

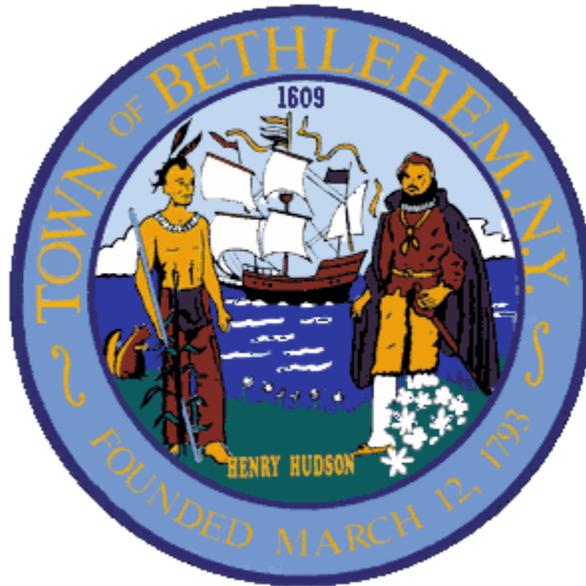
# APPENDIX 3

# TOWN OF BETHLEHEM

## DISASTER DECLARATION KIT

(New York State Executive Law Article 2-B)

DECLARING A STATE OF EMERGENCY



**EMERGENCY MANAGEMENT OFFICE**  
**445 Delaware Ave. Delmar, New York 12054**  
**518-439-4955**  
**Fax 518-439-1699**

David VanLuven  
Supervisor

John Brennan  
Director

January 2019

# **Article 2-B Kit**

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## Section A Introduction

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## **I. Purpose**

Town of Bethlehem officials recognize that our town, along with other local municipalities, is not immune from threats such as severe winter storms, tornadoes, and prolonged power outages, hazardous material accidents, other emergencies and disasters, include terrorism. The primary responsibility of town government and the other municipal subdivisions within the town is to protect the health and safety of the people within its borders.

The time to prepare for emergencies is before they occur and not when faced with an impending disaster. The Town of Bethlehem Government recognizes the importance of creating and maintaining a Comprehensive Emergency Management Plan that is in concert with the emergency plans of other local, County, State, and Federal governments. This plan should follow intent of Article 2-B of the New York State Executive Law.

As a companion to the Town of Bethlehem Comprehensive Emergency Management Plan, this Article 2-B Kit has been developed to assist town officials, or their designees, as they respond to and consider the impact of, a disaster.

This kit specifically explains the Supervisor's responsibilities under Article 2-B, Section 24, and lists the specific tasks that this Chief Executive or designee must perform during an emergency.

Town of Bethlehem officials recognize that both this Article 2-B Kit and the Emergency Management Plan must be reviewed and updated on a regular basis to insure that the plans provide accurate information and procedures for protecting the health and safety of the public in an emergency.

The Albany County Office of Emergency Management has prepared this kit, in conjunction with the Town of Bethlehem's Office of Emergency Management (BEMO) for the guidance of the Town Supervisor and other town officials.

## **II. How to use this Guide**

This Article 2-B Kit is designed for use in concert with the Town of Bethlehem Comprehensive Emergency Management Plan. The BEMO-CEMP Plan and this Kit should be used side by side and referred to often by the Supervisor or designee as town officials and public safety agencies respond to an emergency, disaster or catastrophe. This BEMO-2B Kit explains the process the Supervisor or designee must follow in declaring a local State of Emergency and issuing Executive Orders to the response to the disaster. Emphasis is placed on the directives laid out by Article 2-B, Section 24, of the New York State Executive Law.

**For a document(s) filing log, turn to Section B.**

**To reference Article 2-B, turn to Section C.**

**For an explanation of the law and Section 24, turn to Section D.**

**To Declare a State of Emergency, turn to Section E.**

This section includes a question and answer section about declaring a State of Emergency, a list of the Supervisor's responsibilities, a checklist for the Supervisor or town officials, and templates for the declaration. A computer disc with sample declarations will also be appended.

**To Issue Local Emergency Orders, turn to Section F.**

This section includes a question and answer section about issuing Local Emergency Orders, a list of the Supervisor's responsibilities, and a checklist for the Supervisor or town officials, and templates for several types of Local Emergency Orders. A computer disc with sample emergency orders will also be appended.

**To Rescind a State of Emergency, turn to Section G.**

This section includes question and answer section about rescinding a State of Emergency, a list of the Supervisor's responsibilities, and a checklist for the Supervisor or town officials, and templates for the recession. A computer disc with a sample recession order will be appended.

**To Rescind Local Emergency Management Orders, turn to Section H.** This section includes a question and answer section about rescinding Local Emergency Orders, a list of the Supervisor's responsibilities, and a checklist for the Supervisor or town officials, and templates for the recession. A computer disc with a sample recession order will be appended.

