

Chapter 70

DISASTER PREPAREDNESS

[HISTORY: Adopted by the Town Board of the Town of Liberty 11-10-1993 by L.L. No. 5-1993. Amendments noted where applicable.]

ARTICLE I General Provisions

§ 70-1. Title.

This chapter shall be known and may be cited as the "Town of Liberty Disaster Preparedness Law."

§ 70-2. Findings.

The Town Board of the Town of Liberty finds that there is a potential for the dislocation of its inhabitants as a result of man-made and/or natural disasters, such as major fires, hazardous materials releases and weather conditions, which would give rise to the need for the evacuation, transportation, relocation and provision of basic human needs, including shelter, food and medical attention. In order to minimize the impact of such disasters and prepare therefor, this chapter is adopted.

§ 70-3. Statement of purpose and objectives.

It is the purpose and objective of this chapter to promote the public health, safety and general welfare and to protect human life and health by providing the authority for the preparation of a disaster preparedness plan for the Town of Liberty.

§ 70-4. Definitions.

As used in this chapter, unless the context shall otherwise require, the following words shall have the following meanings:

BOCES — The Sullivan County Board of Cooperative Educational Services and its complex located at Ferndale Loomis Road in the Town of Liberty.

CHIEF EXECUTIVE OFFICER — The Supervisor of the Town of Liberty or, in his or her absence, the Deputy Supervisor.

CHIEF LAW ENFORCEMENT OFFICER — The commanding officer of the law enforcement agency having jurisdiction at the location where an incident occurs.

FIRE CHIEFS — The Chief, Assistant Chief or other line officer in charge at the scene of an incident within whose jurisdiction such incident occurs.

INCIDENT — The occurrence or threat of the imminent occurrence of widespread or severe

property damage, injury to person or loss of life resulting from any man-made or natural causes, including but not limited to fire, flood, high winds, tornadoes, ice and snow storms, hazardous material spills and/or leaks, air contamination or any calamity giving rise to reasonable apprehension of immediate danger or threat thereof to the public at large.

RED CROSS — The American Red Cross, including its national, state and local chapters and affiliates.

SCHOOL — The Liberty Central School District and its facilities.

ARTICLE II Preparation of Disaster Preparedness Plan

§ 70-5. Appointment of Committee; preparation of plan.

The chief executive officer is hereby authorized to appoint a Committee ("the Committee") which shall develop and recommend to the Town Board, for its approval by resolution, a disaster preparedness plan ("the plan") for the Town of Liberty. The plan shall provide for, among such other matters as the Committee deems appropriate, relocation sites, transportation thereto and the provision of basic human needs such as food, shelter and medical attention. The Committee may include at least one representative from each fire department in the Town of Liberty, the Town of Liberty Volunteer Ambulance Corps, each law enforcement agency having jurisdiction within the Town of Liberty, the Town Board and such other persons as the chief executive officer shall deem appropriate. All members of the Committee shall serve at the pleasure of the chief executive officer. After adoption of the plan by the Town Board, the Committee shall thereafter meet from time to time as it deems appropriate, or upon the call of the chief executive officer, for the purpose of reviewing the plan and recommending to the Town Board such modifications thereto as the Committee deems warranted.

§ 70-6. Adoption and amendment of plan.

Upon presentation to the Town Board of the plan by the Committee, the Town Board may, by resolution, adopt such plan as presented or with modifications. At any time thereafter, such plan may be modified by resolution of the Town Board on its own motion or upon recommendation of the Committee.

ARTICLE III Implementation of Plan

§ 70-7. Authority and duties of the chief executive officer.

- A. The chief executive officer shall enter into such agreements on behalf of the Town with public and private agencies to provide relocation sites, transportation facilities and such other needs as may be required to enable prompt and effective implementation of the plan.
- B. The chief executive officer shall activate the evacuation and relocation provisions of the plan, in whole or part, under either of the following circumstances:
 - (1) Upon the request of a fire chief or chief law enforcement officer, provided that the chief executive officer also finds that a need for such evacuation and relocation exists

as the result of an incident as defined in this chapter; or

- (2) Upon the chief executive officer's initiative when he or she reasonably believes that there is imminent risk of injury to person or loss of life or property as the result of an incident, as defined in this chapter, or such public emergency as may give rise to the same risks.
- C. The chief executive officer shall, simultaneously with the activation of the evacuation and relocation provisions of the plan, declare a local state of emergency in accordance with the provisions of Article 2-B of the Executive Law of the State of New York.
 - D. The chief executive officer shall perform such duties as are assigned to him or her pursuant to the provisions of the plan, including the notification of all persons having charge of relocation facilities, transportation facilities and the Red Cross.
 - E. The chief executive officer shall deactivate the evacuation relocation provisions of the plan upon either of the following occurrences:
 - (1) Arrival at the affected area of recognized and capable organizations that are mandated to provide such evacuation and relocation services; or
 - (2) When the chief executive officer determines that there no longer exists the incident or threat of an incident or other occurrence that initiated the activation of the evacuation and relocation provisions of the plan.
 - F. Any expenses incurred as a result of the implementation or activation of the evacuation and relocation provisions of the plan shall be deemed a general Town-wide charge.

ARTICLE IV **Interpretation**

§ 70-8. Interpretation; conflict with other provisions.

- A. Interpretation. The provisions of this chapter in their interpretation and application shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.
- B. Conflict. This chapter is not intended to interfere with, abrogate or annul any other ordinance, law, rule, regulation, statute or provision of law. Where any of the provisions of this chapter impose restrictions or standards different than any other ordinance, law, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.