

**City of Providence**  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

---

**CHAPTER 2012-8**

**No. 46**

**AN ORDINANCE AMENDING THE CODE OF  
ORDINANCES, CHAPTER 7 TO REFLECT HOMELAND  
SECURITY RESPONSIBILITIES**

*Approved January 23, 2012*

***Be it ordained by the City of Providence:***

SECTION 1. Chapter 7 of the City of Providence Code of Ordinances is hereby amended as follows:

**Section 7-1. - Emergency management council—Creation and composition: Title.**

~~There shall be a Providence emergency management council which shall consist of the following:—~~

- ~~(a) The mayor of the city, who shall serve as chairman of the council.~~
- ~~(b) A director of emergency management to be appointed by and serve at the pleasure of the mayor of the city. The director shall be charged with the preparation of the emergency management plan for the city, together with such other duties as the mayor may prescribe. He shall also serve as vice chairman of the council.~~
- ~~(c) An assistant director of emergency management appointed by and holding office at the pleasure of the director, subject to approval of the mayor, who shall exercise such duties as the director may prescribe.~~
- ~~(d) The deputy directors of divisions and the chiefs of services of such divisions as may be provided for by ordinance of the city council, said deputy director to be appointed by the director of emergency management, with approval of the mayor.~~
- ~~(e) Representatives not to exceed twenty five (25) in number from civic, business, industry, labor, veterans, professional or other groups, to be selected and appointed by the mayor.~~

The Ordinance shall be known and may be cited as the Providence Emergency  
Management Agency & Office of Homeland Security (PEMA) Ordinance.

**Section 7-2. - Same—Meetings. Authority.**

~~The Providence emergency management council shall meet upon the call of either the chairman or the vice chairman.~~

The Federal Civil Defense Act of 1950 provided the statutory authority for the Federal  
Civil Defense Administration. Federal Emergency Management Agency (FEMA) was  
established under the 1978 Reorganization Plan No. 3, and activated April 1, 1979 by President  
Jimmy Carter in his Executive Order 12127.

Management," each political subdivision of the state of Rhode Island has been given the authority by the state to establish a local emergency management agency. It is in the best interests of the health, safety, and welfare of the citizens of Providence that an emergency management agency be established for the city by this Ordinance.

The Providence Emergency Management Agency & Office of Homeland Security (PEMA) is established pursuant Rhode Island General Laws § 30-15-12 and the Providence Home Rule Charter, Powers of City, § 2.1 et seq.

**Section 7-3. - Same—General powers and duties. Purpose.**

~~The powers and duties of the Providence emergency management council shall include the recommendation for adoption by the city council of a emergency management plan for the city and the recommendation for adoption by the city council of any and all mutual aid plans and agreements which are deemed essential for the implementation of such emergency management plan. The duties of such emergency management council shall also include a continuing study of the need for amendments and improvements in the emergency management plan adopted by the city council.—~~

The primary mission of PEMA is to reduce the loss of life and property and protect the City of Providence from all hazards, including natural disasters, acts of terrorism and other manmade disasters, by leading and supporting the City in a risk-based, comprehensive emergency management system of mitigation, preparedness, response and recovery.

**Section 7-4. - Powers and duties of director of emergency management. Creation and composition of PEMA.**

~~(a) There shall be a director of emergency management, who shall have the authority to request the declaration of the existence of an emergency by the city council or by higher authority. In the event that it is deemed necessary to declare the existence of an emergency without delay if the city council is not in session, the mayor, upon his own initiative or upon request of the director, may do so, but such action shall be subject to confirmation by the city council at its next meeting.—~~

~~(b) The duties and responsibilities of the director of emergency management shall include the following:~~

- ~~(1) The control and direction of the actual or training efforts of the emergency management organization of the city;~~
- ~~(2) The determination of all questions of authority and responsibility that may arise within the emergency management organization of the city;—~~
- ~~(3) The maintenance of necessary liaison with other municipal, area, state, regional, federal or other emergency management organizations;~~
- ~~(4) The marshaling, after the declaration of an emergency as provided above, of all necessary personnel, equipment or supplies from any department of the city to aid in the carrying out of the emergency management plan;—~~
- ~~(5) The issuance of all necessary proclamations as to the existence of an emergency and the immediate operational effectiveness of the emergency management plan;—~~

- ~~(6) The issuance of reasonable rules and regulations which are necessary for the protection of life and property in the city, including but not limited to rules and regulations applicable to blackouts and air raids;~~
- ~~(7) The supervision of the drafting and execution of mutual aid agreements entered into by the city;~~
- ~~(8) The supervision of and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions; and~~
- ~~(9) The authorizing of agreements, after approval of the city solicitor, for the use of private property for air raid shelter and other purposes.~~
- ~~(e) The powers and duties referred to in paragraphs (4), (5), (6) and (8) of subsection (b) shall be exercisable only with the prior approval of the mayor.~~

There shall be a Providence Emergency Management Agency & Office of Homeland Security. There shall be a Director of PEMA who is appointed by the Mayor. The Director shall be charged with the four phases of comprehensive emergency management and homeland security to include mitigation, preparedness, response and recovery with such other duties included in this ordinance or as the Mayor may prescribe.

**Section 7-5. - Operational emergency management organization. Creation and composition of Providence Emergency Management Advisory Council.**

- ~~(a) The operational emergency management organization of the city shall consist of the officers and employees of the city designated by the director of emergency management as well as all volunteer municipal defense workers.~~
- ~~(b) The functions and duties of this organization shall be distributed among such divisions, services and special staff as the city council shall prescribe by ordinance. Any such ordinance shall set forth the forms of organization, establish and designate divisions and services, assign functions, duties and powers, and designate officers and employees to carry out the provisions of this chapter. Insofar as possible, the form of organization, title and terminology shall conform to the recommendations of the federal government and the recommendations of the emergency management agency of the State of Rhode Island.~~

- (a) There shall be a Providence Emergency Management Advisory Council (PEMAC) that shall consist of the following: the Mayor, who shall serve as Chairman of the Council; the Director of PEMA, who shall serve as Vice-Chairman; the Deputy Director of PEMA, who shall perform such duties as the Director may prescribe; one member representing the City Council; and representatives from civic, private business sector, academic community.
- (b) industry, labor, veterans, professional, voluntary organization or other groups within the City of Providence, not to exceed 15 members. Members, who will be selected and appointed by the Mayor (or Council in the case of the Council representative) to staggered two-year terms, shall receive no compensation and shall serve at the pleasure of the Mayor (or Council in the case of the Council representative).

(c) PEMAC shall meet upon the call of either the chairman or the vice chairman.

(d) ~~The powers and duties of the Providence Emergency Management Advisory Council~~ PEMAC shall include recommendation to city council, for adoption, of an emergency management plan for the city, and any and all mutual aid plans and agreements which are deemed essential for the implementation of such emergency management plan. The duties of such emergency management council shall also include a continuing study of the need for amendments and improvements in the emergency management plan adopted by the city council.

(e) Each person serving as a member of the emergency management council, or as an officer, employee or volunteer in any capacity in the emergency management organization created by ordinance pursuant to the authority herein conferred, shall, prior to assuming their duty or duties, take an oath which shall be substantially as follows:

"I \_\_\_\_\_, do solemnly swear (~~or affirm~~), that I will support and defend the Constitution of the United States and the Constitution of the State of Rhode Island and the Providence Home Rule Charter, ~~against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely; without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter to the best of my knowledge, so help me God. And I do further swear (or affirm) that I do not advocate, nor am I a member or an affiliate of any political party or organization, group or combination of persons that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such time as I am a member of the emergency management organization of the City of Providence I will not advocate nor become a member or an affiliate of any organization, group or combination of persons or of any political party that advocates the overthrow of the Government of the United States or of this State by force or violence.~~"

**~~Section 7-6. - Oath of members of emergency management council and operational organization.~~**

**Section 7-6. - Organization and Operation of the Emergency Operation Center.**

The operational emergency management organization of the city shall consist of the officers and employees of the city designated by the director of emergency management as well as all volunteer workers.