**To Manage Public Information during the Emergency, turn to Section I.**

**For Definitions of terms used in this Kit turn to section J.**



**Section B**

**Document Files Log**

Date: \_\_\_\_\_ Date: \_\_\_\_\_

Document: \_\_\_\_\_ Document: \_\_\_\_\_

Location: \_\_\_\_\_ Location: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

Document: \_\_\_\_\_ Document: \_\_\_\_\_

Location: \_\_\_\_\_ Location: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

Document: \_\_\_\_\_ Document: \_\_\_\_\_

Location: \_\_\_\_\_ Location: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

Document: \_\_\_\_\_ Document: \_\_\_\_\_

Location: \_\_\_\_\_ Location: \_\_\_\_\_

**Section C**

**Article 2-B**

**New York State Executive Law**

The information following on Article 2B is a listing of the relevant sections. For a complete copy of Article 2B see Attachment 2 A more current copy of Article 2B may be available from the New York State Emergency Management Office (SEMO) web site:

<http://www.nysemo.state.ny.us/LEGAL/article2B.html>

(For latest version available, user should check web site)

New York State Consolidated Laws  
Executive Law



# ARTICLE 2-B

## STATE AND LOCAL NATURAL AND MAN-MADE DISASTER PREPAREDNESS

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Section 20. Natural and man-made disasters; policy; definitions.

Section 21. Disaster preparedness commission established; meetings;powers and duties.

Section 22. State disaster preparedness plans.

Section 23. Local disaster preparedness plans.

Section 24. Local state of emergency; local emergency orders by chief executive.

Section 25. Use of local government resources in a disaster.

Section 26. Coordination of local disaster preparedness forces and local civil defense forces in disasters.

Section 27. Continuity of local governments.

Section 28. State declaration of disaster emergency.

Section 28-a. Post disaster recovery planning.

Section 29. Direction of state agency assistance in a disaster emergency.

Section 29-a. Suspension of other laws.

Section 29-b. Use of civil defense forces in disasters.

Section 29-c. Radiological preparedness.

Section 29-d. Reports.

Section 29-e. New York State Emergency Assistance Program

Section 29-g. Emergency Management Assistance Compact

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SECTION D

**WHAT IS Article 2-B**

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## **I. The Law Itself**

Article 2-B of the New York State Executive Law is the law that gives Chief Executives of New York State municipalities the authority to declare a State of Emergency. It also gives those officials other extraordinary powers during the course of a disaster.

In the event of a disaster, the local Chief Executive (i.e.. The Supervisor of the Town of Bethlehem) or designee is authorized under Article 2-B to declare a local State of Emergency and to issue Local Emergency Orders to protect life and property to bring the emergency under control.

The Town Supervisor may declare a local State of Emergency when it is found that public safety is imperiled by the disaster, catastrophe or emergency. After declaring a local State of Emergency, the Supervisor may then issue Local Emergency Orders.

The Chief Executive of the Town of Bethlehem, or designee is the only individual authorized to make this broad declaration of State of Emergency. In making the declaration, the Chief Executive is stating that a serious situation exists, or is imminent, that will affect public health and safety and may require extraordinary assistance for effective response and/or recovery.

A declaration is not required for the Town of Bethlehem to receive state and federal aid. However, such a declaration highlights the need for assistance and is recommended when the town expects to request help from other levels of government.

The declaration of a local State of Emergency substantially increases the powers of the Town supervisor as the Chief Executive Officer. It also gives greater legal protection and immunities for the Chief Executive and local emergency officials for the decisions they make and the actions they take to respond to the disaster.

The declaration also heightens public awareness of the hazards associated within the disaster. It can also help to emphasize the protective measures that citizens should take for their own protection and safety.

## II. Section 24

Section 24 of Article 2-B of the New York State Executive Law provides for:

- Declaration of State of Emergency
- Issuance of Local Emergency Orders
- Filing of the Local Emergency Orders
- Duration of the Local Emergency Orders
- Request for State assistance to the emergency

Points included in Section 24:

In the event of a disaster, rioting, catastrophe or similar public emergency within the territorial limits of a county, city, town or village or if danger imminent, and if the Chief Executive finds that public safety is imperiled the Chief Executive may declare a local State of Emergency within all part of the territorial limits of the local government.

Following a declaration of State of Emergency, the Chief Executive issue Local Emergency Orders to protect life and property and to bring the emergency situation under control.

For example, Local Emergency Orders may be provided for:

- a. Establishment of a curfew and prohibition and control of pedestrian and vehicular traffic, except essential emergency.
- b. Designation of special zones in which the occupancy use of buildings, and the ingress and egress of vehicles persons may be prohibited or regulated.
- c. Regulation and closing of places of amusement and assembly.
- d. Suspension or limitation of the sale, dispensing, use or Transportation of:
  - Alcoholic beverages
  - Firearms
  - Explosives
  - Flammable materials and liquids
- e. Prohibition and control of the presence of persons on public streets and places.
- f. Establishment or designation of emergency shelters and/or emergency medical shelters.

g. Suspension within part or all of the territorial limits of any of its local laws, ordinances, or regulations that may prevent, hinder or delay necessary action in coping with a disaster or recovery there from whenever:

- A request has been made pursuant to subdivision seven of Section 24D
- The Governor has declared a State Disaster Emergency

A Local Emergency Order shall be effective from the time and in the manner prescribed in the order.

