

Chapter 53

CIVIL DEFENSE

ARTICLE I

Office of Civil Defense

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[HISTORY: Adopted by the Board of Selectmen of the Town of Plaistow effective 9-29-1982. Amendments noted where applicable.]

ARTICLE I

Office of Civil Defense

§ 53-1. Short title.

This regulation shall be known and may be cited and referred to as the "Civil Defense Regulation the Town of Plaistow."

§ 53-2. Intent and purpose.

- A. It is the intent and purpose of this office to establish a regulation that will clearly define its purpose and ensure complete and efficient utilization of all the town's facilities to combat disaster resulting from enemy action or other disasters as defined herein.
- B. The Plaistow Office of Civil Defense will be the coordinating agency for all activity in connection with civil defense. It will be the instrument through which the Town Selectmen may exercise the authority and discharge the responsibilities vested in them by RSA 41:8.
- C. This regulation will not relieve any town department of the moral responsibilities or authority given to it in the state statutes or by local regulation nor will it adversely effect the work of any volunteer agency organized for relief in disaster emergencies.

§ 53-3. Definitions.

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

ATTACK — A direct or indirect assault against the Town of Plaistow, its government, its environs, or of the nation by the forces of a hostile nation or the agents thereof, including assault by bombing, radiological, chemical or biological warfare, or sabotage.

CIVIL DEFENSE — In its broad meaning is to carry out all the basic government functions of maintaining public peace, health and safety during an emergency. This shall include plans and preparations for protection from and relief, recovery, and rehabilitation from the effects of an attack on the town by the forces of any enemy nation or the agents thereof, and it shall also include such activity in connection with disaster as defined herein. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States.

CIVIL DEFENSE FORCES — The employees, equipment and facilities of all town 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 VOLUNTEER — Any person duly registered, identified and appointed by the Director of the Office of Civil Defense and assigned to participate in the civil defense activity.

DIRECTOR — That person duly appointed by the Selectmen in accordance with RSA 41:8 to coordinate the activities of civil defense.

DISASTER — Includes but is not limited to actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic or other impending or actual calamity endangering or threatening to endanger health, life or property or constituted government.

REGULATIONS — Plans, programs and other emergency procedures deemed essential to civil defense.

VOLUNTEER — Contributing a service, equipment, or facilities to the civil defense organization with or without remuneration.

§ 53-4. Organization and appointments.

- A. The Selectmen are hereby authorized and directed to create an organization for civil defense utilizing to the fullest extent the existing agencies within this town. The Selectmen, as executive head of the municipal government, shall be ex officio members of the civil defense forces of this town and shall be responsible for their organization, administration and operations.
- B. The organization shall consist of the following:
 - (1) An Office of Civil Defense within the Executive Department of the town government and under the direction of the Selectmen. There shall be an executive head of the Office of Civil Defense, who shall be known as the Director of the Office of Civil Defense, and such assistants and other employees as are deemed necessary for the proper functioning of the organization.

- (2) The employees, equipment and facilities of all town departments, boards, institutions and commissions will participate in the civil defense activity. Duties assigned to a town department shall be the same or similar to the normal duties of the department.
 - (3) Volunteer persons and agencies offering service to, and accepted by, the town.
- C. The Selectmen shall appoint a Director of the Plaistow Office of Civil Defense who shall be a person well versed and trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of danger from enemy action or disaster as defined in this article.
- D. The Civil Defense Director shall designate and appoint deputy directors to assure the emergency duties of the Director in the event of his absence or inability to act. (This designation is to be compatible with the provisions of the state statutes, the intent being that there will always and at all times be a Selectman/Civil Defense Director in charge in the town.)

§ 53-5. Emergency powers and duties.

A. The Selectmen.

- (1) The Selectmen may exercise the emergency power and authority necessary to fulfill their general powers and duties as defined in state statutes. The judgment of the Selectmen shall be the sole criteria necessary to invoke emergency powers provided in the state statutes. The Selectmen may convene to perform their legislative and administrative powers as the situation demands and shall receive reports relative to civil defense activities. Nothing in this regulation shall be construed as abridging or curtailing the powers or restrictions of the Selectmen in the state statutes.
- (2) During any period when disaster threatens or when the town has been struck by disaster, within the definition of this regulation, the Selectmen may promulgate such regulations as they deem necessary to protect life and property and preserve critical resources.
 - (a) Such regulations may include, but shall not be limited to, the following:
 - [1] Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of civil defense forces or to facilitate the mass movement of persons from critical areas within or without the town.
 - [2] Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.
 - [3] Such other regulations necessary to preserve public peace, health and safety.
 - (b) 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 a regulation when duly filed with the Town Clerk, and violations will be subject to the penalties provided in the state statutes.

