

Chapter 8 CIVIL EMERGENCIES*

ARTICLE I. IN GENERAL

Secs. 8-1--8-30. Reserved.

ARTICLE II. EMERGENCY SERVICES

Sec. 8-31. Title.

This article shall be known and may be cited and referred to as the "Emergency Management Ordinance for the County of Richmond."

(Ord. of 12-7-1987(2), § 1)

Sec. 8-32. Intent and purpose.

- (a) It is the intent and purpose of this article to establish an emergency management agency that will ensure the complete and efficient utilization of all of the county's resources in the event of an emergency or disaster.
- (b) The emergency management agency shall be the coordinating agency for all activity in connection with emergency management; it will be the agency through which the board of commissioners may exercise the authority and discharge the responsibilities vested in them during disaster emergencies.
- (c) This chapter will not relieve any county department of the responsibilities or authority given to it by state law or in the county Charter or local ordinances, nor will it adversely affect the work of any volunteer agency organized for relief in disaster situations.
- (d) This chapter shall not abridge or modify the authority of the governor or his delegates to implement emergency measures during declared states of disaster.
- (e) The emergency management agency shall be the central coordinating agency for activities and programs relating to emergency and disaster mitigation, preparedness, response and recovery among agencies and officials of the county and with similar agencies and officials of other counties, the state and federal agencies; and with similar agencies and officials of other counties, the state and federal agencies; and with out private and quasi-official organizations.

(Ord. of 12-7-1987(2), § 2) (Ord. of 9-12-2016)

Sec. 8-33. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Attack means direct or indirect assault against the county, its government, its environs, or of the nation, by the forces of a hostile nation or the agents thereof, including assault by bombing, conventional or nuclear, chemical, or biological warfare, terrorism, or sabotage.

Director means the coordinator of the county emergency management agency, appointed as prescribed in this article.

Disaster means, but is not limited to, actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, accident, chemical spill or other impending or actual calamity endangering or threatening to endanger health, life, or property of constituted government.

Emergency management means the basic government functions of maintaining the public peace, health, and safety during an emergency. This term shall include plans and preparations for protection and relief, recovery, and rehabilitation from effects of an attack by the forces of an enemy nation or the agents thereof, or a disaster as defined in this section. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States.

Emergency management forces means the employees, equipment and facilities of all county departments, boards, councils, institutions, and commissions; and in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.

Emergency management volunteer means any person duly registered, identified and appointed by the coordinator of the county emergency management agency and assigned to participate in the emergency management activity.

Regulations means plans, programs and other emergency procedures deemed essential to emergency management.

Volunteer means contributing a service, equipment, or facilities to the emergency management agency without remuneration.

(Ord. of 12-7-1987(2), § 3)

Cross references: Definitions generally, § 1-2. (Ord. of 9-12-2016)

Sec. 8-34. Organization and appointments.

(a) The organization shall consist of the following:

- (1) An agency of Emergency Management under the direction of the county board of commissioners, through the county manager authorized by NCGS 166A-19.15. The Coordinator of the Emergency Management Agency shall be known as the Director of Emergency Services, and such assistants and other employees as are deemed necessary for the proper functioning of the agency will be appointed.
- (2) The employees and resources of all county departments, boards, institutions, and councils shall 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.

(3) Volunteer personnel and agencies offering service to and accepted by the county.

(b) A director of the emergency management agency will be appointed, the director shall be a person well versed and trained in emergency management processes and procedures involving the activities of various agencies that serve to protect the public health, safety, and welfare in the event of an emergency or disaster.

(c) The Director shall designate and appoint Deputy Directors to assume the emergency duties of the Director in the event of his absence or disability.

(Ord. of 12-7-1987(2), § 4) (Ord. of 9-12-2016)

Sec. 8-35. Duties and responsibilities of the director.

(a) The Director shall be responsible for the organization, administration, and operations of the emergency management agency, subject to the direction and control by the county manager or designee. The Director shall be responsible for the planning, coordination, and operation of the Emergency Management activities in the county. The Director shall maintain liaison with the state and federal authorities and the authorities of nearby political subdivisions so as to insure the most effective operation and implementation of the emergency management plans.

(b) The Director's duties shall include, but not be limited to, the following:

(1) Manage a comprehensive emergency management program for Richmond County pursuant to NCGS 166A, including, but not limited to elements addressing mitigation activities, preparedness, responses to disasters and emergencies and recovery operations.

(2) Compel and coordinate the activity of all other public and private agencies engaged in any emergency management activities within the county and its municipalities.

(3) 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 Richmond County and propose solutions on how best to protect people and property from imminent danger or from further damage.

(4) Manage exercises to ensure the efficient operation of the emergency management forces and to familiarize residents and partner agencies with emergency management regulations, procedures, and operations.

(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 Richmond County and propose solutions on how best to protect people and property from imminent danger or from further damage.