The functions and duties of this organization shall be distributed among such divisions, services and special staff as the city council shall prescribe by ordinance. Any such ordinance shall set forth the forms of organization, establish and designate divisions and services, assign functions, duties and powers, and designate officers and employees to carry out the provisions of this chapter. Insofar as possible, the form of organization, title and terminology shall conform to the recommendations of the federal government and the recommendations of the emergency management agency of the State of Rhode Island.

**~~Section 7-7. - Shelter managers Designation as part of emergency management organization. Duties and responsibilities.~~**

~~Shelter managers who possess a certificate of proper training from the emergency management council shall be considered as a special staff forming part of the operational emergency management organization of the city.~~

PEMA shall have the responsibility for emergency management and disaster response and recovery within the city as required by the terms and conditions of this Ordinance.

PEMA shall have a comprehensive emergency management and homeland security program that meets current day best practices and widely accepted national standards.

PEMA has the responsibility to lead the city's efforts to prepare for, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other manmade disasters, including catastrophic incidents.

Under the direction of the Mayor, the Director is responsible for PEMA planning and operations, coordinating community exercise programs, coordinating assigned emergency management activities with internal and external departments and agencies, and other assigned responsibilities.

**Section 7-8. - ~~Same~~ Powers and duties. Declaration of Disaster Emergency.**

~~Shelter managers shall be assigned to specific shelter areas by the emergency management council, and shall be in complete charge of such specified shelter areas subject to orders of the emergency management council or the director and/or deputy director of emergency management when communication is possible. In the absence of such communication, the shelter manager of an assigned shelter area shall possess all the powers and duties of the emergency management director as stated in section 7-4. Shelter managers who find themselves in a shelter not specifically assigned to them shall act as deputy shelter managers to the assigned shelter manager. In the absence of the assigned shelter manager, any shelter manager present shall assume the duties of the assigned shelter manager.~~

The Director shall have the authority to request the declaration of the existence of an emergency by the Mayor in accordance with the Code of Ordinances, Sections 2-36 and 2-37.

The Mayor, upon his own initiative or upon request of the Director, may declare an emergency, but such action shall be subject to confirmation by the City Council at its next meeting. A state of emergency declaration shall continue for a period of not more than seven (7) days after issued, unless the same is continued by a further executive order or by consent of the City Council.

In the event of serious disaster, terrorist attack, sabotage or other hostile action or in the event of the imminent threat of such, the Mayor may proclaim that a state of emergency exist, issue such proclamations and executive orders as deemed necessary (such as proclamations and orders to become effective only once such conditions exist), and may personally take direct operational control of any and all parts of the public safety forces and functions in the city. In addition, the Mayor is hereby authorized to and empowered to:

- (1) Suspend in whole or in part, by order as hereinafter provided, any statute, regulation or requirement or part thereof to be modified or suspended;
- (2) Designate such vehicles and persons as shall be permitted to move and the routes which they shall follow;

- (3) Take appropriate measures for protecting the health, safety and welfare of the people of the City, to prevent or minimize loss or destruction of property and the protection of life;
- (4) Order the evacuation of all or in part of the population of stricken or threatened areas and take such steps as necessary for the receipt and care of such evacuees;

An order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity, informing the city population through local radio, television, newspapers and any other means of communication available at the time.

Upon declaration of a local disaster emergency, the applicable response and recovery aspects of the Providence's Emergency Operations Plan (EOP) shall be activated, and all provisions for aid and assistance thereunder shall be authorized.

**Section 7-9. - ~~Same Commencement of duties.~~ Temporary Suspension of Formal Requirements.**

~~The duties of the special staff of shelter managers shall begin upon the declaration of an emergency as stated in section 7-4, and shall continue so long as the declaration of the emergency is in force.~~

Upon declaration of a disaster emergency the Mayor of the City of Providence shall be authorized to exercise the powers granted in the Ordinance without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes and the appropriation and expenditure of public funds. In addition, upon the declaration of a disaster emergency the Mayor is authorized to avail itself of the provisions pursuant to the scope of Rhode Island General Laws § 45-6-1 and the Providence Home Rule Charter, Powers of City, § 2.1 et seq. in connection with the employment of personnel in local organizations established pursuant to the provisions of this ordinance.

At all times during the existence of an actual emergency when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be consistent therewith, unless the City Council shall otherwise determine.

**Section 7-10. - Orders, rules and regulations pursuant to chapter to supersede existing provisions. Construction of chapter.**

~~At all times during the existence of an actual emergency when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith, unless the city council shall otherwise determine.~~

This chapter shall not be so construed as to conflict with any state or federal statute or with any active duty, reserve or National Guard military orders, rules or regulations.

**Section 7-11. - Construction of chapter: Liability for Death, Injury, Damage, from Emergency Management Activities.**

- (a) This chapter shall be construed as an exercise by the city of its governmental functions for the protection of the public peace, health and safety, and neither the city, the agents and representatives of said city, nor any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this chapter 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 to the city a license or privilege, or otherwise permits the city 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 terrorist attack, together with his successors in interest, if any, 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.

**Section 7-12. - Liability for death, injury, damage, from emergency management activities.**

- ~~(a) This chapter shall be construed as an exercise by the city of its governmental functions for the protection of the public peace, health and safety, and neither the city, the agents and representatives of said city, nor any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this chapter 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 to the city a license or privilege, or otherwise permits the city 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, together with his successors in interest, if any, 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.~~

**Sec. 7-13.—Obstructing members of organization; violation of rules and regulations; unlawful wearing of insignia.**

It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this chapter. It shall likewise be unlawful for any person to wear, carry, or display any emblem, insignia, or any other means of identification as a member of the emergency management organization of the city unless authority so to do has been granted to such person by the proper officials.

**Section 7-13. Advance Warning to Public of Impending Hazard.**

Whenever a hazard (natural, accidental or intentional) is imminent, occurring or predicted that may affect the City of Providence, the director is hereby directed to announce publicly, at the first practicable opportunity, that said hazard may adversely affect said city, via all practicable means available to include print, radio, television, and/or internet media and further shall use emergency management to alert the citizenry starting not less than eight (8) hours in advance of the hazards arrival over said city; the purpose of said alerts is to warn residents of said hazard in order to take prepare and take precautionary actions.

**Section 7-14. - Display of lights in violation of order or regulation.**

~~Any light displayed contrary to any order, rule or regulation promulgated pursuant to the provisions of this chapter shall constitute a public nuisance and when deemed necessary in order to protect life or property during blackouts or air raids, the police shall be authorized and directed to enter upon any premises within the city, using reasonable force, and extinguish lights or take other necessary action to make effective any order, rule or regulations promulgated under the authority conferred by this chapter.~~

**- Emergency siren warning systems.**

(a) No person shall install or operate an emergency siren warning system (ESWS) without written approval by the ~~Providence Emergency Management Agency and Office of Homeland Security (PEMA).~~

(b) Any person, business or institution wishing to install an ESWS on their property, is required to submit a written request for approval to the ~~Providence Emergency Management Agency and Office of Homeland Security (PEMA)~~ and show cause for such system.

