

BOROUGH OF TRAPPE

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 464

AN ORDINANCE OF THE BOROUGH OF TRAPPE, MONTGOMERY COUNTY, PENNSYLVANIA AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF TRAPPE BY ADDING CHAPTER 32, EMERGENCY MANAGEMENT, ESTABLISHING EMERGENCY MANAGEMENT AGENCY, AND THE POSITION OF EMERGENCY MANAGEMENT COORDINATOR PROVIDING FOR THE POWERS AND DUTIES OF THE EMERGENCY MANAGEMENT AGENCY AND THE EMERGENCY MANAGEMENT COORDINATOR AND TO PROVIDE FOR PENALTIES FOR ANY VIOLATION OF THE CHAPTER

Be it **ORDAINED** and **ENACTED** by the Borough Council, Borough of Trappe, Montgomery County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by the authority of same as follows:

SECTION 1. The Code of the Borough of Trappe, Part I is hereby amended by adding Chapter 32, Sections 32-1 through 32-7 as follows:

§ 32-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ATTACK

A direct or indirect assault against the Borough of Trappe, its government, or its environs, or of the nation, by the forces of a hostile nation or the agent thereof, including but not limited to assault by bombings: radiological, chemical, or biological means; or sabotage.

COORDINATOR

The Emergency Management Coordinator of the Emergency Management Agency of the Borough of Trappe as selected in accordance with the provisions of this chapter. In the event that the position of Emergency Management Coordinator is vacant or remains unfilled during a disaster or declared emergency, the Borough Manager of the Borough of Trappe shall perform the duties of the Emergency Management Coordinator until such time that the position is filled or the disaster or declared emergency has ended.

DECLARED EMERGENCY

A declared emergency directly and specifically affecting or including the Borough of Trappe as may be lawfully declared by the Commonwealth of Pennsylvania or the United States government; or as may be declared a local emergency by Trappe Borough in accordance with the Pennsylvania Emergency Management Services Code, 35 Pa.C.S.A. § 7501, or any successor provision or statute.

DISASTER

An actual or threatened attack, natural disaster, extraordinary fire, epidemic, evacuations or any other pending or actual emergency or calamity which endangers or threatens to endanger the health, safety, life or property of the residents of the Borough or endangers or threatens the constituted government of the nation or commonwealth.

EMERGENCY MANAGEMENT

The managerial function charged with creating the framework within which communities reduce vulnerability to hazards and cope with disasters.

EMERGENCY MANAGEMENT FORCES

The employees, equipment and facilities of all Borough departments, boards, institutions and commissions, and all volunteer personnel, equipment and facilities contributed by or obtained from volunteer persons or agencies .

EMERGENCY MANAGEMENT VOLUNTEER

Any person duly enrolled, identified and appointed by the Coordinator and assigned to participate in Emergency Management Agency activity.

PERSON

Any individual, firm, corporation, association or partnership, including the plural as well as the singular and both genders.

REGULATIONS

The plans, programs and emergency procedures established by the Emergency Management Agency which are deemed essential to an adequate program.

VOLUNTEER

A person contributing a service, equipment or facilities to the Emergency Management Agency without remuneration.

§ 32-2. Purpose.

The purpose of this chapter shall be to:

- A. Establish an Emergency Management Agency that will be responsible for the complete and efficient utilization of all Borough employees, equipment, and facilities to safeguard and protect life and property within the Borough of Trappe during a declared emergency or

disaster.

- B. Establish the Emergency Management Agency and its attendant responsibilities, duties and powers, including but not limited to provisions for the promulgation of a basic emergency management plan with necessary lines of succession.
- C. Establish the Emergency Management Coordinator and the position's attendant responsibilities, duties and powers as Coordinator of the Emergency Management Agency.
- D. Provide for the promulgation of emergency management regulations, enforcement and penalties.

§ 32-3. Agency created; membership; coordinator; facilities.