The local Emergency Order shall be published as soon as practicable in a newspaper of general circulation in the area affected by the order, and transmitted to the radio and television media for broadcast.

Local Emergency Order(s) may be amended, modified or rescinded by the Chief Executive during the existence of the State of Emergency.

Local Emergency Order(s) shall cease to be in effect five (5) days after issued or upon declaration by the Chief Executive that the State of Emergency no longer exists, whichever occurs sooner. The Chief Executive may extend orders for additional periods not to exceed five (5) days during the State of Emergency.

Local Emergency Order(s) must be executed in triplicate and filed within seventy-two (72) hours or as soon thereafter as practicable in the Office of the Town of Bethlehem Town Clerk, the Office of the County Clerk and the Office of Secretary of State.

The local government (Town of Bethlehem Town Board) may confer upon the Supervisor as Chief Executive additional duties or responsibilities deemed appropriate.

Any person who knowingly violates a Local Emergency Order is guilty of a Class B Misdemeanor.

Whenever the Chief Executive, declares a State of Emergency, that Chief Executive may request the County Executive or the Governor to remove all inmates from institutions.

Whenever a local State of Emergency has been declared, the Chief Executive of the county may request the Governor to provide assistance under Section 24 of Article 2-B, provided that the executive determines that the disaster is beyond the capacity of local government to meet adequately and that state assistance is needed to supplement local efforts to save lives and protect property, public health and safety, or to avert, or lessen the threat of disaster.

**Section E**

**How to Declare a State of Emergency**

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## **I. Questions and Answers:**

Declaring a State of Emergency

### **Why should I declare a Local State of Emergency?**

It increases your powers as the Chief Executive Officer.  
These new powers can include:

- issuing emergency orders;
- implementing public protective measures;
- suspending local laws; and
- requesting supplemental assistance.

### **Will the declaration help raise public awareness?**

Yes. A declaration of a local State of Emergency helps make the public aware of the hazards associated with a disaster. It also can emphasize the protective measures you may need to ask citizens to take.

### **Can a State of Emergency be declared at any time?**

No. A local State of Emergency can be issued when a situation exists that has or will place the public at risk and that will require extra-ordinary measures for proper protection.

### **When should I declare a local State of Emergency?**

You should consider a declaring a State of Emergency when a dangerous situation is present or imminent and emergency officials are considering these protective actions:

Evacuation of people for a large or heavily populated area (street, road, housing development, multi-resident buildings).

Sheltering people in designated areas or building.

Large-scale closing of roads due to conditions considered being dangerous to lives and property.

You should also consider declaring a local State of Emergency if the following conditions are present and pose a dangerous threat to the municipality:

- Riots, civil unrest or large-scale demonstrations.
- Hostage situations, impending emergency or disaster caused by natural forces, (floods, blizzards, earthquakes, ice storms, hurricane conditions)

**Can I issue the declaration verbally?**

Yes. The Supervisor may issue a declaration verbally if time is a crucial matter. However, you should follow the verbal declaration with a written declaration.

**Must the Declaration be filed?**

No. However, it is a good idea to do so. It should be kept on file at the office of the Town Clerk.

**Do I have to extend the declaration of State of Emergency after five days?**

No. The State of Emergency does not have to be extended, but Local Emergency Orders do.

**Does Article 2-B establish a time limit for a State of Emergency?**

No. It is best to include a time of duration in the original declaration of State of Emergency, or to issue a succeeding declaration with a time limit or a statement that the State of Emergency is continuing. When the proclamation is no longer needed, it should be formally rescinded.

**Can I issue Local Emergency Orders without a State of Emergency?**

No. A State of Emergency must be declared before you may issue Local Emergency Orders.

**Will a declaration help in getting assistance from the State?**

Yes. If you declare a local State of Emergency and you determine the disaster is beyond the capacity of local and county resources, you may request the Governor to provide assistance from state resources.

**Must I rescind a declaration of State of Emergency?**

No. However, a written rescinding statement should be made when the emergency no longer exists. The Supervisor can rescind the declaration of emergency at any time.

## II. Responsibilities of the Supervisor

The Supervisor, or designee must ensure that the following tasks are completed:

1. Reference is made to Article 2-B of the New York State Executive Law
2. Only the Supervisor or designee may issue a declaration of State of Emergency.
3. The declaration may be verbal or written.
4. If it is verbal, it is best to follow it with a written format.
5. A State of Emergency must be declared **BEFORE** Local Emergency Orders are issued.
6. The declaration should include the time and date, the reason for the declaration, the area involved, and the duration.
7. The written declaration should be kept on file in the office of the Town of Bethlehem Town Clerk.