(c) Any emergency siren warning system approved by PEMA shall:



- (1) Be capable of being integrated with the communication and other system requirements of PEMA;
  - (2) Have a common alarm, tone and sequence which satisfies the requirements of PEMA for emergency alarm notification;
  - (3) Be tested at a minimum internally twice a year and externally once a year; and
  - (4) Comply with all regulations and requirements adopted by PEMA.
- (d) Any owner or operator of an approved ESWS shall:
- (1) Have an implementation plan which is provided to and approved by PEMA and PEMA's emergency siren warning system advisory committee; and
  - (2) Undertake, at its own cost, periodic public outreach to all residents and business within auditory range regarding the approved uses, testing schedule and protocol for obtaining additional information and appropriate responses upon activation of the ESWS.
  - (3) Execute a memorandum of understanding in a form acceptable to the city solicitor, providing appropriate assurances that the city shall be indemnified or held harmless for losses, as described in subsection (g).
- (e) *Emergency siren warning system advisory committee.* The emergency siren warning system advisory committee shall consist of one (1) representative from the following organizations:
- (1) ~~Providence Emergency Management Agency and Office of Homeland Security (PEMA);~~
  - (2) City fire department;
  - (3) City police department;
  - (4) City communication division; and
  - (5) Others to be determined at the discretion of the director of PEMA.
- (f) *Yearly fee.* The applicant for an ESWS shall attach to the written request for approval a check in the amount of three hundred dollars (\$300.00) payable to the treasurer of the city, this being the yearly fee required for the privilege of integration of the applicant's system to the emergency management system. Such fee shall be due and payable in full on or before the first day of January of each year thereafter, but provided that if the service is applied for during the year, the applicant shall pay only that portion of the fee which the unexpired portion of the year bears to the full fee of three hundred dollars (\$300.00).
- (g) *City not liable for losses.* The city shall not be responsible or liable and no cause of action shall arise or be asserted against said city as a result of any losses, damages or injuries of any type whatsoever, to life or property, which may arise or occur to the applicant, or the applicant's heirs, successors or assigns as a result of the failure of the ESWS to function properly or of the city's emergency management system to function properly, whether considered jointly or severally and further the city shall in no way be held liable or responsible for any damages, losses or injuries to persons or property, which may be occasioned or arise by reason of the applicant's ESWS alarm system being connected to the city emergency management system, and in any such event the city shall be held harmless.

**~~Section 7-15. - Unauthorized operation of blackout or air raid signal.~~**

~~It shall be unlawful for any unauthorized person to operate a siren or other device so as to simulate a blackout signal or air raid, or the termination of a blackout or air raid.~~

**Powers and Duties of the Emergency Management Agency Director.**

(a) The PEMA Director is hereby directed to:

- (5) Prepare, maintain and keep current a disaster emergency plan for Providence for the prevention and minimization of injury and damage caused by disaster, for prompt and effective response to disaster and for disaster emergency relief and recovery in consonance with the Providence Emergency Management Plan;
- (6) Establish, maintain, and staff an Emergency Operations Center (EOC) for the City;
- (7) Have available at its EOC all PEMA plans, rules, regulations, and orders;
- (8) Establish a warning and communications system that will support local governmental operations in emergencies;
- (9) Provide essential facilities and equipment to those agencies and organizations that have been assigned emergency functions under the provisions of this Ordinance;
- (10) Provide individual and organizational training programs for emergency management volunteers and the general public to insure prompt, efficient and effective disaster emergency services;
- (11) Organize, prepare, and coordinate all locally available manpower, materials, supplies, equipment and facilities necessary for disaster emergency readiness, response and recovery;
- (12) Adopt and implement precautionary measures to mitigate the anticipated effects of a disaster;
- (13) Execute and enforce such rules, regulations and orders as PEMA may adopt pursuant to the provisions of this Ordinance;
- (14) Cooperate and coordinate with any public and private agencies or entities in achieving any purpose of this Ordinance;
- (15) Execute and enforce such rules and orders as may be directed by the Mayor;
- (16) Make timely recommendations to the Mayor and secure the consent of the responsible city officials concerning the development of plans, the acquisition of materials, supplies, and equipment and the development of a budget for the agency, except as provided for in disaster emergencies;

- (17) Identify areas within Providence that are particularly vulnerable to disasters and hazards

(b) The Director assumes the overall responsibility for emergency management within the

City to include:

- (1) Advising the Mayor on local government emergency operations and making recommendations concerning the emergency response capabilities of the City;  
Management of the EOC to include assigning departments across the City to act as lead agencies in accordance with the EOP to fill the Emergency Support Functions (ESF) assignments at the EOC. It is the responsibility of each Department/Agency to assign primary and alternate personnel to fulfill assigned duties for each ESF;
- (2) Providing direction and supervision of PEMA;
- (3) Responsible for ensuring compliance with Federal, State, and local laws pertaining to a wide variety of areas in the field of emergency management;
- (4) Responsible for the development and update of emergency response plans;
- (5) Conducting risk/hazard analysis to develop emergency response plans;
- (6) Conducting site visits and inspections to develop incident response plans;
- (7) Developing public education programs;
- (8) Assisting with incident management and coordination of multiple jurisdictional emergencies;
- (9) Monitoring all potential emergency conditions and incidents that may require a multi-agency response;
- (10) Maintaining department files and records;
- (11) Overseeing the creation of common command and control structures and terminology including the National Incident Management System (NIMS) and the Incident Command System (ICS) for managing the response to any incident;
- (12) Ensuring the improvement of the flow of vital information among participating agencies to ensure clear and unambiguous instructions during incidents and day-to-day operations;
- (13) Serving as the liaison between the community, State, and Federal agencies on Emergency Management matters;

**Section 7-16. - ~~Advance warning to public of impending major storm.~~**

~~Whenever an impending major storm is predicted that may effect the City of Providence, the director of the department of public works of said city, is hereby directed to announce publicly, not less than twenty four (24) hours in advance, that said storm may adversely effect said city, via the news, radio and television media; and further shall, by enlisting the aid of the director of the emergency management preparedness agency, use emergency management sirens to alert the citizenry starting not less than eight (8) hours, on each hour, in advance of the storm's arrival over said city; the purpose of said siren alerts is to warn motorists to cause all motor vehicles to be removed from the streets of said city.—~~

**Sec. 7-17. Office of Homeland Security.**

The mission of the Office of Homeland Security (OHS) is to lead the unified local effort to secure Providence. OHS will prevent and deter terrorist attacks and protect against and respond to threats and hazards to the City. OHS will ensure safe and secure borders, welcome lawful immigrants and visitors, and promote the free-flow of commerce.

The OHS is segregated into three separate departments that perform unique and complementary missions. Each department is responsible for performing specific functions.

- (a) PEMA, the Office of Homeland Security for Preparedness, Response and Recovery, shall be the lead agency for management and coordination of the City's response to acts of terrorism, natural disasters, or other emergencies. PEMA shall also lead local and private sector efforts to restore services and rebuild communities after acts of terrorism, natural disasters, or other emergencies. PEMA shall cooperate with Providence Police and Fire Departments in the planning process for developing response plans related to acts of terrorism, hazardous materials incidents or any manmade disasters.
- (b) The Providence Police Department, Office of Homeland Security for Prevention and Protection shall be the lead agency for prevention, law enforcement, intelligence gathering/analysis, and tactical response to the effects of terrorism incidents. The Police Department shall identify and understand threats, assess vulnerabilities, determine potential impacts and disseminate timely information to our homeland security partners and the public. It shall detect, deter and mitigate threats to the City and surrounding area. The Police Department shall safeguard our people and their freedoms, critical infrastructure, property and the economy of our City from acts of terrorism, natural disasters, or other emergencies. The Police Department shall serve the public effectively by facilitating lawful trade, travel and immigration. The Providence Police Department shall cooperate with PEMA and the Providence Fire Department in the planning process.

for developing response plans related to acts of terrorism, hazardous materials incidents or any manmade disasters.