- A. There is hereby created an Emergency Management Agency for the Borough of Trappe. The Emergency Management Agency shall consist of a Coordinator, to be known as the "Emergency Management Coordinator," who shall be selected by the Borough Council, with the approval of the Mayor. The Coordinator may appoint a staff as is necessary, but in all circumstances, said appointments, if any, shall be with the express approval of the Borough Council. In a declared emergency, the Emergency Management Coordinator shall consult or confer with the Mayor or the Mayor's designee as appropriate. The Borough's Council may enter into an Intermunicipal Agreement with another municipality to provide Emergency Management Coordinator services.
- B. The Emergency Management Coordinator shall be professionally competent and capable of planning, effecting coordination among various departments and generally controlling coordinated operations by emergency preparedness forces. The Emergency Management Coordinator must be certified by the Governor of Pennsylvania and must have obtained or received prior to selection an appropriate level of training and education relating to emergency management and/or domestic preparedness from an approved and accredited course or program through the commonwealth or a federal agency such as FEMA. Following appointment, the Emergency Management Coordinator shall continue to obtain additional training and education relating to emergency management and/or domestic preparedness from approved and accredited courses or programs through the commonwealth or a federal agency such as FEMA. Unless otherwise prohibited by law, the Emergency Management Coordinator may hold an appointed position under the United States government, the Commonwealth of Pennsylvania or any political subdivision of the commonwealth, provided that such appointed position shall not interfere with the duties, responsibilities and obligations as set forth in this chapter. At no time, however, shall the Emergency Management Coordinator hold an elected position under the United States government, the Commonwealth of Pennsylvania or any political subdivision of the commonwealth while serving as Emergency Management Coordinator for the Borough.
- C. The employees, equipment and facilities of all Borough departments, boards, institutions and commissions will be at the disposal of the Emergency Management Agency and will participate as directed by the Coordinator with the approval of the Borough Council; provided, however, that the duties assigned to the various departments shall be the same or similar to the normal activities of said departments.

§ 32-4. Powers and duties of Emergency Management Agency.

Subject to the direction and control of the Borough Council, the Emergency Management Agency shall have the following powers and duties:

- A. To prepare a comprehensive basic plan for emergency management and keep the basic plan current to provide for the fullest protection of the Borough and its inhabitants in case of disaster or declared emergency.
- B. To recommend to the Borough Council or their designated alternate, and the Mayor, all necessary rules and regulations for the implementation of the basic plan, and all other rules and regulations necessary for the protection of the Borough and its inhabitants in case of disaster or declared emergency.
- C. To provide individual and organizational training programs to ensure prompt, efficient and effective disaster emergency service.
- D. To organize, prepare and coordinate all locally available manpower, materials, supplies, equipment, facilities and services necessary for disaster emergency readiness, response and recovery.
- E. To adopt and implement precautionary measures to mitigate the anticipated effects of disaster.
- F. To have available for inspection at its emergency operations center all the emergency management plans, rules and orders, if any, of the agency.
- G. To provide prompt and accurate information regarding local disaster emergencies to appropriate commonwealth and local officials and agencies and the general public.

§ 32-5. Powers and duties of Emergency Management Coordinator.

Subject to the provisions of this chapter or as required by law, the Emergency Management Coordinator shall have the following powers and duties:

- A. To oversee the formulation of the basic plan of emergency management and to direct its implementation in time of disaster or declared emergency.
- B. To designate the lines of succession within the Emergency Management Agency and be responsible for the proper performance of all necessary duties and functions assigned to the various departments under the basic plan.
- C. To make recommendations for rulings, orders or ordinances on behalf of the Emergency Management Agency to the Borough Council, or their designated alternate, whenever requested to do so and whenever it is deemed necessary or advisable.
- D. To make reports to the Borough Council and the Mayor as required.

§ 32-6. Obstruction or hindrance.

It shall be unlawful for any person to violate any of the provisions of this chapter or of the regulations or plans issued pursuant to the authority contained herein or to willfully obstruct, hinder or delay any member of the Emergency Management Agency as herein defined in the enforcement provisions of this chapter or any regulation, plan or order issued hereunder.

§ 32-7. Violations and penalties.

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough lockup for a period not exceeding 10 days or to the county jail for a period not exceeding 30 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

SECTION 2. Failure to Enforce not a Waiver

The failure of the Borough of Trappe to enforce any provision of this Ordinance shall not constitute a waiver by the Borough of Trappe of its rights of future enforcement hereunder.

SECTION 3. Severability

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 4. Repealer

All other ordinances or parts of ordinances and any resolutions or parts thereof in conflict with this Ordinance are hereby repealed.

SECTION 5. Effective Date

This Ordinance shall take effect and be in force immediately.

ORDAINED AND ENACTED by the Borough Council of the Borough of Trappe, Montgomery County, Pennsylvania, this 3rd day of August, 2021.

Attest:



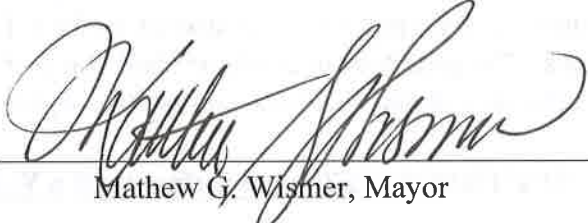
Marcus V. Dolny, Municipal Secretary

TRAPPE BOROUGH COUNCIL:



Catherine A. Johnson, President

APPROVED this 3rd day of August, 2021.



Mathew G. Wismer, Mayor