**III. Supervisor's Check List**  
**For declaring a State of Emergency**

1. I have referenced Section 24 of Article 2-B of the New York State Executive Law  
Yes \_\_\_\_\_ No \_\_\_\_\_
2. I have declared a local State of Emergency  
Yes \_\_\_\_\_ No \_\_\_\_\_
3. I have listed the reason for the declaration  
Yes \_\_\_\_\_ No. \_\_\_\_\_
4. I have included the time and the date of the declaration  
Yes \_\_\_\_\_ No \_\_\_\_\_
5. I have specified a time limit for the State of Emergency  
Yes \_\_\_\_\_ No \_\_\_\_\_
6. The County Emergency Management Office has been notified  
Yes \_\_\_\_\_ No \_\_\_\_\_
7. Local radio and television stations have been notified for broadcast  
Yes \_\_\_\_\_ No \_\_\_\_\_
8. The declaration has been provided to local newspapers for publication  
Yes \_\_\_\_\_ No \_\_\_\_\_
9. A written copy of the declaration has been filed in the office of the Town Clerk  
Yes \_\_\_\_\_ No \_\_\_\_\_

**SEE APPENDED COMPUTER DISC FOR A COPY OF THE SUPERVISOR'S CHECK LIST**

**IV. Sample Format**  
**Declaration of State of Emergency**

A State of Emergency is hereby declared in The Town of Bethlehem for a period of time beginning at \_\_\_\_\_ hours on \_\_\_\_\_.  
(time) (date)

The State of Emergency has been declared due to \_\_\_\_\_  
\_\_\_\_\_  
(description of emergency)

These conditions threaten the public safety of the citizens of The Town of Bethlehem. As \_\_\_\_\_ of  
(Title)

I \_\_\_\_\_, as Supervisor and the Chief  
(Name)  
Executive Officer, have exercised the authority given to me under New York State Executive Law Article 2-B, to preserve the public safety and hereby render all required and available assistance vital to the security, well being and health of the citizens of the Town of Bethlehem.

I hereby direct all departments and agencies of the Town of Bethlehem to take whatever steps necessary to protect life and property, public infrastructure, and provide such emergency assistance deemed necessary.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(title)

\_\_\_\_\_  
(date)

**SEE APPENDED COMPUTER DISC FOR A SAMPLE DECLARATION OF EMERGENCY**

## V. FILING THE DECLARATION

A declaration of State of Emergency should be filed in the office of the Town Clerk in the following manner:

1. The declaration of State of Emergency should be filed in the office of the Town Clerk.
2. The Town of Bethlehem has determined that a copy of the declaration of State of Emergency will also be filed with the Albany County Office of Emergency Management.

## Section F

### How to Issue Local Emergency Orders

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V.	Filing Local Emergency Orders	F - 11

**I. Questions and Answers:**  
**Local Emergency Orders**

**Can anyone issue a local Emergency Order?**

No. Only the Chief Executive of a municipality or his/her Designee may issue a Local Emergency Order.

**Can a Local Emergency Order be issued at any time in an emergency?**

No. A Local Emergency Order can be issued only after the Chief Executive declares a local State of Emergency.

**Is it in effect indefinitely?**

No. A Local Emergency Order is effective from the time and in the manner prescribed in the order. It terminates five (5) days after issuance, or by declaration by the Chief Executive that the State of emergency no longer exists, whichever occurs sooner.

**Can an order be modified once it is issued?**

Yes. A Local Emergency Order may be amended, modified or rescinded at any time by the Chief Executive during the State of Emergency.

**Can a Local Emergency Order be extended?**

Yes. The Chief Executive may extend an order for additional periods up to five (5) days each during the local State of Emergency. Each extension must be filed.

**Must the media be informed?**

Yes. The Local Emergency Order must be published as soon practicable in a newspaper of general circulation in the area by the order. It should be published under the paid legal advertisement section. It must also be provided to radio and television media for broadcast.

**Can a citizen who disobeys emergency orders be arrested?**

Yes. Any person who knowingly violates any Local Emergency Order a Chief Executive issued pursuant to Section 24 of Article 2-B will be guilty of a class B misdemeanor.

**II. Responsibilities of the Supervisor**

The Supervisor, or designee must ensure that the following tasks are completed:

1. Local Emergency Orders can ONLY be issued AFTER a State of Emergency is declared.
2. Local Emergency Orders must be issued by the Supervisor.
3. The Local Emergency Orders must be written.
4. The Local Emergency Orders should include the time and date, the reason for the declaration, the area involved, and the duration.
5. The Supervisor may extend Local Emergency Orders for periods not to exceed five (5) days within the declared State of Emergency.
5. Local Emergency Orders must be published as soon as practicable in a newspaper of general circulation and provided to radio and television media for broadcast.
6. Local Emergency Orders must be executed in triplicate and filed within seventy-two (72) hours or as soon as practicable in the office of the Town of Bethlehem Town Clerk, the Office of the County Clerk and the Office of the Secretary of State

Secretary of State  
162 Washington Avenue  
Albany, NY 12231-0001  
Fax: 518/473-7812  
Phone: 518/474-0050

County Clerk  
Albany County Courthouse  
Albany, NY 12207  
Fax: 518/487-5099  
Phone: 518/487-5100

7. Local Emergency Orders must be refilled if they are extended.

**III. Supervisor's Check List**  
**for Issuing Local Emergency Orders**

1. I have declared a local State of Emergency.  
Yes \_\_\_\_\_ No \_\_\_\_\_
2. The Local Emergency Order includes prescribed restrictions,  
specific limitations, and/or suspensions.  
Yes \_\_\_\_\_ No \_\_\_\_\_
3. The Order was issued by the Chief Executive Official or  
authorized designated official.  
Yes \_\_\_\_\_ No \_\_\_\_\_  
  