Page 13

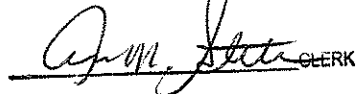
- (c) The Providence Fire Department, Office of Homeland Security for Fire Prevention and Response shall be the lead agency for fire suppression, emergency medical services, hazardous materials and rescue response to the effects of terrorism incidents. The Fire Department shall develop and exercise emergency response plans to reduce the effects of terrorism including but not limited to:

- (1) The rescue, decontamination, treatment and transportation to a medical facility of injured or exposed victims;
- (2) The suppression and investigation of the cause of all fires;
- (3) The detection, mitigation and reduction of all chemical, biological, radiological and nuclear agents with the assistance of other qualified agencies;
- (4) Provide rescue and EMS support to all active shooters and IED incidents.


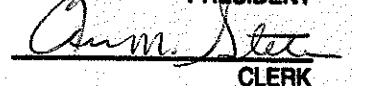
The Providence Fire Department Hazardous Materials Team shall screen and transport to the Rhode Island Department of Health for identification all suspicious powders as per state protocols. The Providence Fire Department shall cooperate with PEMA and the Providence Police Department in the planning process for developing response plans related to acts of terrorism, hazardous materials incidents or any manmade disasters. The Providence Fire Department shall participate in the prevention and protection process by participating in identifying critical infrastructure and hazardous sites that exist in or are adjacent to the city and conducting risk analysis based on threats, vulnerabilities and consequences of terrorist acts on these sites.

SECTION 2. This ordinance shall take effect upon passage.

IN CITY COUNCIL  
JAN 05 2012  
FIRST READING  
READ AND PASSED

 CLERK

IN CITY  
COUNCIL  
JAN 19 2012  
FINAL READING  
READ AND PASSED

 PRESIDENT  
 CLERK

I HEREBY APPROVE

 Mayor

Date: 1/23/12

Code of Ordinances Comparison Matrix  
in Support of  
Modifications to Chapter 7, Emergency Management

Section	Current	Proposed	Notes
7-1	<p><b>Emergency management council—Creation and composition.</b></p> <p>There shall be a Providence emergency management council which shall consist of the following:</p> <p>(a) The mayor of the city, who shall serve as chairman of the council.</p> <p>(b) A director of emergency management to be appointed by and serve at the pleasure of the mayor of the city. The director shall be charged with the preparation of the emergency management plan for the city, together with such other duties as the mayor may prescribe. He shall also serve as vice-chairman of the council.</p> <p>(c) An assistant director of emergency management appointed by and holding office at the pleasure of the director, subject to approval of the mayor, who shall exercise such duties as the director may prescribe.</p> <p>(d) The deputy directors of divisions and the chiefs of services of such divisions as may be provided for by ordinance of the city council, said deputy director to be appointed by the director of emergency management, with approval of the mayor.</p> <p>(e) Representatives not to exceed twenty-five (25) in number from civic, business, industry, labor, veterans, professional or other groups, to be selected and appointed by the mayor.</p>	<p><b>Title.</b></p> <p>The Ordinance shall be known and may be cited as the Providence Emergency Management Agency &amp; Office of Homeland Security (PEMA) Ordinance.</p>	<p>This CURRENT section is re-numbered and moved to Section 7-5.</p> <p>The PROPOSED 7-1 is new language.</p>
7-2	<p><b>Same—Meetings.</b></p> <p>The Providence emergency management council shall meet upon the call of either the chairman or the vice-chairman.</p>	<p><b>Authority.</b></p> <p>The Federal Civil Defense Act of 1950 provided the statutory authority for the Federal Civil Defense Administration. Federal Emergency Management Agency (FEMA) was established under the 1978 Reorganization Plan No. 3, and activated April 1, 1979 by President Jimmy Carter in his Executive Order 12127.</p> <p>Pursuant to RIGL § 30-15-12, entitled Local Emergency</p>	<p>This CURRENT section is re-numbered and moved to Section 7-5.1.</p> <p>The PROPOSED 7-2 is new language with updated references to FCDA 1950, Stafford Act and RIGL.</p>

**Code of Ordinances Comparison Matrix  
in Support of  
Modifications to Chapter 7, Emergency Management**

		<p>Management, each political subdivision of the state of Rhode Island has been given the authority by the State to establish a local emergency management agency. It is in the best interests of the health, safety, and welfare of the citizens of Providence that an emergency management agency be established for the City by this Ordinance.</p> <p>This Ordinance was properly advertised and proper notice given as required by law.</p> <p>The Providence Emergency Management Agency &amp; Office of Homeland Security (PEMA) is established pursuant Rhode Island General Laws § 30-15-12 and the Providence Home Rule Charter, Powers of City, § 2.1 et seq.</p>	
7-3	<p><b>Same—General powers and duties.</b></p> <p>The powers and duties of the Providence emergency management council shall include the recommendation for adoption by the city council of a emergency management plan for the city and the recommendation for adoption by the city council of any and all mutual aid plans and agreements which are deemed essential for the implementation of such emergency management plan. The duties of such emergency management council shall also include a continuing study of the need for amendments and improvements in the emergency management plan adopted by the city council.</p>	<p><b>Purpose.</b></p> <p>The primary mission of PEMA is to reduce the loss of life and property and protect the City of Providence from all hazards, including natural disasters, acts of terrorism and other manmade disasters, by leading and supporting the City in a risk-based, comprehensive emergency management system of mitigation, preparedness, response and recovery.</p>	<p>This CURRENT section is re-numbered and moved to Section 7-5.2.</p> <p>The PROPOSED 7-3 is new language.</p>
7-4	<p><b>Powers and duties of director of emergency management.</b></p> <p>(a) There shall be a director of emergency management, who shall have the authority to request the declaration of the existence of an emergency by the city council or by higher authority. In the event that it is deemed necessary to declare the existence of</p>	<p><b>Creation and Composition of PEMA.</b></p> <p>There shall be a Providence Emergency Management Agency &amp; Office of Homeland Security (PEMA).</p> <p>There shall be a Director of PEMA who is appointed by the Mayor of the City. The Director shall be charged with the four phases of comprehensive emergency</p>	<p>This CURRENT section is re-numbered and moved to Section 7-15.</p> <p>The PROPOSED 7-4 is new language.</p>



Code of Ordinances Comparison Matrix  
in Support of  
Modifications to Chapter 7, Emergency Management

	<p>an emergency without delay if the city council is not in session, the mayor, upon his own initiative or upon request of the director, may do so, but such action shall be subject to confirmation by the city council at its next meeting.</p> <p>(b) The duties and responsibilities of the director of emergency management shall include the following:</p> <p>(1) The control and direction of the actual or training efforts of the emergency management organization of the city;</p> <p>(2) The determination of all questions of authority and responsibility that may arise within the emergency management organization of the city;</p> <p>(3) The maintenance of necessary liaison with other municipal, area, state, regional, federal or other emergency management organizations;</p> <p>(4) The marshaling, after the declaration of an emergency as provided above, of all necessary personnel, equipment or supplies from any department of the city to aid in the carrying out of the emergency management plan;</p> <p>(5) The issuance of all necessary proclamations as to the existence of an emergency and the immediate operational effectiveness of the emergency management plan;</p> <p>(6) The issuance of reasonable rules and regulations which are necessary for the protection of life and property in the city, including but not limited to rules and regulations applicable to blackouts and air raids;</p> <p>(7) The supervision of the drafting and execution of mutual aid agreements entered into by the city;</p> <p>(8) The supervision of and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions; and</p> <p>(9) The authorizing of agreements, after approval of the city solicitor, for the use of private property for air</p>	management and homeland security to include mitigation, preparedness, response and recovery with such other duties included in this ordinance or as the Mayor may prescribe.	
--	--	--	--

