

MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE
Ordinance 2017-16 (Revised)

Introduced By: Mayor Eberhardt

Date Introduced: October 3, 2017

Amendments Adopted: N/A

Date Adopted: November 7, 2017

Date Effective: November 27, 2017

AN ORDINANCE concerning

Civil Emergencies

FOR the purpose of defining certain terms; providing for the proclamation of a civil emergency in the Town of Perryville at certain times, for a certain duration and under certain conditions; specifying duties, responsibilities and authority of the Mayor in connection with a civil emergency subject to certain conditions; providing for public notice of certain public emergency orders issued by the Mayor; specifying penalties for violations and enforcement of certain public emergency orders; and generally relating to the handling of civil emergencies in the Town of Perryville.

BY adding
Chapter 3 Civil Emergencies
Sections 3-1 through 3-6, inclusive
Code of the Town of Perryville

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment

*** indicates omitted text that is not amended by this ordinance.

SECTION 1. BE IT ENACTED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE that new Chapter 3, Civil Emergencies, consisting of Sections 3-1 through 3-6, inclusive, are added to the Code of the Town of Perryville, to read as follow:

CHAPTER 3

CIVIL EMERGENCIES

§ 3-1. DEFINITIONS.

AS USED IN THIS CHAPTER, THE FOLLOWING WORDS HAVE THE MEANINGS SPECIFIED:

- (1) "CATASTROPHIC HEALTH EMERGENCY" MEANS A SITUATION IN WHICH EXTENSIVE LOSS OF LIFE OR SERIOUS DISABILITY IS THREATENED IMMINENTLY BECAUSE OF EXPOSURE TO A DEADLY AGENT AS DEFINED BY SECTION 14-3A-01 ET SEQ. OF THE PUBLIC SAFETY ARTICLE OF THE MARYLAND ANNOTATED CODE.
- (2) "EMERGENCY" MEANS THE THREAT OR OCCURRENCE OF:
 - A. A DROUGHT, FIRE, EARTHQUAKE, EXPLOSION, FLOOD, HIGH WATER, HURRICANE, LANDSLIDE, MUDSLIDE, SNOWSTORM, STORM, TIDAL WAVE, TORNADO, WIND-DRIVEN WATER, TRAIN DERAILMENT, HAZARDOUS MATERIALS DISASTER, OR ANY OTHER DISASTER IN ANY PART OF THE TOWN THAT REQUIRES PUBLIC SERVICES IN ORDER TO SAVE LIVES OR PROTECT PUBLIC HEALTH, SAFETY OR WELFARE;
 - B. AN ENEMY ATTACK, ACT OF TERRORISM, OR PUBLIC HEALTH CATASTROPHE;
 - C. A PUBLIC EMERGENCY;
 - D. A CATASTROPHIC HEALTH EMERGENCY;
 - E. AN ENERGY EMERGENCY; OR
 - F. A WATER SYSTEM EMERGENCY.
- (3) "EMERGENCY PREPAREDNESS" MEANS THE PREPARATION FOR AND CARRYING OUT OF PUBLIC SERVICES IN ORDER TO SAVE LIVES AND TO MINIMIZE AND REPAIR INJURY AND DAMAGE THAT RESULT OR MAY RESULT FROM EMERGENCIES.
- (4) "ENERGY EMERGENCY" IS A SITUATION IN WHICH THE HEALTH, SAFETY, OR WELFARE OF THE PUBLIC IS THREATENED BY AN ACTUAL OR IMPENDING ACUTE SHORTAGE IN ENERGY RESOURCES.
- (5) "MAYOR" MEANS THE MAYOR OF THE TOWN OF PERRYVILLE OR, IN THE MAYOR'S ABSENCE OR UNAVAILABILITY TO EXERCISE HIS POWERS

UNDER THIS CHAPTER, THE COMMISSIONER HAVING THE MOST SENIORITY OF ALL OTHER COMMISSIONERS AND BEING AVAILABLE TO ACT.