- (3) The Selectmen shall order civil defense forces to the aid of other communities when required in accordance with the statutes of the state and may request the state, or a political subdivision of the state, to send aid to the Town of Plaistow in case of disaster when conditions in the town are beyond control of the local civil defense forces.
 - (4) The Selectmen may obtain vital supplies, equipment and other properties found lacking and needed for the protection of the health, life and property of the people and bind the town for the fair value thereof.
 - (5) The Selectmen may require emergency services of any town officer or employee. If regular town forces are determined inadequate, the Selectmen may require the services of such other personnel as can be obtained that are available, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as are provided by state law and ordinances for regular town employees and other registered and identified civil defense and disaster workers.
 - (6) The Selectmen will cause to be prepared the basic plan herein and exercise their ordinary powers as Selectmen, all of the special powers conferred upon them by the state statutes and the regulation of the Town of Plaistow or powers conferred upon them by any statute or any lawful authority.
- B. Director of the Office of Civil Defense. The Director of the Office of Civil Defense shall be responsible to the Selectmen in regards to all phases of the civil defense activity. Under the supervision of the Selectmen, he shall be responsible for the planning, coordination and operation of the civil defense activity in the town. Under the supervision of the Selectmen, he shall maintain liaison with the state and federal authorities of other nearby political subdivisions so as to ensure the most effective operation of the civil defense plan. His duties shall include, but not be limited to, the following:
- (1) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the town for civil defense purposes.
 - (2) Development and coordination of plans for the immediate use of all of the facilities, equipment, manpower and other resources of the town for purposes 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.
 - (3) Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such building or other property for the civil defense purposes and designating suitable buildings as public shelters.
 - (4) Through public informational programs, educating the civilian population as to actions necessary and required for the protection of their persons and property in case of enemy attack or disasters, as defined herein, either impending or present.
 - (5) Conducting public practice alerts to ensure the efficient operation of the civil defense forces and to familiarize residents with civil defense regulations, procedures and operations.

- (6) Coordinating the activity of all other public and private agencies engaged in any civil defense activity.
- (7) Assuming such authority and conducting such activity as the Director may direct to promote and execute the civil defense plan.

§ 53-6. Civil defense and disaster basic plan.

- A. A comprehensive civil defense and disaster basic plan shall be adopted and maintained by the Director upon the recommendations of the Selectmen. In the preparation of this plan as it pertains to town organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies perform the function assigned by the plan and 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.
- B. The Selectmen shall prescribe in the basic plan those positions within the disaster organization, in addition to their own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the Selectmen a current list of three persons as successors to his position. The list will be in order of succession and will designate persons best capable of carrying out all assigned duties and functions.
- C. Each service 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 town employees and volunteers. Each chief shall formulate the operational plan for his service which, when approved, shall be an annex to and a part of the basic plan.
- D. Amendments to the basic plan shall be submitted to the Selectmen. If approved, the Director will submit the amendments to the Selectmen with his recommendations for their approval. Such amendments shall take effect 30 days from the date of approval. 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 Selectmen.
- E. When a required competency or skill for a disaster function is not available within the the town government, the Selectmen are authorized to seek assistance from persons outside the government. The assignment of duties shall also grant authority for the persons so assigned to carry out such duties prior to, during, and after the occurrence of a disaster. Such services from persons outside of government may be accepted by the town on a volunteer or paid basis. Such citizens shall be enrolled as civil defense volunteers in cooperation with the heads of town departments affected.
- F. Some of the duties ascribed to the Selectmen in this section will ordinarily be handled as a matter of routine by the Director, but the responsibility and authority stem from and remain with the Selectmen.

§ 53-7. Limitation of liability.

- A. This regulation is an exercise by the town of its governmental functions for the protection of the public peace, health, and safety, and neither the town nor agents and representatives of said town, nor any individual, receiver, firm, partnership, corporation, association, or trustee or any of the agents thereof, in good faith and with due care carrying out, 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 to persons or property as the result of said activity.
- B. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the town 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 shall not be civilly liable for the death of, or injury to, any person 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.

§ 53-8. Prohibited acts.

It shall be unlawful for any person to violate any of the provisions of this regulation 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 organization as herein defined in the enforcement of the provisions of this regulation or any regulation or plans issued thereunder.

§ 53-9. Violations and penalties.

Any person, firm or corporation violating any provisions of this regulation or any rule or regulation promulgated thereunder, upon conviction thereof, shall be punished by a fine of not more than \$500 and cost of prosecution or imprisonment in the Rockingham County Jail for a period of not more than 90 days, or both such fine and imprisonment, in the discretion of the court.

§ 53-10. Severability.

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

§ 53-11. Conflicting rules and regulations superseded.

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 rules and regulations insofar as the latter may be inconsistent therewith.

§ 53-12. Effective date.

This regulation shall take effect on the 29th day of September 1982, in accordance with the provisions of the state statutes.