**Code of Ordinances Comparison Matrix  
in Support of  
Modifications to Chapter 7, Emergency Management**

	<p>raid shelter and other purposes.</p> <p>(c) The powers and duties referred to in paragraphs (4), (5), (6) and (8) of subsection (b) shall be exercisable only with the prior approval of the mayor.</p>			
7-5	<p><b>Operational emergency management organization.</b></p> <p>(a) The operational emergency management organization of the city shall consist of the officers and employees of the city designated by the director of emergency management as well as all volunteer municipal defense workers.</p> <p>(b) The functions and duties of this organization shall be distributed among such divisions, services and special staff as the city council shall prescribe by ordinance. Any such ordinance shall set forth the forms of organization, establish and designate divisions and services, assign functions, duties and powers, and designate officers and employees to carry out the provisions of this chapter. Insofar as possible, the form of organization, title and terminology shall conform to the recommendations of the federal government and the recommendations of the emergency management agency of the State of Rhode Island.</p>	<p><b>Creation and Composition of PEMAC.</b></p> <p>There shall be a Providence Emergency Management Advisory Council (PEMAC) that shall consist of the following: the Mayor, who shall serve as Chairman of the Council, the Director of Providence Emergency Management Agency (PEMA) who shall serve as Vice-Chairman; the Deputy Director of Emergency Management who shall perform such duties as the Director may prescribe; one member representing the City Council, and representatives from civic, private business sector, academic community, industry, labor, veterans, professional, voluntary organization or other groups within the City of Providence; not to exceed 15 members. Members, who will be selected and appointed by the Mayor to staggered two-year terms, shall receive no compensation and shall serve at the pleasure of the Mayor.</p>	<p>This CURRENT section is re-numbered and moved to Section 7-6.</p> <p>The PROPOSED 7-5 is language derived from the CURRENT 7-1. We have made the language more concise.</p>	
7-5.1.	<p><b>None.</b></p>	<p><b>Meetings.</b></p> <p>The Providence Emergency Management Advisory Council shall meet upon the call of either the chairman or the vice chairman.</p>	<p>No Previous Section 7-5.1.</p> <p>The PROPOSED 7-5.1 is taken from CURRENT Section 7.2.</p>	
7-5.2.	<p><b>None.</b></p>	<p><b>General Powers and Duties.</b></p> <p>The powers and duties of the Providence Emergency Management Advisory Council shall include recommendation to city council, for adoption, of an emergency management plan for the city, and any and all mutual aid plans and agreements which are deemed essential for the implementation of such emergency management plan. The duties of such emergency management council shall also include a continuing</p>	<p>No Previous Section 7-5.2.</p> <p>The PROPOSED 7-5.1 is taken from CURRENT Section 7.3.</p>	

Code of Ordinances Comparison Matrix  
in Support of  
Modifications to Chapter 7, Emergency Management

		study of the need for amendments and improvements in the emergency management plan adopted by the city council.  (Ch. 8A, § 2, added by Ord. 1952, ch. 583, § 2; Ord. 2000, ch. 00-24, 8-11-00)	
7-5.3.	<b>None.</b>	<b>Oath of Members of Emergency Management Advisory Council and Operational Organization.</b> Each person serving as a member of the emergency management council, or as an officer, employee or volunteer in any capacity in the emergency management organization created by ordinance pursuant to the authority herein conferred, shall, prior to assuming their duty or duties, take an oath which shall be substantially as follows:  I _____, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Rhode Island and the Providence Home Rule Charter; that I take this obligation freely; without any mental reservation or purpose of evasion; and that I will faithfully discharge the duties upon which I am about to enter to the best of my knowledge, so help me God.  (Ch. 8A, § 5, added by Ord. 1952, ch. 583, § 5; Ord. 2000, ch. 00-24, 8-11-00)	No Previous Section 7-5.3.  The PROPOSED 7-5.3 is taken from CURRENT Section 7.6.
7-6	<b>Oath of members of emergency management council and operational organization.</b> Each person serving as a member of the emergency management council, or as an officer, employee or volunteer in any capacity in the emergency management organization created by ordinance pursuant to the authority herein conferred, shall, prior to assuming their duty or duties, take an oath which	<b>Organization and Operation of the Emergency Operation Center</b> The operational emergency management organization of the city shall consist of the officers and employees of the city designated by the director of emergency management as well as all volunteer workers.  The functions and duties of this organization shall be	This CURRENT section is re-numbered and moved to Section 7-5.3.  The PROPOSED 7-6 is updated language derived from 7-5. Updated will language referencing the EOC..

Code of Ordinances Comparison Matrix  
in Support of  
Modifications to Chapter 7, Emergency Management

	<p>shall be substantially as follows:</p> <p>"I _____, do solemnly swear (or affirm), that I will support and defend the Constitution of the United States and the Constitution of the State of Rhode Island, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely; without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member or an affiliate of any political party or organization, group or combination of persons that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such time as I am a member of the emergency management organization of the City of Providence I will not advocate nor become a member or an affiliate of any organization, group or combination of persons or of any political party that advocates the overthrow of the Government of the United States or of this State by force or violence."</p>	<p>distributed among such divisions, services and special staff as the city council shall prescribe by ordinance. Any such ordinance shall set forth the forms of organization, establish and designate divisions and services, assign functions, duties and powers, and designate officers and employees to carry out the provisions of this chapter. Insofar as possible, the form of organization, title and terminology shall conform to the recommendations of the federal government and the recommendations of the emergency management agency of the State of Rhode Island.</p> <p>(Ch. 8A, § 4, added by Ord. 1952, ch. 583, § 4; Ord. 2000, ch. 00-24, 8-11-00)</p>	
7-7	<p><b>Shelter managers — Designation as part of emergency management organization.</b></p> <p>Shelter managers who possess a certificate of proper training from the emergency management council shall be considered as a special staff forming part of the operational emergency management organization of the city.</p>	<p><b>Duties and Responsibilities.</b></p> <p>PEMA shall have the responsibility for emergency management and disaster response and recovery within the City of Providence as required by the terms and conditions of this Ordinance.</p> <p>PEMA shall have a comprehensive emergency management and homeland security program that meets current day best practices and widely accepted national standards.</p> <p>PEMA has the responsibility to lead the City's efforts to prepare for, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism,</p>	<p>This CURRENT section is removed (makes reference to WWII Air Raid Shelter Managers).</p> <p>The PROPOSED 7-7 is new language.</p>

**Code of Ordinances Comparison Matrix**  
**in Support of**  
**Modifications to Chapter 7, Emergency Management**

		and other manmade disasters, including catastrophic incidents.  Under the direction of the Mayor of the City of Providence, the PEEMA Director is responsible for ensuring the planning and operations of the Emergency Management Agency & Office of Homeland Security, coordinating community exercise programs, coordinating assigned emergency management activities with internal and external departments and agencies, and other assigned responsibilities.	
7-8	<p><b>Same—Powers and duties.</b>  Shelter managers shall be assigned to specific shelter areas by the emergency management council, and shall be in complete charge of such specified shelter areas subject to orders of the emergency management council or the director and/or deputy director of emergency management when communication is possible. In the absence of such communication, the shelter manager of an assigned shelter area shall possess all the powers and duties of the emergency management director as stated in section 7-4. Shelter managers who find themselves in a shelter not specifically assigned to them shall act as deputy shelter managers to the assigned shelter manager. In the absence of the assigned shelter manager, any shelter manager present shall assume the duties of the assigned shelter manager.</p>	<p><b>Declaration of Disaster Emergency.</b>  The Director shall have the authority to request the declaration of the existence of an emergency by the Mayor in accordance City Ordinance (Sections 2-36 &amp; 2-37). In the event that it is deemed necessary to declare an emergency without delay if the City Council is not in session, the Mayor, upon his own initiative or upon request of the director, may do so, but such action shall be subject to confirmation by the City Council at its next meeting. That the state of emergency declaration shall continue for a period of not more than seven (7) days issued, unless the same is continued by consent of the City Council of Providence, Rhode Island.</p> <p>In the event of serious disaster, terrorist attack, sabotage or other hostile action or in the event of the imminent thereof, the Mayor of the City of Providence may proclaim that a state of emergency exists, in which event he may personally take direct operational control of any and all parts of the public safety forces and functions in the city. In addition, the Mayor is hereby authorized to and empowered to:</p> <ul style="list-style-type: none"> <li>• Suspend in whole or in part, by order as</li> </ul>	<p>This CURRENT section is removed (makes reference to WWII Air Raid Shelter Managers).</p> <p>The PROPOSED 7-8 is language derived from Sections 2-36, 2-37 and RIGL 30-15-12.</p>