- (6) "PUBLIC EMERGENCY" IS (I) A SITUATION IN WHICH THREE OR MORE INDIVIDUALS ARE AT THE SAME TIME AND IN THE SAME PLACE ENGAGED IN TUMULTUOUS CONDUCT THAT LEADS TO THE COMMISSION OF UNLAWFUL ACTS THAT DISTURB THE PUBLIC PEACE OR CAUSE THE UNLAWFUL DESTRUCTION OR DAMAGE OF PRIVATE OR PUBLIC PROPERTY; (II) A FIRE, CRISIS, DISASTER, RIOT, OR CATASTROPHE; (III) A CATASTROPHIC HEALTH EMERGENCY; OR, (IV) AN ENERGY EMERGENCY.
- (7) "WATER SYSTEM EMERGENCY" IS A SITUATION IN WHICH THE HEALTH, SAFETY, OR WELFARE OF THE PUBLIC IS THREATENED BY AN ACUTE OPERATIONAL FAILURE OR THE INTRODUCTION OF FOREIGN AGENTS IN THE TOWN'S WATER PRODUCTION, TREATMENT OR DISTRIBUTION SYSTEM THAT SIGNIFICANTLY REDUCES THE QUANTITY OR QUALITY OF WATER AVAILABLE FOR USE BY WATER SYSTEM CONSUMERS.

§ 3-2. PROCLAMATION OF CIVIL EMERGENCY.

- (1) WHENEVER AN EMERGENCY HAS DEVELOPED OR IS IMPENDING IN THE TOWN, AND RESULTS IN OR THREATENS TO RESULT IN THE DEATH OR INJURY OF PERSONS OR THE DESTRUCTION OF PROPERTY OR THE DISRUPTION OF THE TOWN GOVERNMENT, THE MAYOR MAY PROCLAIM BY WRITTEN ORDER THE EXISTENCE OF A CIVIL EMERGENCY WITHIN THE TOWN.
- (2) A CIVIL EMERGENCY SHALL CONTINUE UNTIL THE MAYOR ISSUES A WRITTEN ORDER TERMINATING THE CIVIL EMERGENCY, EXCEPT THAT A CIVIL EMERGENCY MAY NOT CONTINUE OR BE RENEWED FOR MORE THAN FOUR CONSECUTIVE DAYS EXCEPT BY THE VOTE OF NOT LESS THAN THREE MEMBERS OF THE MAYOR AND COMMISSIONERS. BEFORE A CIVIL EMERGENCY IS DECLARED TERMINATED, THE MAYOR SHALL CONSULT WITH EMERGENCY PREPAREDNESS OFFICIALS AND TOWN STAFF TO DETERMINE IF THERE ARE ANY FISCAL, PUBLIC SAFETY RESPONSE OR DISASTER RECOVERY IMPERATIVES THAT REQUIRE THE CONTINUATION OF EMERGENCY MEASURES.
- (3) ANY SUCH ORDER OF A CIVIL EMERGENCY BY THE MAYOR SHALL, WITHIN 48 HOURS OF ISSUANCE OF THE PROCLAMATION, OR AS SOON AS PRACTICAL, BE FILED WITH THE TOWN ADMINISTRATOR. TO THE EXTENT PRACTICAL, PUBLIC NOTICE OF A CIVIL EMERGENCY ORDER SHALL BE GIVEN BY POSTING THE NOTICE ON THE TOWN'S INTERNET WEBSITE, PROVIDING A REFERENCE TO THE WEBSITE NOTICE ON AT LEAST TWO FORMS OF SOCIAL MEDIA, AND DELIVERING THE NOTICE TO

REPRESENTATIVES OF THE MEDIA WHO REGULARLY COVER TOWN GOVERNMENT MATTERS.

§ 3-3. AUTHORITY OF MAYOR TO ISSUE CERTAIN ORDERS.

