

CHOWAN COUNTY EMERGENCY MANAGEMENT ORDINANCE

Section 1. Short Title

This Ordinance shall be known and may be cited and referred to as the Emergency Management Ordinance.

Section 2. Purpose

(a) It is the intent and purpose of this Ordinance to set forth the authority and responsibility of the County of Chowan, its officials, officers, departments, and employees in the prevention of preparation and planning for, response to and recovery from natural or man-made emergencies including natural or man-made accidental, military, paramilitary, weather-related, or riot-related causes. It is further the intent and purpose of this Ordinance to establish an office that will insure the complete and efficient utilization of all of the County of Chowan's resources to prepare and plan for, respond to, recover from, and mitigate against emergencies.

(b) This Ordinance shall not relieve any Municipal or County Department of the legal responsibilities or authority given to it in the Municipal or County Charter or by local ordinances, nor it adversely affect the work of any volunteer agency organized for relief in emergencies.

(c) This Ordinance is adopted pursuant to N.C.G.S. 166A-19.31. To the extent not specifically enumerated herein, all authorities and powers conferred on the County pursuant to Chapter 166A of the North Carolina General Statutes and all similar provisions of state and federal law, are incorporated herein by reference.

Section 3. Definitions

The following definitions shall apply to this Ordinance:

- (a) "Chairman" – The chair of the Chowan County Board of Commissioners, the chairman's designee, or, in the case of the absence or disability of the chairman and the chairman's designee, the person authorized to act in the chairman's stead.
- (b) "Director" – The director of Chowan County Emergency Management, the individual with direct responsibility for the development, organization, administration, and operation of the County Emergency Management Agency as provided by this Ordinance.
- (c) "Emergency" - An occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, or paramilitary cause, weather-related, or riot-related cause.
- (d) "Emergency Area" - the geographical area covered by a state of emergency.
- (e) "Emergency Management" – those measures taken by the public and governmental units operating within Chowan County to minimize the adverse effect of any type of emergency,

including, the never-ending preparedness cycle of planning, prevention, mitigation, warning, movement, shelter, emergency assistance, response, and recovery. This term shall not, however, include any activity, maneuvers, operations, or exercises that are the primary responsibility of the military forces of the United States.

- (f) "Emergency Management Agency" – The agency charged with coordination of all emergency management activities for Chowan County.
- (g) "Emergency Management Personnel" – All employees of Chowan County and municipal governments within Chowan County, their departments, boards, institutions, and councils, agents, representatives, contractors and subcontractors who are participating in emergency management activities. Where possible, duties assigned to Municipal or County departments shall be the same as or similar to the normal duties of the department.
- (h) "State of Emergency" – The condition that exists whenever, during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, public safety authorities are unable to maintain public order or afford adequate protection for lives or property, and which constitutes a significant threat to public health, safety and welfare whether actual or imminent as authorized pursuant to G.S. 166A-19.3(19).
- (i) "Volunteers" – All volunteer personnel and agencies offering emergency management service to, and accepted by the County.

Section 4. Powers and Duties of County

(a) Pursuant to N.C.G.S. 166A-19.15, Chowan County is responsible for and shall coordinate all emergency management within the geographical limits of the County except any area within the corporate limits of any municipality, or within any area of the County over which a municipality has jurisdiction to enact general police-power ordinances. The County may coordinate within the above referenced municipal areas subject to the provisions of N.C.G.S. 166A-19.22.

(b) The County is authorized to take the following actions in furtherance of coordinating emergency management efforts:

- (1) Establish and maintain an emergency management agency.
- (2) Appoint a Director of the county emergency management agency who will have the direct responsibility for the organization, administration, and operation of the County's emergency management program, subject to the Manager and guidance of the Board of Commissioners.
- (3) Appropriate and expend funds, execute contracts, enter into mutual aid agreements with other units of federal, state, and local government and other non-profit organizations and agencies, obtain and distribute equipment, materials, and supplies for emergency management purposes, and provide for the health and safety of persons and property, including emergency assistance.