Code of Ordinances Comparison Matrix  
in Support of  
Modifications to Chapter 7, Emergency Management

		<p>hereinafter provided, any statute, regulation or requirement or part thereof to be modified or suspended;</p> <ul style="list-style-type: none"><li>• Designate such vehicles and persons as shall be permitted to move and the routes which they shall follow;</li><li>• Take appropriate measures for protecting the health, safety and welfare of the people of the City, to prevent or minimize loss or destruction of property and the protection of life;</li><li>• Order the evacuation of all or in part of the population of stricken or threatened areas and take such steps as necessary for the receipt and care of such evacuees;</li></ul> <p>In order to insure the automatic and effective operation of emergency management in the event of terrorist attack, sabotage, or other hostile action, or in the event of imminence thereof, the Mayor may, at his discretion, at any time prior to actual development of such conditions, issue such proclamations and executive orders as he deems necessary, such as proclamations and orders to become effective only under such conditions.</p> <p>An order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity, informing the city population through local radio, television, newspapers and any other means of communication available at the time.</p> <p>Upon declaration of a local disaster emergency, the applicable response and recovery aspects of the Providence's Emergency Operations Plan (EOP) shall be activated, and all provisions for aid and assistance there-</p>	
--	--	--	--

**Code of Ordinances Comparison Matrix  
in Support of  
Modifications to Chapter 7, Emergency Management**

7-9	<p><b>Same—Commencement of duties.</b> The duties of the special staff of shelter managers shall begin upon the declaration of an emergency as stated in section 7-4, and shall continue so long as the declaration of the emergency is in force.</p>	<p>under shall be authorized.</p> <p><b>Temporary Suspension of Formal Requirements.</b> Upon declaration of a disaster emergency the Mayor of the City of Providence shall be authorized to exercise the powers granted in the Ordinance without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes and the appropriation and expenditure of public funds. In addition, upon the declaration of a disaster emergency the Mayor is authorized to avail itself of the provisions pursuant to the scope of Rhode Island General Laws § 45-6-1 and the Providence Home Rule Charter, Powers of City, § 2.1 et seq. in connection with the employment of personnel in local organizations established pursuant to the provisions of this ordinance.</p> <p>At all times during the existence of an actual emergency when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be consistent therewith, unless the City Council shall otherwise determine.</p> <p>(Ch.8A, § 8, added by Ord.1952, ch.583, §8; Ord.2000, ch.00-24, 8-11-00)</p>	<p>This CURRENT section is removed (makes reference to WWII Air Raid Shelter Managers).</p> <p>The PROPOSED 7-9 is language derived from 2-37, 7-10 and RIGL 45-6-1.</p>
7-10	<p><b>Orders, rules and regulations pursuant to chapter to supersede existing provisions.</b> At all times during the existence of an actual emergency when the orders, rules and regulations</p>	<p><b>Construction of Chapter.</b> This chapter shall not be so construed as to conflict with any state or federal statute or with any active duty, reserve or National Guard military orders, rules or</p>	<p>This CURRENT section is moved to Section 7-9.</p> <p>The PROPOSED 7-10 is language derived</p>



Code of Ordinances Comparison Matrix  
in Support of  
Modifications to Chapter 7, Emergency Management

	made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith, unless the city council shall otherwise determine.	regulations.  (Ch. 8A, § 9, added by Ord. 1952, ch. 583, § 9; Ord. 2000, ch. 00-24, 8-11-00)	and updated from Section 7-11.
7-11	<b>Construction of chapter.</b> This chapter shall not be so construed as to conflict with any state or federal statute or with any military or naval order, rule or regulation.	<b>Liability for Death, Injury, Damage, from Emergency Management Activities.</b> This chapter shall be construed as an exercise by the city of its governmental functions for the protection of the public peace, health and safety, and neither the city, the agents and representatives of said city, nor any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to persons or property as the result of said activity.  Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the city a license or privilege, or otherwise permits the city 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 terrorist attack, together with his successors in interest, if any, 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.  (Ch. 8A, § 10, added by Ord. 1952, ch. 583, § 10; Ord. 2000, ch. 00-24, 8-11-00)	This CURRENT section is moved to Section 7-10.  The PROPOSED 7-11 is language derived and updated from Section 7-12.
7-12	<b>Liability for death, injury, damage, from emergency management activities.</b>	<b>Obstructing Members of Organization; Violation of Rules and Regulations; Unlawful Wearing of Insignia.</b>	This CURRENT section is moved to Section 7-11.

Code of Ordinances Comparison Matrix  
in Support of  
Modifications to Chapter 7, Emergency Management

	<p>(a) This chapter shall be construed as an exercise by the city of its governmental functions for the protection of the public peace, health and safety, and neither the city, the agents and representatives of said city, nor any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to persons or property as the result of said activity.</p> <p>(b) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the city a license or privilege, or otherwise permits the city 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, together with his successors in interest, if any, 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.</p>	<p>It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this chapter. It shall likewise be unlawful for any person to identify as a member of the emergency management organization of the city unless authority to do has been granted to such person by the proper officials.</p> <p>(Ch. 8A, § 11, added by Ord. 1952, ch. 583, § 11; Ord. 2000, ch. 00-24, 8-11-00)</p>	<p>The PROPOSED 7-11 is language derived and updated from Section 7-13.</p>
7-13	<p><b>Obstructing members of organization; violation of rules and regulations; unlawful wearing of insignia.</b></p> <p>It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this chapter. It shall likewise be unlawful for any person to wear, carry, or display any emblem, insignia, or any other means of identification as a member of the emergency management organization of the city unless authority so to do has been granted to such</p>	<p><b>Advance Warning to Public of Impending Hazard.</b></p> <p>Whenever a hazard (natural, accidental or intentional) is imminent, occurring or predicted that may affect the City of Providence, the director is hereby directed to announce publicly, at the first practicable opportunity, that said hazard may adversely affect said city, via all practicable means available to include print, radio, television, and/or internet media and further shall use emergency management to alert the citizenry starting not less than eight (8) hours in advance of the hazards arrival over said city; the purpose of said alerts is to warn residents of said hazard in order to take prepare</p>	<p>This CURRENT section is moved to Section 7-12.</p> <p>The PROPOSED 7-13 is language derived and updated from Section 7-16.</p>

**Code of Ordinances Comparison Matrix  
in Support of  
Modifications to Chapter 7, Emergency Management**

	person by the proper officials.	and take precautionary actions.  (Ord. 1978, ch. 78-22, § 1, 8-10-78; Ord. 2000, ch. 00-24, 8-11-00)  Editor's note: Ord. 1978, ch. 78-22, § 1, effective Aug. 10, 1978, did not specifically amend the Code. Codification herein as § 7-16 was, therefore, at the discretion of the editor.	
7-14	<b>Display of lights in violation of order or regulation.</b> Any light displayed contrary to any order, rule or regulation promulgated pursuant to the provisions of this chapter shall constitute a public nuisance and when deemed necessary in order to protect life or property during blackouts or air raids, the police shall be authorized and directed to enter upon any premises within the city, using reasonable force, and extinguish lights or take other necessary action to make effective any order, rule or regulations promulgated under the authority conferred by this chapter.	<b>Emergency Siren Warning Systems.</b> (a) No person shall install or operate an emergency siren warning system (ESWS) without written approval by the Providence Emergency Management Agency and Office of Homeland Security (PEMA).  (b) Any person, business or institution wishing to install an ESWS on their property, is required to submit a written request for approval to the Providence Emergency Management Agency and Office of Homeland Security (PEMA) and show cause for such system.  (c) Any emergency siren warning system approved by PEMA shall:  (1) Be capable of being integrated with the communication and other system requirements of PEMA;  (2) Have a common alarm, tone and sequence which satisfies the requirements of PEMA for emergency alarm notification;  (3) Be tested at a minimum internally twice a year and externally once a year; and  (4) Comply with all regulations and requirements adopted by PEMA.	This CURRENT section is removed (makes reference to WWII preparation to Air Raids over the City at night).  The PROPOSED 7-14 is language derived from 7-17.