UPON THE DECLARATION OF A CIVIL EMERGENCY BY THE MAYOR, AND DURING THE EXISTENCE OF SUCH CIVIL EMERGENCY, THE MAYOR MAY, IN A FORM THAT MEETS THE REQUIREMENTS OF § 3-4, MAKE AND PROCLAIM ANY OR ALL OF THE FOLLOWING ORDERS:

- (1) AN ORDER IMPOSING A GENERAL CURFEW APPLICABLE TO THE TOWN AS A WHOLE, OR TO SUCH GEOGRAPHICAL AREA OR AREAS OF THE TOWN, AND DURING SUCH HOURS, AS THE MAYOR DEEMS NECESSARY, WHICH EFFECTIVE HOURS AND AFFECTED AREA OR AREAS MAY BE MODIFIED FROM TIME TO TIME;
- (2) AN ORDER REQUIRING ANY OR ALL BUSINESS ESTABLISHMENTS TO CLOSE AND REMAIN CLOSED UNTIL FURTHER ORDER OR THE RESCINDING OF THE DECLARATION OF CIVIL EMERGENCY;
- (3) AN ORDER REQUIRING THE DISCONTINUANCE OF THE SALE, DISTRIBUTION OR GIVING AWAY OF FIREARMS AND/OR AMMUNITION FOR FIREARMS IN ANY OR ALL PARTS OF THE TOWN;
- (4) AN ORDER REQUIRING THE DISCONTINUANCE OF THE SALE, DISTRIBUTION OR GIVING AWAY OF GASOLINE OR OTHER LIQUID FLAMMABLE OR COMBUSTIBLE PRODUCTS IN ANY CONTAINER OTHER THAN A GASOLINE TANK PROPERLY AFFIXED TO A MOTOR VEHICLE;
- (5) AN ORDER REQUIRING THE CLOSURE OF ANY OR ALL BUSINESS ESTABLISHMENTS WHERE FIREARMS AND/OR AMMUNITION FOR FIREARMS ARE SOLD OR OTHERWISE DISPENSED; PROVIDED THAT WITH RESPECT TO THOSE BUSINESS ESTABLISHMENTS WHICH ARE NOT PRIMARILY DEVOTED TO THE SALE OF FIREARMS AND/OR AMMUNITION AND IN WHICH SUCH FIREARMS AND/OR AMMUNITION MAY BE REMOVED OR MADE SECURE FROM POSSIBLE SEIZURE BY THE PUBLIC, THE PORTIONS THEREOF UTILIZED FOR THE SALE OF ITEMS OTHER THAN FIREARMS AND AMMUNITION MAY, IN THE DISCRETION OF THE MAYOR, BE ALLOWED TO REMAIN OPEN;
- (6) AN ORDER CLOSING TO THE PUBLIC ANY OR ALL PUBLIC PLACES OVER WHICH THE TOWN HAS JURISDICTION INCLUDING STREETS, ALLEYS, PUBLIC WAYS, PARKS, BEACHES, AMUSEMENT AREAS, AND PUBLIC BUILDINGS;

- (7) AN ORDER PROHIBITING THE CARRYING OF A FIREARM OR ANY INSTRUMENT WHICH IS CAPABLE OF PRODUCING BODILY HARM, PROVIDED THAT ANY SUCH ORDER SHALL NOT APPLY TO PEACE OFFICERS OR MILITARY PERSONNEL ENGAGED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES;
- (8) AN ORDER REQUESTING FEDERAL, STATE AND/OR COUNTY ASSISTANCE IN COMBATTING SUCH CIVIL EMERGENCY;
- (9) AN ORDER URGING THE USE OF ALL PUBLIC AND PRIVATE HEALTH, MEDICAL, AND CONVALESCENT FACILITIES AND EQUIPMENT TO PROVIDE EMERGENCY HEALTH AND MEDICAL CARE FOR INJURED PERSONS;
- (10) AN ORDER AUTHORIZING, IN COOPERATION WITH UTILITY MANAGEMENT AND APPROPRIATE STATE AND FEDERAL AGENCIES, THE SHUTTING OFF, RESTORATION, AND OPERATION OF UTILITY SERVICES IN ACCORDANCE WITH PRIORITIES ESTABLISHED FOR COMBATING SUCH CIVIL EMERGENCY;
- (11) AN ORDER PROVIDING FOR THE EVACUATION AND RECEPTION OF THE POPULATION OF THE TOWN OR ANY PART THEREOF;
- (12) AN ORDER IMPOSING MANDATORY WATER USE RESTRICTIONS UNTIL NORMAL WATER SYSTEM OPERATIONS ARE RESTORED.
- (13) SUCH OTHER ORDERS AS ARE NECESSARY FOR THE PROTECTION OF LIFE AND PROPERTY.