- (4) Develop, coordinate, and implement an emergency management plan consistent with policies and standards established by the State of North Carolina.
- (5) Assign and make available resources for emergency management purposes for service within or outside of the geographical limits of the County.
- (6) Delegate powers in a declared state of emergency to an appropriate official.
- (7) Coordinate with municipalities within Chowan County and other units of local, state, and federal government, and other non-profit, emergency management, and affected organizations in the development and implementation of an emergency management plan and responses to disasters.

Section 5. Declaration of State of Emergency

(a) Pursuant to N.C.G.S. 166A-19.22, a state of emergency shall be declared when it is determined that circumstances and conditions exist which create a real or imminent that of a public crisis, disaster, rioting, catastrophe, or similar public emergency within Chowan County in response to which public safety authorities are unable to maintain public order or afford adequate protection for lives and property and which pose significant threats to public health and safety.

(b) The Chowan County Board of Commissioners hereby delegates to the Chairman of the Board of Commissioners, or the Chairman's designee, who shall also be a member of the Board of Commissioners, the authority to determine and declare the existence of a state of emergency within Chowan County, to order the evacuation of some or all portions of the County, to authorize the reentry of persons into the County following evacuation, and to impose, during that state of emergency, prohibitions and restrictions deemed necessary to protect public health, safety and welfare and minimize damage to property:

- (1) On movements of people in public places, including imposing a curfew; directing and compelling the voluntary or mandatory evacuation of all or part of the population from any stricken or threatened area within the governing body's jurisdiction; prescribing routes, modes of transportation, and designations in connection with evacuation; and controlling ingress and egress of an emergency area, and the movement of persons within the area;
- (2) Of the operation of offices, business establishments, and other places to our from which people may travel or at which they may congregate;
- (3) Upon the possession, transportation, sale, purchases, and consumption of alcoholic beverages;
- (4) With the exception of lawfully possessed firearms (defined pursuant to N.C.G.S. 166A-19.31(B)(4) as a handguns, rifles, or shotguns), upon possession, storage, and use of dangerous weapons and substances, and combustible fuels;

(5) Upon other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.

(c) A state of emergency declared pursuant to this Ordinance, and all prohibitions and restrictions imposed as a result of the declaration, shall be established by written declaration duly executed by the Chairman or the Chairman's designee, and shall remain in effect until such time as the declaration is amended or rescinded in the same manner. The declaration shall include a listing of all restrictions and prohibitions imposed and, where applicable, the date and time on which such restrictions and prohibitions become effective.

(d) At such time as a state of emergency is declared, the Chowan County Emergency Management Plan, all standard operating procedures adopted pursuant to the Plan, and all applicable mutual aid agreements and other similar agreements and compacts shall be activated.

(e) Any declaration of a state of emergency, and all restrictions and prohibitions imposed as a result of the declaration, shall apply in all unincorporated areas of Chowan County unless otherwise specified in the declaration.

Section 6. Organization and Appointments of Emergency Management Agency

(a) The Chowan County Emergency Management Department is hereby established, and shall serve as the coordinating agency for all activity in connection with emergency management within Chowan County subject to N.C.G.S. 166A-19.22. The Department shall be the agency through which the Chowan County Board of Commissioners exercises the authority and discharges the responsibilities vested in it during emergencies.

(b) The Chowan County Board of Commissioners shall appoint a coordinator of the Chowan County Emergency Management Department. The coordinator of emergency management shall be known as its Director. The Director shall be a person well-versed and trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of an emergency.

(c) The Director shall designate and appoint Deputy Directors to assume the duties of the Director during an emergency in the event of his absence or inability to fulfill these duties.

(d) The employees and resources of all Chowan County departments, boards, institutions, and councils shall participate in the emergency management activities. Duties assigned county departments shall be the same as or similar to the normal duties of the department, where possible.