Code of Ordinances Comparison Matrix  
in Support of  
Modifications to Chapter 7, Emergency Management

		<p>(d) Any owner or operator of an approved ESWS shall:</p> <p>(1) Have an implementation plan which is provided to and approved by PEMA and PEMA's emergency siren warning system advisory committee; and</p> <p>(2) Undertake, at its own cost, periodic public outreach to all residents and business within auditory range regarding the approved uses, testing schedule and protocol for obtaining additional information and appropriate responses upon activation of the ESWS.</p> <p>(3) Execute a memorandum of understanding in a form acceptable to the city solicitor, providing appropriate assurances that the city shall be indemnified or held harmless for losses, as described in subsection (g).</p> <p>(e) Emergency siren warning system advisory committee. The emergency siren warning system advisory committee shall consist of one (1) representative from the following organizations:</p> <p>(1) Providence Emergency Management Agency and Office of Homeland Security (PEMA);</p> <p>(2) City fire department;</p> <p>(3) City police department;</p> <p>(4) City communication division; and</p> <p>(5) Others to be determined at the discretion of the director of PEMA.</p> <p>(f) Yearly fee. The applicant for an ESWS shall attach to the written request for approval a check in the amount of three hundred dollars (\$300.00) payable to the</p>	
--	--	--	--

**Code of Ordinances Comparison Matrix**  
**in Support of**  
**Modifications to Chapter 7, Emergency Management**

		<p>treasurer of the city, this being the yearly fee required for the privilege of integration of the applicant's system to the emergency management system. Such fee shall be due and payable in full on or before the first day of January of each year thereafter, but provided that if the service is applied for during the year, the applicant shall pay only that portion of the fee which the unexpired portion of the year bears to the full fee of three hundred dollars (\$300.00).</p> <p>(g) City not liable for losses. The city shall not be responsible or liable and no cause of action shall arise or be asserted against said city as a result of any losses, damages or injuries of any type whatsoever, to life or property, which may arise or occur to the applicant, or the applicant's heirs, successors or assigns as a result of the failure of the ESWs to function properly or of the city's emergency management system to function properly, whether considered jointly or severally and further the city shall in no way be held liable or responsible for any damages, losses or injuries to persons or property, which may be occasioned or arise by reason of the applicant's ESWs alarm system being connected to the city emergency management system, and in any such event the city shall be held harmless.</p>	
7-15	<p><b>Unauthorized operation of blackout or air raid signal.</b>  It shall be unlawful for any unauthorized person to operate a siren or other device so as to simulate a blackout signal or air raid, or the termination of a blackout or air raid.</p>	<p><b>Powers and Duties of the Emergency Management Agency Director</b>  The Providence Emergency Management Agency (PEMA) Director is hereby directed to:</p> <ul style="list-style-type: none"> <li>• Prepare, maintain and keep current a disaster emergency plan for Providence for the prevention and minimization of injury and damage caused by disaster, for prompt and effective response to disaster and for disaster</li> </ul>	<p>This CURRENT section is removed (makes reference to WWII preparation to Air Raids over the City at night).</p> <p>The PROPOSED 7-15 is language derived from 7-4. Expanded definition of duties in accordance with Emergency Management Accreditation Program (EMAP) Standards.</p>

Code of Ordinances Comparison Matrix  
in Support of  
Modifications to Chapter 7, Emergency Management

		<p>emergency relief and recovery in consonance with the Providence Emergency Management Plan;</p> <ul style="list-style-type: none"><li>• Establish, maintain, and staff an Emergency Operations Center (EOC) for the City;</li><li>• Have available at its Emergency Operation Center all emergency management plans, rules, regulations, and orders of the Providence Emergency Management Agency;</li><li>• Establish a warning and communications system that will support local governmental operations in emergencies;</li><li>• Provide essential facilities and equipment to those agencies and organizations that have been assigned emergency functions under the provisions of this Ordinance;</li><li>• Provide individual and organizational training programs for emergency management volunteers and the general public to insure prompt, efficient and effective disaster emergency services;</li><li>• Organize, prepare, and coordinate all locally available manpower, materials, supplies, equipment and facilities necessary for disaster emergency readiness, response and recovery;</li><li>• Adopt and implement precautionary measures to mitigate the anticipated effects of a disaster;</li><li>• Execute and enforce such rules, regulations and orders as FEMA may adopt pursuant to the provisions of this Ordinance;</li></ul>	
--	--	---	--

Code of Ordinances Comparison Matrix  
in Support of  
Modifications to Chapter 7, Emergency Management

	<ul style="list-style-type: none"><li>• Cooperate and coordinate with any public and private agencies or entities in achieving any purpose of this Ordinance;</li><li>• Execute and enforce such rules and orders as may be directed by the Mayor;</li><li>• Make timely recommendations to the Mayor and secure the consent of the responsible city officials concerning the development of plans, the acquisition of materials, supplies, and equipment and the development of a budget for the agency, except as provided for in disaster emergencies;</li><li>• Identify areas within Providence that are particularly vulnerable to disasters and hazards</li></ul> <p>The Director assumes the overall responsibility for Emergency Management within the City to include:</p> <ul style="list-style-type: none"><li>• Advising the Chief Executive Officer on local government emergency operations and making recommendations concerning the emergency response capabilities of the City;</li><li>• Management of the Emergency Operation Center (EOC) to include assigning departments across the City to act as lead agencies in accordance with the Emergency Operation Plan (EOP) to fill the Emergency Support Functions (ESF) assignments at the Emergency Operation Center (EOC). It is the responsibility of each Department/Agency to assign primary and alternate personnel to fulfill assigned duties for each ESF;</li><li>• Providing direction and supervision of the Emergency Management Agency &amp; Office of Homeland Security;</li></ul>	
--	--	--



**Code of Ordinances Comparison Matrix  
in Support of  
Modifications to Chapter 7, Emergency Management**

		<ul style="list-style-type: none"> <li>• Responsible for ensuring compliance with Federal, State, and local laws pertaining to a wide variety of areas in the field of emergency management;</li> <li>• Responsible for the development and update of emergency response plans;</li> <li>• Conducting risk/hazard analysis to develop emergency response plans;</li> <li>• Conducting site visits and inspections to develop incident response plans;</li> <li>• Developing public education programs;</li> <li>• Assisting with incident management and coordination of multiple jurisdictional emergencies;</li> <li>• Monitoring all potential emergency conditions and incidents that may require a multi-agency response;</li> <li>• Maintaining department files and records;</li> <li>• Overseeing the creation of common command and control structures and terminology including the National Incident Management System (NIMS) and the Incident Command System (ICS) for managing the response to any incident;</li> <li>• Ensuring the improvement of the flow of vital information among participating agencies to ensure clear and unambiguous instructions during incidents and day-to-day operations</li> <li>• Serving as the liaison between the community, State, and Federal agencies on Emergency Management matters;</li> <li>• Performing other related duties as assigned.</li> </ul>	
7-16	<b>Advance warning to public of impending major storm.</b> Whenever an impending major storm is predicted that	<b>Office of Homeland Security (OHS)</b> The mission of the OHS is to lead the unified local effort to secure Providence. OHS will prevent and deter	This CURRENT section is moved to Section 7-13.