ANY SUCH ORDER SHALL, WITHIN FORTY-EIGHT (48) HOURS OF ISSUANCE OF THE ORDER, OR AS SOON THEREAFTER AS PRACTICAL, BE FILED WITH THE TOWN ADMINISTRATOR. TO THE EXTENT PRACTICAL, PUBLIC NOTICE OF AN ORDER PROCLAIMED BY THE MAYOR UNDER THIS SECTION SHALL BE GIVEN BY POSTING THE NOTICE ON THE TOWN'S INTERNET WEBSITE, PROVIDING A REFERENCE TO THE WEBSITE NOTICE ON AT LEAST TWO FORMS OF SOCIAL MEDIA, AND DELIVERING THE NOTICE TO REPRESENTATIVES OF THE MEDIA WHO REGULARLY COVER TOWN GOVERNMENT MATTERS.

§ 3-4. CIVIL RIGHTS PROTECTED.

AN ORDER ISSUED PURSUANT TO § 3-3 SHALL CONTAIN THE FOLLOWING:

- (1) A STATEMENT OF THE FACTS UPON WHICH THE ORDER IS BASED; AND
- (2) A STATEMENT THAT THE MAYOR BELIEVES IT IS IN THE BEST INTEREST OF PUBLIC SAFETY, RESCUE AND RECOVERY EFFORTS AND THE

PROTECTION OF PROPERTY THAT THE EXERCISE OF CERTAIN RIGHTS BE TEMPORARILY LIMITED; AND

- (3) A STATEMENT THAT THE CONDITIONS OF THE ORDER ARE DESIGNED TO PROVIDE THE LEAST NECESSARY RESTRICTION ON THOSE RIGHTS.

§ 3-5. USE OF GOVERNMENT SERVICES AND EQUIPMENT.

IN ADDITION TO OR IN CONNECTION WITH THE EXERCISE OF THE POWERS SPECIFIED IN THIS CHAPTER THE MAYOR, IN CARRYING OUT ITS PROVISIONS, SHALL UTILIZE TO THE MAXIMUM EXTENT PRACTICABLE THE SERVICES, EQUIPMENT, SUPPLIES AND FACILITIES OF EXISTING DEPARTMENTS, OFFICES, AND AGENCIES OF THE TOWN, STATE, CECIL COUNTY AND OTHER LOCAL GOVERNMENTS.

§ 3-6. PENALTIES AND ENFORCEMENT.

A PERSON SHALL COMPLY WITH ORDERS PROCLAIMED BY THE MAYOR UNDER §3-4. VIOLATION OF AN ORDER IS A MISDEMEANOR PUNISHABLE BY A FINE IN THE AMOUNT OF \$150 FOR A FIRST OFFENSE, \$300 FOR A SECOND OFFENSE AND \$500 FOR A THIRD AND SUBSEQUENT OFFENSES. EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE. VIOLATIONS OF ORDERS PROCLAIMED BY THE MAYOR ALSO MAY BE ENFORCED IN A CIVIL PROCEEDING FOR INJUNCTION OR OTHER RELIEF IN ANY COURT HAVING JURISDICTION, BUT NO SUCH CIVIL PROCEEDING SHALL CONSTITUTE A WAIVER BY THE TOWN OF ITS RIGHT OF CRIMINAL PROSECUTION FOR THE SAME VIOLATION.

SECTION 2. AND BE IT FURTHER ENACTED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE that this Ordinance shall become effective twenty (20) days following its approval by the Mayor and Commissioners.

ADOPTED this 7th day of November, 2017.

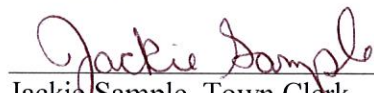
SEAL:

**MAYOR AND COMMISSIONERS OF
THE TOWN OF PERRYVILLE**

By: 

James L. Eberhardt, Mayor

ATTEST:



Jackie Sample, Town Clerk

Date: 11/8/17