Section 7. Duties and Responsibilities of Director

(a) The Director shall be responsible to the Chowan County Board of Commissioners with regard to all phases of emergency management activity. The Director shall be responsible for the planning, coordination and operation of all emergency management activities in Chowan County. The Director shall be the liaison with State and Federal authorities and the authorities of nearby political subdivisions to

maximize effective operation of emergency management plans. The Director's duties shall include, but are not limited to, the following:

- (1) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of Chowan County for emergency management purposes.
- (2) Developing, coordinating and implementing a comprehensive Emergency Management Plan for the County, including plans for the immediate use of all facilities, equipment, manpower and other resources of the County for the purpose of minimizing or preventing damage to persons and property, and protecting and restoring to operational status those governmental services and public utilities necessary for the public health, safety, and welfare.
- (3) Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such building or other property for emergency management purposes, and identifying suitable buildings as public shelter.
- (4) Through public informational programs, educating the public as to actions necessary and required for the protection of their persons and property in case of an emergency.
- (5) Monitor and advise the County Manager of any and all threats, emergencies or disasters that pose a risk to the lives and safety of the residents of Chowan County, proposing solutions for their decision on how best to protect people and property from imminent danger, or from further damage.
- (6) Conducting proactive public alerts to ensure the efficient operation of emergency management personnel and procedures, and to familiarize residents and businesses with emergency management regulations, procedures and operations.
- (7) Coordinating the activities of all other public and private agencies engaged in emergency management operations, including planning, organizing, staffing, equipping, training, testing, and activation of emergency management plans and programs.
- (8) Developing and maintaining a system of damage assessment to determine the level of post emergency damage to public and private property.
- (9) Entering into mutual aid agreements with other units of federal, state, and local government, and other organizations as may be necessary, for the mutual sharing and coordination of resources needed to respond to and recover from a disaster.
- (10) Coordinating the development of Standard Operating Procedures to provide for the implementation of the Emergency Management Plan.

- (11) To coordinate the voluntary registration of functionally and medically fragile persons in need of assistance during an emergency through an established registry in accordance with N.C.G.S. 166A-19.15(f)(5).

Section 8. Emergency Management Plan

(a) The Emergency Management Director shall develop and maintain the comprehensive Emergency Management Plan which shall be adopted and maintained by resolution of the Chowan County Board of commissioners. The Emergency Management Plan shall identify all possible threats of an emergency to the County, and proscribe procedures to respond and mitigate the consequences of disasters. It is intended that the Emergency Management Plan be consistent with all applicable state and federal emergency management and incident response guidelines. It is further intended that the services, equipment, facilities, and personnel of all departments and agencies of County and municipal government be utilized to the fullest extent in the Plan. When approved, it shall be the duty of the Emergency Management Director to coordinate and maintain the Plan, and of all departments and agencies to perform the functions assigned under the Plan, and to the best of their abilities maintain their areas of responsibility in a current state of readiness at all times. All provisions of the Plan shall have the effect of law whenever a state of emergency has been declared.

(b) The Director shall prescribe in the Plan those positions within the emergency management organization, in addition to his own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the Director a current list of one (1) person as successor to his position. The successor shall be someone best capable of carrying out of all assigned duties and functions of the Director.

(c) Each service chief and department head assigned responsibility in the Plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned employees and, where needed, volunteers. Each chief shall formulate as Standard Operating Procedure to implement the specific plans for carrying out his assigned area of responsibility.

(d) Amendments to the Plan shall be submitted in writing to the Director for review and approval. The Director shall notify in writing all Emergency Management Personnel affected by the Amendment of the change to the Plan and the date the change becomes effective. The Plan is subject to review by the Chowan County Board of Commissioner's at any time but shall be reviewed once a year.

(e) When personnel requiring specialized competency or skill for a disaster an emergency function are not available within government, the Director is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also include the granting of authority for the person so assigned to carry out such duties prior to, during, and after the occurrence of an emergency. Such services from persons outside of government may be accepted by local government on a volunteer basis. Such citizens shall be enrolled as Emergency Management volunteers.