Issued by: \_\_\_\_\_  
(Name)
4. The Order includes specific effective times and date.  
Yes \_\_\_\_\_ No \_\_\_\_\_
5. The Order includes the area involved.  
Yes \_\_\_\_\_ No \_\_\_\_\_
6. The Local Emergency Order was immediately provided to the  
newspaper for publication.  
Yes \_\_\_\_\_ No \_\_\_\_\_
7. Local radio and television stations were immediately  
notified.  
Yes \_\_\_\_\_ No \_\_\_\_\_
8. The Local Emergency Order was executed in triplicate.  
Yes \_\_\_\_\_ No \_\_\_\_\_
9. The Local Emergency Order was filed in the Office of the  
Town Clerk within seventy-two (72) hours.  
Yes \_\_\_\_\_ No \_\_\_\_\_
10. The Local Emergency Order was filed in the Office of the  
County Clerk within seventy-two (72) hours.  
Yes \_\_\_\_\_ No \_\_\_\_\_

ALBANY COUNTY CLERK  
Albany County Court House  
Albany, NY 12207  
FAX: 518/477-5099

11. The Local Emergency Order was filed in the Office of the Secretary of State within seventy-two (72) hours.  
Yes \_\_\_\_\_ No \_\_\_\_\_

SECRETARY OF STATE  
162 Washington Avenue  
Albany, NY 12231-7182  
FAX: 518/473-7812

12. The Local Emergency Order was extended every fifth (5th) day if necessary and refilled.  
Yes \_\_\_\_\_ No \_\_\_\_\_

SEE APPENDED COMPUTER DISC FOR A SAMPLE OF THE SUPERVISOR'S CHECK LIST

**IV. Sample Local Emergency Orders**  
**Local Emergency Order Controlling presence of**  
**persons on Public Street and Places.**

I, \_\_\_\_\_, \_\_\_\_\_ of  
(Name) (title)

Town of Bethlehem, in accordance with a declaration of State of Emergency issued on \_\_\_\_\_, 200\_, and pursuant to Section 24 of Article 2-b, New York State Executive Law, hereby declare that the following areas within this municipality are restricted and all pedestrian and vehicular movement, standing and parking, is prohibited; except for the provisions of designated essential services such as fire , police and hospital services including transportation of patients thereto, utility emergency repair and emergency calls by physicians:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_

Said restrictions shall apply until removed by order of the Supervisor.

Signed this \_\_\_\_\_ day \_\_\_\_\_, 200\_\_\_\_  
(date) (month)  
at \_\_\_\_\_ o'clock, in Delmar, New York  
(time)

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Witness: \_\_\_\_\_

Title: \_\_\_\_\_









**Local Emergency Order**  
**Regulating the Purchase, Storage, Etc.**  
**Of Flammable Materials**

I, \_\_\_\_\_, \_\_\_\_\_ of  
(Name) (title)

Town of Bethlehem, Delmar, New York, in accordance with a

declaration of a State of Emergency executed on the \_\_\_\_\_ day  
(day)

of \_\_\_\_\_, 200\_\_\_\_, and pursuant to Section 24 of Article  
(month)

2-B New York State Executive Law, do hereby order the prohibition of the sale or other transfer, with or without consideration, gasoline or any other flammable or combustible liquid or of any explosive, or the possession in a public place of any portable container containing gasoline or any other flammable or combustible liquid except that delivery into a tank properly affixed to an operable motor driven vehicle and necessary for the propulsion thereof shall not be prohibited there under.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, at \_\_\_\_\_ o'clock  
(day) (month) (time)

in \_\_\_\_\_, New York  
(municipality)

Signature: \_\_\_\_\_ Witness: \_\_\_\_\_

Title: \_\_\_\_\_ Title: \_\_\_\_\_

#### **IV. Filing Local Emergency Orders**

Each Local Emergency Order issued after a declaration of a local State of Emergency must be executed in triplicate and filed in the following manner:

1. One copy of the Local Emergency Order must be filed in the office of the Town Clerk.
2. One copy must be filed in the Office of the County Clerk.
3. One copy must be filed in the Office of the Secretary of State.
4. The Town of Bethlehem has determined that a fourth copy will be filed with:

Albany County  
Office of Emergency Management  
75 Remsen Street  
Cohoes, New York 12047  
518-233-7510  
FAX 518-233-7513

**SEE APPENDED COMPUTER DISC FOR SAMPLE SPECIAL ORDERS**

## **Section G**

### **How to Rescind a State of Emergency**

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**I. Questions and Answers:**  
**Rescinding a State of Emergency**

**Must I rescind a declaration of State of Emergency?**

No. However, a formal discontinuation of a State of Emergency is recommended.

**If I don't rescind a State of Emergency, does it end automatically?**

Yes. If a time limit was indicated in the original declaration of State of Emergency or a subsequent declaration. If no time limit was specified, the State of Emergency does NOT end automatically.

**When should I rescind a State of Emergency?**

You should rescind it when the conditions that warranted a declaration of State of Emergency no longer exist.

