

EMERGENCY MANAGEMENT ORDINANCE

SURRY COUNTY, NORTH CAROLINA

Under the authority of Article 36A of Chapter 14, Chapter 166A, and Chapter 160A of the North Carolina General Statutes, the Board of Commissioners of Surry County does enact and ordain:

ARTICLE I

Section I. Title

This ordinance shall be known as "SURRY COUNTY EMERGENCY MANAGEMENT ORDINANCE."

Section II. Intent and Purpose

- (1) It is the intent and purpose of this Ordinance to assign duties and to discharge responsibilities for the use of all of the resources of the County of Surry to combat disasters as defined herein.
- (2) The Surry County Office of Emergency Management will be the coordinating agency for all activity in connection with Emergency Management. It will be the agency through which the Surry County Board of Commissioners may exercise the authority and discharge the responsibilities vested in them during disaster emergencies.
- (3) This Ordinance will not relieve any Surry County department of any authority or responsibilities to perform the duties vested in them by the General Statutes and laws of North Carolina or by local ordinances or resolutions; nor is it intended to adversely affect the work of any volunteer agencies organized for relief in disaster.

Section III. Definitions

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

- (1) "Emergency Management" shall mean preparation for and implementation of all emergency functions, except functions for which the military has responsibility to prevent, minimize, and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action. Emergency functions include law enforcement, rescue, public works, medical and health services, fire fighting services, warning and communications, radiological, chemical and special weapons

services, evacuation, emergency welfare services, transportation, restoration of public utility services and other related civilian protection functions.

- (2) "Disaster" includes but is not limited to actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, hazardous material incidents, epidemic, or other impending or actual calamities endangering or threatening to endanger health, life or property within Surry County.
- (3) "Emergency Management Forces" shall mean the employees, equipment and facilities of Surry County departments, boards, councils, institutions, and commissions; and, in addition, it shall include all volunteer persons or agencies.
- (4) "Emergency Management Volunteer" shall mean any person duly registered, identified and appointed by the Coordinator of the Surry County Emergency Management Agency to participate in the emergency management activity.
- (5) "Coordinator" shall mean the person serving at the pleasure of the Surry County Commissioners in the Surry County Emergency Management Office.

Section IV. Organizations and Appointments

- (1) The Department Head of the Surry County Emergency Management Office will be known as the "Coordinator", and such other assistants and employees deemed necessary for the proper functioning of the Department shall be appointed under the direction of the County Commissioners.
- (2) The Coordinator shall designate an Assistant Coordinator to assume the emergency duties of the Coordinator in the event of his absence or inability to act.
- (3) The employees and resources of all Surry County departments, boards, institutions, and councils will participate in the Emergency Management activities. Duties assigned to County departments shall be the same as or similar to the normal duties of the department, where possible.

Section V. Emergency Powers and Duties of the Coordinator

During any period of impending disaster or when Surry County has been struck by disaster, within the definition of this Ordinance, the Coordinator may promulgate such regulations as he deems necessary to protect life and property and preserve critical resources. This promulgation solely by the Coordinator will be made only when immediacy of necessary action precludes contact and discussion with the Surry County Commissioners.

Such regulations may include, but shall not be limited to the following:

- (1) Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of the emergency management forces, or to facilitate the mass movement of personnel from critical areas within the county.
- (2) Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.

Regulations promulgated in accordance with the authority above will be given widespread circulation through all avenues of the news media.

Section VI. Duties and Responsibilities of the CoOrdinator

The Coordinator shall be responsible to the Surry County Board of Commissioners in all phases of his involvement in Emergency Management activity. Within the scope of his authority, the Coordinator shall be responsible for the planning, coordination and operation of Emergency Management activities in Surry County. The Coordinator shall maintain liaison with the State and Federal authorities and the authorities of nearby political subdivisions so as to insure the most effective operation of the Emergency Management plans. The Coordinator's duties shall include, but not be limited to the following:

- (1) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the County of Surry for Emergency Management purposes.
- (2) Development and coordination of plans for the immediate use, in times of emergency, 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 usefulness governmental services and public utilities necessary for the public health, safety and welfare.
- (3) Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for Emergency Management purposes, and for designating suitable buildings as public shelters.
- (4) Conducting public practice alerts to insure the efficient operation of the Emergency Management forces and to familiarize residents with Emergency Management regulations, procedures, and operations.
- (5) Coordinating the activity of all other public and private agencies engaged in any Emergency Management activity.