(f) The Plan shall provide for the establishment of the Chowan County Control Group, who shall work collectively to make timely decisions regarding implementation of the Plan in response to actual or imminent emergencies. The memberships of the Control Group shall include the Chairman of the Chowan County Board of Commissioners or the Chairman's designee, the County Manager, the Chowan County

Sheriff, the Chowan County School Superintendent, the Mayors, or their designees, of all incorporated municipalities within Chowan County, the Chief of Police of the Police Departments within the incorporated municipalities within Chowan County. The Plan shall provide for specific functions, duties, and authorities of the Control Group. All proclamations issued by the Control Group, or by the Chairman of the Control Group, shall have the same force and effect of law as other provisions of this Ordinance.

Section 9. No Governmental or Private Liability

(a) This Ordinance is adopted by the County of Chowan as an exercise of its police powers for the protection of the public peace, health, and safety as authorized by state and federal law, and all functions hereunder and all other activities relating to emergency management are hereby declared to be governmental functions. Neither the County of Chowan, nor its agents, representatives, or any volunteer, emergency or trustee, or any of the agents thereof acting in good faith and without gross negligence or willful misconduct while carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this Ordinance or any applicable provision of state and federal law, shall be liable for any injury or damage sustained to persons or property as the result of said activity.

(b) Any person, firm, or corporation, together with any successors in interest, if any, owning or legally controlling real or personal property who voluntarily or involuntarily, knowingly or unknowingly, with or without compensation grants a license, privilege, or otherwise permits or allows the County of Chowan and its agents, representatives, contactors, and subcontractors the right to inspect, designate and use the whole or any part or parts of such real or personal property for the purpose, activities, or functions relating to emergency management as provided for in this Ordinance or within the North Carolina General Statutes shall not be civilly liable for the death of, or injury to, any persons, or the loss of or damage to the property of any persons where such death, injury, loss or damage resulted from, through or of any persons where such death, injury, loss or damage resulted from, through or because of the use of the said real or personal property for any of the above purposes provided that the use of said property is subject to the order or control or pursuant to a request of Chowan County, the State of North Carolina, or any political subdivision thereof.

Section 10. Violations; Penalties

Unless otherwise proved for by law, it shall be a Class 2 misdemeanor for any person to violate any of the provisions of this Ordinance, or any proclamations, provisions of any Emergency Management Plans, or provisions of an Standard Operating Procedures adopted or issued pursuant to the authority contained herein, or to willfully obstruct, hinder, or delay any member of the Emergency Management organization in the enforcement of the provisions of this Ordinance or any proclamations, provisions of any Emergency Management Plans, or provisions of any Standard Operating Procedures adopted or issued thereunder.

Section 11. Severability

Should any provision of the Ordinance, or the application thereof to any person or circumstances be declared invalid for any reason, such declarations shall not affect the validity of any other provisions of this Ordinance, it being the legislative intent that the provisions of this Ordinance shall be severable and remain valid notwithstanding such declaration.

Section 12. Conflicting Ordinances, Orders, Rules and Regulations Suspended.

At all times when the orders, rules, and regulations made and promulgated pursuant to this Ordinance shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

Section 13. Applicability Extensions

The Municipalities within Chowan County may ratify this Ordinance and adopt it as their own, including all forms and conditions specified herein. In addition, the County shall conduct functions described in this Ordinance outside of its territorial limits as may be required pursuant to the provision of North Carolina General Statutes, mutual aid agreements, and in accordance with State and County comprehensive emergency management planning.

Section 14. Effective Date

This Ordinance shall be effective on the date adopted by the Chowan County Board of Commissioners and shall supersede and replace the Chowan County State of Emergency Ordinance adopted on September 6, 1983.

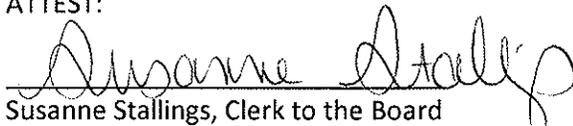
Adopted this 4th day of January, 2016.

CHOWAN COUNTY BOARD OF COMMISSIONERS



JEFF SMITH, Chairman

ATTEST:



Susanne Stallings, Clerk to the Board