**Must the rescission be issued in writing?**

No. However, it is recommended, in the same manner as a declaration of State of Emergency is recommended to be issued in written form.

**Must the rescission be filed?**

No. However, it is recommended that it be filed in the office of the Town Clerk.

## II. Responsibilities of the Supervisor

The Supervisor, or designee must ensure that the following tasks are completed:

1. Only the Supervisor may rescind a State of Emergency.
2. A State of Emergency should be formally rescinded when the declaration of State of Emergency is no longer needed.
3. The rescission may be verbal or written.
4. If it is verbal, it is best to follow it with written format.
5. The rescission should include the time and date of the original declaration, the reason for the State of Emergency, and the time and date the State of Emergency is rescinded.
6. The written declaration should be kept on file in the office of the Town of Bethlehem Town Clerk.

**III. Check list for the Supervisor.**

1. I have determined that the declaration of Local State of Emergency is no longer necessary.  
Yes \_\_\_\_\_ No \_\_\_\_\_
2. The rescinding statement is in written form.  
Yes \_\_\_\_\_ No \_\_\_\_\_
3. I have included the time and date the declaration of State of Emergency.  
Yes \_\_\_\_\_ No \_\_\_\_\_
4. I have included a description of the danger prescribed in the declaration of a Local State of Emergency.  
Yes \_\_\_\_\_ No \_\_\_\_\_
5. I have included the time and date of the rescinding order.  
Yes \_\_\_\_\_ No \_\_\_\_\_
6. The County Emergency Management Office has been notified.  
Yes \_\_\_\_\_ No \_\_\_\_\_
7. Local newspapers, radio and television stations have been notified for publication and broadcast.  
Yes \_\_\_\_\_ No \_\_\_\_\_
8. The rescinding order has been filed in the Office of Municipal Clerk.  
Yes \_\_\_\_\_ No \_\_\_\_\_

**SEE APPENDED COMPUTER DISC FOR SUPERVISOR'S CHECKLIST**

**IV. Rescission of a State of Emergency**

Whereas, on \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, at \_\_\_\_\_, o'clock  
(day) (month) (time)

I \_\_\_\_\_, \_\_\_\_\_, having determined  
(Name) (title)

That there was an imminent threat to life and property associated with

\_\_\_\_\_  
(Description of danger)

Declared a local State of Emergency in the Town of Bethlehem pursuant to Section 24 of the New York State Executive Law Article 2-B, and: Whereas, It appears that the existence of that local emergency has ceased to exist and protection is no longer essential;

Now, therefore, I, \_\_\_\_\_, \_\_\_\_\_  
(name) (title)

pursuant to Section 24 of the New York State Executive Law Article 2-B, do hereby rescind the existing local State of Emergency effective

\_\_\_\_\_ o'clock on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_  
(time) (day) (month)

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_

**SEE APPENDED COMPUTER DISC FOR SAMPLE RECESSION ORDER**

## Section H

### How to Rescind Local Emergency Orders

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**I. Questions and Answers:**  
**Rescinding a Local Emergency Order**

**Must I rescind a Local Emergency Order?**

No. A Local Emergency Order expires five (5) days after it is issued when a State of Emergency is rescinded, whichever comes first.  
However, it is recommended that a Local Emergency Order be rescinded formally.

**When should I rescind a Local Emergency Order?**

A Local Emergency Order should be rescinded when it is no longer needed.

**If I don't rescind it, will it cease automatically?**

Yes. A Local Emergency Order ceases five (5) days after it is issued or when the Chief Executive announces that the State of Emergency no longer exists.

**Must the rescinding order be filed?**

No. However, it is a good idea to file it in the office of the Town of Bethlehem Town Clerk

## II. Responsibilities of the Supervisor

The Supervisor, or designee must ensure that the following tasks are completed:

1. Only the Supervisor may rescind a Local Emergency Order.
2. A Local Emergency Order should be formally rescinded when it is no longer needed.
3. The rescission may be verbal or written.
4. If it is verbal, it is best to follow it with a written format.
5. The rescission should include the time and date of the original Local Emergency Order, the provision included, and the time and date the order is rescinded.
6. The written rescinding order should be kept on file in the Office of the Town Clerk

**III. Rescission Check list for the Supervisor**

1. I have determined that the Local Emergency Order is no longer necessary.  
Yes \_\_\_\_\_ No \_\_\_\_\_
2. The rescinding statement is in written form.  
Yes \_\_\_\_\_ No \_\_\_\_\_
3. I have included the time, date and provisions of the Local Emergency order.  
Yes \_\_\_\_\_ No \_\_\_\_\_
4. I have included the time and date of the rescinding order.  
Yes \_\_\_\_\_ No \_\_\_\_\_
5. The County Emergency Management Office has been notified.  
Yes \_\_\_\_\_ No \_\_\_\_\_
6. Local newspapers, radio and television stations have been notified.  
Yes \_\_\_\_\_ No \_\_\_\_\_
7. The rescinding order has been filed in the Office of the Town Clerk.  
Yes \_\_\_\_\_ No \_\_\_\_\_