- (6) Coordinating activity when a multi-organization response is required. This would include, but not be limited to the following:
 - (a) Mass casualty situations.
 - (b) Any hazardous material incident including surface transport, fixed facilities, and air transport.
 - (c) Evacuation procedures due to any natural or man-made incident.
 - (d) Any aircraft incident; this would include, but not be limited to, small aircraft.

Section VII. Emergency Management Plans

- (1) Comprehensive Emergency Management plans shall be adopted and maintained by resolution of the Surry County Board of Commissioners. In the preparation of these plans as they pertain to County organizations, it is intended that the services, equipment and facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. The Basic Emergency Operations Plan and Disaster Operations Plan, following approval by the Board of County Commissioners, shall have the effect of law whenever a disaster, as defined in this Ordinance, has been proclaimed.
- (2) The Coordinator shall prescribe in the emergency plans those positions within the disaster 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 Coordinator a current list of three (3) persons as successors to his position. The list will be in the order of succession and will nearly as possible designate persons best capable of carrying out all assigned duties and functions.
- (3) Each service chief and department head assigned responsibility in the Basic Plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned employees and, where needed, volunteers. Each chief shall formulate the operational plan for his service which, when approved, shall be an annex to a part of the Basic Plan.
- (4) Amendments to the Basic Plan shall be submitted to the Coordinator. If approved, the Coordinator will then submit the amendments to the Surry County Board of Commissioners with his recommendation for their approval. Such amendments shall take effect upon approval.
- (5) When a required competency or skill for a disaster function is not available within local government, the Coordinator is authorized to

seek assistance from persons outside the government. The assignment of duties, when of a supervisory nature, shall also include the granting of authority for the persons so assigned to carry out such duties prior, during and after the occurrence of a disaster. Such services from persons outside of government may be accepted by local government on a volunteer basis, if available. If not available, the Coordinator is authorized to hire these required services, with approval of the County Commissioners.

ARTICLE II

Section I. State of Emergency; Restrictions Authorized

- (1) A State of Emergency shall be deemed to exist whenever during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety or property, or whenever the occurrence of any such condition is imminent.
- (2) In the event of an existing or threatened State of Emergency endangering the lives, safety, health and welfare of the people within Surry County or any part thereof, or threatening damages to or destruction of property, the Chairperson of the Board of Commissioners of Surry County is hereby authorized and empowered under Sections 14-288.13 and 166A-8 of the General Statutes of North Carolina to issue a public proclamation declaring to all persons the existence of such a State of Emergency, and, in order to more effectively protect the lives and property of people within the County, to place in effect any or all of the restrictions hereinafter authorized.
3. The Chairperson is hereby authorized and empowered to limit by the proclamation the application of all or any part of such restrictions to any area specifically designated or described within the County and to specific hours of the day or night; and to exempt from all or any part of such restrictions, while acting in the line of and within the scope of their respective duties, law enforcement officers, firemen and other public employees, rescue squad members, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel, whether state or federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated

for profit; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the people within the County.

Section II. Proclamation Imposing Prohibitions and Restrictions

- (1) The Chairperson of the Board of Commissioners of Surry County by proclamation may impose the prohibitions and restrictions specified in sections III through VIII of this ordinance in the manner described in those sections. The Chairperson may impose as many of those specified prohibitions and restrictions as he finds are necessary, because of an emergency, to maintain an acceptable level of public order and services, and to protect lives, safety, and property. The Chairperson shall recite his findings in the proclamation.
- (2) The proclamation shall be in writing. The Chairperson shall take reasonable steps to give notice of the terms of the proclamation to those affected by it and shall post a copy of it in the County Courthouse. The Chairperson shall send reports of the substance of the proclamation to the mass communications media which serve the affected area. The Chairperson shall retain a text of the proclamation and furnish upon request certified copies of it for use as evidence.

Section III. Evacuation

The Chairperson is empowered to direct and compel the evacuation of all or part of the population of the County of Surry; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress of a disaster area, the movement of persons within the area, and the occupancy of premises therein. Details of the evacuation may be set forth or amended in the subsequent proclamation which shall be well publicized.

Section IV. Curfew

- (1) The proclamation may impose a curfew prohibiting in certain areas and during certain periods the appearance in public of anyone who is not a member of an exempted class. The proclamation shall specify the geographical area or areas and the period during each 24-hour day to which the curfew applies. The Chairperson may exempt from some or all of the curfew restrictions classes of people whose exemption the Chairperson finds necessary for the preservation of the public health, safety, and welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

- (2) Unless otherwise specified in the proclamation, the curfew shall apply during the specified period each day until the Chairperson by proclamation removes the curfew.

