populations, groups and areas affected.
4. Local actions taken and resources committed.
5. Further protective actions or services required.
6. Specific types of resources or equipment needed.
7. Specific areas or sites where assistance is required.
8. Priorities for emergency response and assistance.

Stage II.

Assessment, expands on the initial overview developed in stage I., but goes further by adding summary estimates of dollar losses and costs for each affected jurisdiction. These are broad, "best informed judgment" estimates broken down into two figures.

One is an estimate of public (municipal) costs. This includes debris removal, damage to roads, bridges and other public facilities.

The other is an estimate of damage and losses to private property. This includes homes, families and businesses. As estimates they are intended to be arrived at quickly and serve to gauge the scope of disaster recovery requirements.

Stage III.

Disaster assessment is intended to organize data and information which will support Preliminary Disaster Assessment efforts by state and federal agencies to determine if criteria exist for implementation of federal disaster assistance programs.

- 1. Counties should prepare an “Impact statement”, a 3 – 5 pg. narrative which describes the community, the effects of the disaster, its impact on people and services, plus local response actions and assistance requirements.**
- 2. Prepare a listing of damaged sites and facilities for each jurisdiction.**
- 3. Each jurisdiction should have their estimate of costs to public (municipal) systems and facilities broken down as follows. This must be completed for each county, town, village and city affected.**
 - a. Type of cost or emergency work:**
 - 4. Debris clearance**
 - 5. Damage to roads and bridges**
 - 6. Damage to other public buildings and facilities**
 - 7. Cost of emergency protective measures**
 - 8. Fire and police costs**
 - b. Each category or type of cost should be separated as follows:**
 - 1. Work completed and costs incurred to date for:**
 - 2. Personnel**
 - 3. Equipment**
 - 4. Materials and supplies**
 - 5. Contracts**
 - 6. Work to be completed**
 - c. There should be records available to aid in verification of estimates for work and costs to date. Jurisdictions must be able to show how estimates were calculated by using:**
 - 1. Personnel records and time sheets**
 - 2. Equipment use records, field and foreman logs**
 - 3. Material purchased and supply stock records**
 - 4. Contracts**
- 4. Each jurisdiction should provide local municipal budget information. This would include the community’s total budget for the year, its public works or highway budget and major categories within the highway budget; including maintenance, capital, and snow removal. The approximate amount spent in the year to date for each category should also be provided.**