**SEE APPENDED COMPUTER DISC FOR SAMPLE SUPERVISOR'S CHECK LIST**

**IV. Sample of Local Emergency Order Rescission**

Whereas, A State of Emergency was declared on the \_\_\_\_\_, of  
\_\_\_\_\_, 200\_\_ at \_\_\_\_\_ o'clock pursuant to Section  
(month) (day) (time)  
24 of New York State Executive Law Article 2-B due to  
\_\_\_\_\_, and  
(description of emergency)

Whereas, at \_\_\_\_\_ on \_\_\_\_\_, a Local Order  
was declared pursuant to Section 24; and Whereas, Due to hazards  
associated with the declared emergency, said order was issued  
specifically to \_\_\_\_\_  
(order coverage)

and to protect life and property within \_\_\_\_\_,  
(municipality)  
covered by said State of Emergency and Local Emergency Order;

Now, therefore, I, \_\_\_\_\_, \_\_\_\_\_,  
(name) (title)  
hereby rescind the said Local Emergency Order effective \_\_\_\_\_ day of  
(day)  
\_\_\_\_\_, 200\_\_.  
(month)

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_

**A COMPUTER DISC IS APPENDED FOR A SAMPLE ORDER OF RESCESSION**

**V. Filing the Rescission**

A rescission of a Local Emergency Order is not required to be filed by the Town. However if filed, it is recommended that the Town file a declaration in the following manner:

1. The rescission of Local Emergency Order should be filed in the Office of the Town of Bethlehem Town Clerk.
2. The Town of Bethlehem has determined that a copy of the rescission of State of Emergency will be filed with the Albany County Office of Emergency Management.

**Section I**  
**How to Manage**  
**Public Information**

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**I. Questions and Answers:  
Managing Public Information**

**What constitutes Public Information?**

The Public Information aspect of Article 2-B deals with informing the public about the emergency, declaration of a State of Emergency, and issuance of Local Emergency Orders, as well as the rescissions of the State of Emergency and Local Emergency Orders and related developments.

**How is Public Information accomplished?**

Public information is accomplished in part by notifying both broadcast and print media about the emergency, declaration of State of Emergency, issuance of Local Emergency Orders, and related development.

**When am I required to notify the media?**

The Chief Executive Officer or his/her designee must notify the media when a State of Emergency is declared and when Local Emergency Orders are issued.

**How do I notify the media?**

Copies of the declaration of State of Emergency and Local Emergency Orders may be provided to the media, but it is best to develop press releases detailing the declarations and actions taken by emergency planning officials. News releases should be delivered to local media outlets via hand-delivery, fax or mail. Telephone notifications may be made to alert the media that a hard copy of a news release is being delivered or transmitted or is imminent. You should consider faxing news releases to media in neighboring municipalities, as well.

**How do I write a news release?**

News releases must include the following information:

A contact name (the Chief Executive Officer or designated spokesperson) and telephone number.

The date the news release is issued.

The time the news release is issued.

The name of the municipality where the emergency exists.

The name of the Chief Executive Official issuing the declaration or order.

The nature of the emergency.

The anticipated duration of the emergency.

The time the declaration of State of Emergency or Local Emergency Order was issued.

The anticipated duration of the State of Emergency or Local Emergency Orders.

A description of how the public can get more information (i.e. "Stay tuned to this station for further information.").

Any other information the public should know.

**Won't the media write their own stories?**

Yes. However, news releases that are prepared carefully and checked for accuracy before they are released helps document that accurate information is being relayed to the media and are helpful to the media covering the emergency

**What is the best way to ensure the media covers the emergency accurately?**

A spokesperson should be designated in the municipality's Emergency Operations Procedures. The spokesperson will act as a liaison between responding officials and the media.

The spokesperson, alone or with a designated staff, will gather information from the officials, confirm it and resolve conflicts in the information, and then disseminate it to the media.

The spokesperson will also relay requests for information from the media to the officials.

The spokesperson will be the municipality's voice to the media during the emergency. When the media requests interviews of certain officials such as the Chief Executive, the spokesperson will arrange the interviews whenever possible.

**Why is it important to designate a spokesperson?**

The designation of a spokesperson will streamline public information efforts and minimize the chance of conflicting reports to the media by responding individuals or agencies.

## **II. Responsibilities of the Supervisor**

The Supervisor, or designee must ensure the following tasks are completed:

1. A list of local media outlets should be maintained as part of the Town of Bethlehem Comprehensive Emergency Management Plan and updated regularly.
2. A single person should be designated as a spokesperson for the duration of the emergency. If necessary, the spokesperson should be assigned a staff to help him/her carry out the public information duties.
3. A news release should be issued when a State of Emergency is declared or rescinded.
4. A news release should be issued when Local Emergency Orders are issued or rescinded.
5. Each news release should be faxed or hand-delivered to local media outlets, or mailed when necessary.
6. Each news release must include the following:

A contact name (the Supervisor or designated spokesperson) and telephone number.

The date the news release is issued.

The time the news release is issued.

The area within the Town of Bethlehem where the emergency exists.

The name of the Town of Bethlehem official issuing the declaration or order.

The nature of the emergency

The anticipated duration of the emergency.