Section V. Restrictions on Possession, Consumption, or Transfer of Alcoholic Beverages

The proclamation may prohibit the possession or consumption of any alcoholic beverage; including beer, wine, and spirituous liquor other than on one's own premises, and may prohibit the transfer, transportation, sale or purchase of any alcoholic beverage within the area of the County described in the proclamation. The prohibition, if imposed, may apply to transfers of alcoholic beverages by employees of Alcoholic Beverages Control stores as well as by anyone else within the geographical area described.

Section VI. Restriction on Possession, Transportation, and Transfer of Dangerous Weapons and Substances

(1) The proclamation may prohibit the transportation or possession off one's own premises, or the sale or purchase of any dangerous weapon or substance. The Chairperson may exempt from some or all of the restrictions classes of people whose possession, transfer, or transportation of certain dangerous weapons or substances is necessary to the preservation of the public's health, safety, or welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

(2) "Dangerous weapon or substance" means:

- (a) Any deadly weapon, ammunition, explosive, incendiary device, radioactive material or device as defined in G.S. 14-288.8(C)(5), gasoline, or other instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property.
- (b) Any other instrument or substance that is capable of being used to inflict serious bodily injury or destruction of property, when the circumstances indicate that there is some probability that such instrument or substance will be so used.
- (c) Any part or ingredient in any instrument or substance included above when the circumstances indicate a probability that such a part or ingredient will be so used.

- (3) If imposed, the restrictions shall apply throughout the jurisdiction of the County or such part thereof as designated in the proclamation.

Section VII. Restriction on Access to Areas

- (1) The proclamation may prohibit obtaining access or attempting to obtain access to any area, designated in the manner described in this section, in violation of any order, clearly posted notice, or barricade indicating that access is denied or restricted.
- (2) Areas to which access is denied or restricted shall be designated by the Sheriff and his subordinates when directed in the proclamation to do so by the Chairperson. When acting under this authority, the Sheriff and his subordinates may restrict or deny access to any area, street, highway or location within the County if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.

Section VIII. OTHER RESTRICTIONS

The Proclamation may also restrict the following:

- (1) Movements of people in public places;
- (2) The operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate; and
- (3) 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, within the area designated in the proclamation.

Section IX. Removal of Prohibitions and Restrictions

The Chairperson shall by proclamation terminate the entire declaration of emergency or remove the prohibitions and restrictions when the emergency no longer requires them, or when directed to do so by the Board of Commissioners.

Section X. Superseding and Amendatory Proclamations

The Chairperson in his/her discretion may invoke the restrictions authorized by this ordinance in separate proclamations, and may amend any proclamation by means of a superseding proclamation in accordance with the procedures set forth in Section II.

Section XI. Termination of Proclamation

Any proclamation issued under this ordinance shall expire five days after

its last imposition unless sooner terminated in writing under the same procedures set forth in Section II for proclamations.

Section XII. In Case of Absence or Disability or Chairperson

In case of the absence or disability of the Chairperson, the Vice-Chairperson of the Board of Commissioners, or such other person as may be designated by the Board of Commissioners, shall have and exercise all of the powers herein given the Chairperson.

ARTICLE III

Section I. Territorial Applicability

Article II of this ordinance shall not apply within the corporate limits of any municipality, or within any area of the County over which the municipality has jurisdiction to enact general police-power ordinances, unless the municipality by resolution consents to its application or the Mayor of the municipality has requested its application, in which event it shall apply to such areas as fully and to the same extent as elsewhere in the County.

Section II. Repeal of Conflicting Ordinances

All ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section III. Penalty for Violation

Any person violating any prohibition or restriction imposed by a proclamation authorized by this ordinance shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding fifty dollars (\$50.00) or imprisonment not exceeding 30 days, as provided by G.S. 14-4.

Section IV. Validity

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declares that it would have passed this ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section V. No County or Private Liability

(1) This ordinance is an action of the Government of Surry County in its functions for the protection of the public peace, health, and safety.

Neither the County of Surry nor its agents and representatives or 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 of this Ordinance, shall be liable for any damage sustained to persons or property as the result of said activity.

- (2) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the County of Surry the right to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice disaster situation shall not be civilly liable for the death of, or injury to, any persons, 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 VI. Effective Date of Ordinance

This ordinance shall take effect on the 3rd day
of November, 1986.

Sam Couch Chairman

Surry County Board of Commissioners