Code of Ordinances Comparison Matrix  
in Support of  
Modifications to Chapter 7, Emergency Management

	<p>may effect the City of Providence, the director of the department of public works of said city, is hereby directed to announce publicly, not less than twenty-four (24) hours in advance, that said storm may adversely effect said city, via the news, radio and television media; and further shall, by enlisting the aid of the director of the emergency management preparedness agency, use emergency management sirens to alert the citizenry starting not less than eight (8) hours, on each hour, in advance of the storm's arrival over said city; the purpose of said siren alerts is to warn motorists to cause all motor vehicles to be removed from the streets of said city.</p>	<p>terrorist attacks and protect against and respond to threats and hazards to the City. OHS will ensure safe and secure borders, welcome lawful immigrants and visitors, and promote the free-flow of commerce.</p> <p>Within the City of Providence is the Office of Homeland Security. This Office segregated into three separate departments that perform unique and complementary missions, they are;</p> <ul style="list-style-type: none"><li>• Providence Emergency Management Agency: "Office of Homeland Security for Preparedness, Response and Recovery"</li><li>• Providence Police Department: "Office of Homeland Security for Prevention and Protection"</li><li>• Providence Fire Department: "Office of Homeland Security for Fire Prevention and Response"</li></ul> <p>Each Office is responsible for performing the following functions:</p> <p><b><u>Emergency Management:</u></b></p> <p>The Emergency Management Agency shall be the lead agency for management and coordination of the City's response to acts of terrorism, natural disasters, or other emergencies.</p> <p>The Emergency Management Agency shall also lead local and private sector efforts to restore services and rebuild communities after acts of terrorism, natural disasters, or other emergencies.</p> <p>The Providence Emergency Management</p>	<p>The PROPOSED 7-16 all new language. Portions derived from Mayor Executive Order 2008-XX, dated 1 August 2008.</p>
--	---	---	--

Code of Ordinances Comparison Matrix  
in Support of  
Modifications to Chapter 7, Emergency Management

	<p>Agency (PEMA) shall cooperate with Providence Police and Fire Departments in the planning process for developing response plans related to acts of terrorism, hazardous materials incidents or any manmade disasters.</p> <p><b><u>Providence Police Department</u></b></p> <p>The Police Department shall be the lead agency for prevention, law enforcement, intelligence gathering/analysis, and tactical response to the effects of terrorism incidents.</p> <p>The Police Department shall identify and understand threats, assess vulnerabilities, determine potential impacts and disseminate timely information to our homeland security partners and the public.</p> <p>The Police Department shall detect, deter and mitigate threats to the City and surrounding area.</p> <p>The Police Department shall safeguard our people and their freedoms, critical infrastructure, property and the economy of our City from acts of terrorism, natural disasters, or other emergencies.</p> <p>The Police Department shall serve the public effectively by facilitating lawful trade, travel and immigration.</p> <p>The Providence Police Department shall cooperate with PEMA and the Providence Fire Department in the planning process for developing response plans related to acts of terrorism, hazardous materials incidents or any manmade disasters.</p>	
--	--	--

Code of Ordinances Comparison Matrix  
in Support of  
Modifications to Chapter 7, Emergency Management

	<p><u>Providence Fire Department</u></p> <p>The Fire Department shall be the lead agency for fire suppression, emergency medical services, hazardous materials and rescue response to the effects of terrorism incidents.</p> <p>The Fire Department shall develop and exercise emergency response plans to reduce the effects of terrorism including but not limited to:</p> <ol style="list-style-type: none"><li>1) The rescue, decontamination, treatment and transportation to a medical facility of injured or exposed victims</li><li>2) The suppression and investigation of the cause of all fires</li><li>3) The detection, mitigation and reduction of all chemical, biological, radiological and nuclear agents with the assistance of other qualified agencies</li><li>4) Provide rescue and EMS support to all active shooters and IED incidents</li></ol> <p>The Providence Fire Department Hazardous Materials Team shall screen and transport to the Rhode Island Department of Health for identification all suspicious powders as per state protocols.</p> <p>The Providence Fire Department shall cooperate with PEMA and the Providence Police Department in the planning process for developing response plans related to acts of terrorism, hazardous materials incidents or any manmade disasters.</p> <p>The Providence Fire Department shall participate in the prevention and protection process by participating</p>	
--	--	--

Code of Ordinances Comparison Matrix  
in Support of  
Modifications to Chapter 7, Emergency Management

		in identifying critical infrastructure and hazardous sites that exist in or are adjacent to the city and conducting risk analysis based on threats, vulnerabilities and consequences of terrorist acts on these sites.	
7-17	<p><b>Emergency siren warning systems.</b></p> <p>(a) No person shall install or operate an emergency siren warning system (ESWS) without written approval by the Providence Emergency Management Agency and Office of Homeland Security (PEMA).</p> <p>(b) Any person, business or institution wishing to install an ESWS on their property, is required to submit a written request for approval to the Providence Emergency Management Agency and Office of Homeland Security (PEMA) and show cause for such system.</p> <p>(c) Any emergency siren warning system approved by PEMA shall:</p> <p>(1) Be capable of being integrated with the communication and other system requirements of PEMA;</p> <p>(2) Have a common alarm, tone and sequence which satisfies the requirements of PEMA for emergency alarm notification;</p> <p>(3) Be tested at a minimum internally twice a year and externally once a year; and</p> <p>(4) Comply with all regulations and requirements adopted by PEMA.</p> <p>(d) Any owner or operator of an approved ESWS shall:</p> <p>(1) Have an implementation plan which is provided to and approved by PEMA and PEMA's emergency siren warning system advisory committee; and</p> <p>(2) Undertake, at its own cost, periodic public outreach to all residents and business within auditory range regarding the approved uses, testing schedule and protocol for obtaining additional information and</p>	None.	<p>This CURRENT section is moved to Section 7-14.</p> <p>No PROPOSED Section 7-17.</p>

Code of Ordinances Comparison Matrix  
in Support of  
Modifications to Chapter 7, Emergency Management

	<p>appropriate responses upon activation of the ESWS.</p> <p>(3) Execute a memorandum of understanding in a form acceptable to the city solicitor, providing appropriate assurances that the city shall be indemnified or held harmless for losses, as described in subsection (g).</p> <p>(e) Emergency siren warning system advisory committee. The emergency siren warning system advisory committee shall consist of one (1) representative from the following organizations:</p> <p>(1) Providence Emergency Management Agency and Office of Homeland Security (PEMA);</p> <p>(2) City fire department;</p> <p>(3) City police department;</p> <p>(4) City communication division; and</p> <p>(5) Others to be determined at the discretion of the director of PEMA.</p> <p>(f) Yearly fee. The applicant for an ESWS shall attach to the written request for approval a check in the amount of three hundred dollars (\$300.00) payable to the treasurer of the city, this being the yearly fee required for the privilege of integration of the applicant's system to the emergency management system. Such fee shall be due and payable in full on or before the first day of January of each year thereafter, but provided that if the service is applied for during the year, the applicant shall pay only that portion of the fee which the unexpired portion of the year bears to the full fee of three hundred dollars (\$300.00).</p> <p>(g) City not liable for losses. The city shall not be responsible or liable and no cause of action shall arise or be asserted against said city as a result of any losses, damages or injuries of any type whatsoever, to life or property, which may arise or occur to the applicant, or the applicant's heirs, successors or assigns as a result of the failure of the ESWS to</p>		
--	---	--	--

**Code of Ordinances Comparison Matrix**  
**in Support of**  
**Modifications to Chapter 7, Emergency Management**

	function properly or of the city's emergency management system to function properly, whether considered jointly or severally and further the city shall in no way be held liable or responsible for any damages, losses or injuries to persons or property, which may be occasioned or arise by reason of the applicant's ESWS alarm system being connected to the city emergency management system, and in any such event the city shall be held harmless.		
--	---	--	--