The time the declaration of State of Emergency or Local Emergency Order was issued.

The anticipated duration of the State of Emergency or Local Emergency Orders.

A description of how the public can get more information (i.e.. through the media).

Any other information the public should know.

**III. Check list for the Supervisor**

1. A current media list is on file with the municipalities BEMO Plan.

Yes \_\_\_\_\_ No \_\_\_\_\_

2. A spokesperson has been designated.

Yes \_\_\_\_\_ No \_\_\_\_\_

Name: \_\_\_\_\_ Position: \_\_\_\_\_

3. I have declared a State of Emergency.

Yes \_\_\_\_\_ No \_\_\_\_\_

4. A news release has been written announcing the State of Emergency.

Yes \_\_\_\_\_ No \_\_\_\_\_

5. The news release has been hand-delivered or faxed to local media.

Yes \_\_\_\_\_ No \_\_\_\_\_

6. I have issued Local Emergency Orders.

Yes \_\_\_\_\_ No \_\_\_\_\_

7. A news release has been written announcing the Local Emergency Orders.

Yes \_\_\_\_\_ No \_\_\_\_\_

8. The news release has to be hand-delivered or faxed to local media.

Yes \_\_\_\_\_ No \_\_\_\_\_

9. The State of Emergency has been rescinded, or Local Emergency Orders have been rescinded.

Yes \_\_\_\_\_ No \_\_\_\_\_

10. A news release on the rescission has been issued.

Yes \_\_\_\_\_ No \_\_\_\_\_

### III. Sample News Release State of Emergency

#### News Release

Contact: \_\_\_\_\_  
(name of spokesperson)

Date: \_\_\_\_\_

Time: \_\_\_\_\_  
(time news release is issued)

\_\_\_\_\_, \_\_\_\_\_  
(Name of Municipality) (Name of Chief Executive)

\_\_\_\_\_, of the \_\_\_\_\_,  
(Title of CEO) (municipality)

\_\_\_\_\_.  
(time)

The State of Emergency was declared in response to

\_\_\_\_\_  
(description of emergency)  
\_\_\_\_\_.

Officials will continue to monitor the situation and advise the general public should any actions be necessary.

Please do not call government offices. The public will be kept informed the broadcast and print media of the cancellation or continuation of the State of Emergency.

\_\_\_\_\_ asks for the cooperation of the  
(name)  
public in this time of emergency.

**V. Sample News Release Local Emergency Order**

Contact: \_\_\_\_\_  
(name of spokesperson)

Date: \_\_\_\_\_

Time: \_\_\_\_\_  
(time news release issued)

\_\_\_\_\_  
Name of Municipality - \_\_\_\_\_  
(Name of Chief Executive Officer)

\_\_\_\_\_ of the \_\_\_\_\_  
(title of CEO) (municipality)

Having declared a State of Emergency because of \_\_\_\_\_  
\_\_\_\_\_  
(description of emergency)

has issued the following Local Emergency Order due to hazards that place lives and property at risk:

The Local Emergency Order (restricts, closes, prohibits)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Local Emergency Order will remain in effect until such emergency conditions have abated.

Please do not call government offices. The public will be kept informed through the broadcast and print media of the cancellation or continuation of this State of Emergency.

\_\_\_\_\_ ask for the cooperation of the  
(name)  
public in this time of emergency.

## **Definitions**

### **Article 2-B:**

The section of New York State Executive Law that establishes the New York State Disaster Preparedness Commission, gives authority to local governments for preparing their own Comprehensive Emergency Management Plans, and empowers local Chief Executives to act during and emergency.

### **Chief Executive:**

The chief elected official of a municipality - the Mayor of a city, village; the Supervisor of a town; the County Executive or the Chairman of the governing body of a county - or-his/her Designee.

### **Continuity of Government:**

Under Section 27 of Article 2-B, a city, town, county or village shall by local law provide for its continuity by designating a line of succession for elective and appointive officers.

### **Disaster:**

An event that demands a crisis response beyond the scope of any single line agency or service and that presents a threat to a community or larger area. A disaster differs from emergency in that it is controllable within the scope of the capabilities of local government.

### **Emergency:**

An event that demands a crisis response beyond the scope of any single line agency or service and that presents a threat to a community or larger area. An emergency differs from a disaster in that it is controllable within the scope of the capabilities of the local government.

### **Local Emergency Order:**

An order issued by the Chief Executive of a municipality that specifically limits or curtails actions or freedoms of the population or uses of facilities within a jurisdiction, in order to protect the health and safety of the public. It is also known as an Executive Order.

**Rescission:**

A State of Emergency or Local Emergency Order: Formal discontinuation of the Declaration or Order.

**Section 24:**

The section of Article 2-B of the New York State Executive Law that grants the Chief Executive of a municipality or his/her Designee the power to declare a State of Emergency within his/her jurisdiction and to issue Local Emergency Orders.

**State of Emergency:**

A declaration by the Chief Executive official or his/her Designee of a city, county, town or village in which the jurisdiction is faced with an emergency or disaster that endangers the population and/or property of that jurisdiction and requires extraordinary resources to adequately respond.