(6) Procure supplies and equipment, institute training programs, public preparedness information and education programs and manage and coordinate disaster drills and exercises in accordance with county-wide emergency plans.

- (7) Enter into mutual aid agreements in collaboration with other public and private agencies within the state for reciprocal disaster aid and assistance in the event of a disaster or emergency too great a magnitude to be dealt with unassisted.
- (8) Manage the Richmond County Emergency Operations Center as the central coordinating entity during major emergencies or disasters.

(Ord. of 12-7-1987(2), § 5) (Ord. 9-12-2016)

Sec. 8-36. Emergency management plans.

- (a) A county wide, all-hazards, emergency operations plan shall be adopted and maintained by resolution of the board of commissioners. In the preparations of this plan the services, equipment, facilities, and personnel of all existing departments and agencies shall be utilized to the fullest extent. When the plan is approved each department and agency shall perform those functions assigned to it by the plan and shall maintain a state of readiness at all times. These emergency operation plans shall have the full effect of local law whenever an emergency or disaster occurs.
- (b) The Director 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 Director a current list of three persons as successors to his position. The list will be in order of succession and will nearly as possible designate persons best capable of carrying out all assigned duties and functions.
- (c) Each service chief and department head assigned responsibility in the plans shall be responsible for carrying out all duties and functions assigned in such plans. Duties will include the organization and training of assigned employees and where needed volunteers. Each chief shall formulate the Procedure to implement the plans for his service.
- (d) Amendments to these plans shall be submitted to the Director. If approved, the Director will then submit the amendments to the board of commissioners with his recommendation for their approval. Such amendments shall take effect 30 days from the date of approval.
- (e) When a skill for a disaster function is not available within government, the Director is authorized to seek assistance from beyond local government resources.

(Ord. of 12-7-1987(2), § 6) (Ord. 9-12-2016)

Sec. 8-37. No municipal or private liability.

- (a) This article is an exercise by the county of its governmental functions for the protection of the public peace, health, and safety, and neither agents nor representatives of the county, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor 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 article, shall be liable for any damage sustained to persons or property as the result of such activity.

- (b) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the county the right to inspect, designate and use the whole or any part of 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.

(Ord. of 12-7-1987(2), § 7)

Sec. 8-38. Violations.

- (a) This section is intended to supplement and confirm the powers conferred by NCGS 153A-121(a), NCGS 160A-174(a), and all other general and local laws authorizing municipalities and counties to enact ordinance for the protection of public health and safety in times of riot or other grave civil disturbance or emergency.
- (b) In an emergency, a person who willfully ignores a warning regarding personal safety issued by a federal, state, or local law enforcement agency, emergency management agency, or other governmental agency responsible for emergency management under this Article is civilly liable for the cost of a rescue effort to any governmental agency or nonprofit agency cooperating with a governmental agency conducting a rescue on the endangered person's behalf if all of the following are true:
 - (1) The person ignores the warning and (i) engages in an activity or course of action that a reasonable person would not pursue or (ii) fails to take a course of action that a reasonable person would pursue.
 - (2) As a result of ignoring the warning, the person places himself or herself or another in danger.
 - (3) A governmental rescue effort is undertaken on the endangered person's behalf.

(Ord. of 12-7-1987(2), § 8) (Ord. 9-12-2016)

Secs. 8-39--8-60. Reserved.

ARTICLE III. STATE OF EMERGENCY

Sec. 8-61. Restrictions authorized.

- (a) 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.
- (b) In the event of an existing or threatened State of Emergency endangering the lives, safety, health and welfare of the people within the county or any part thereof, or threatening damages to or destruction of property, the chair of the board of commissioners is hereby authorized and empowered under G.S. 14-288.13 and G.S. 166A-19.22(a) 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. The chair shall fully utilize all available emergency services and management agencies and coordinators.

- (c) The chair of the board of commissioners 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 people within the county.

(Ord. of 12-7-1987(3), § 1)

Sec. 8-62. Proclamation imposing prohibitions and restrictions.

- (a) The chair of the board of commissioners of the county by proclamation may impose the prohibitions and restrictions specified in sections 8-63 through 8-68 in the manner described in those sections. The chair of the board of commissioners 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 chair of the board of commissioners shall recite his findings in the proclamation.
- (b) The proclamation shall be in writing. The chair 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 chair shall send reports of the substance of the proclamation to the mass communications media which serves the affected area. The chair shall retain a text of the proclamation and furnish upon request certified copies of it.

(Ord. of 12-7-1987(3), § 2)

Sec. 8-63. Evacuation.

The chair of the board of commissioners may direct and compel the evacuation of all or part of the population of the county, 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 a subsequent proclamation which shall be well publicized.

(Ord. of 12-7-1987(3), § 3)

Sec. 8-64. Curfew.

- (a) 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 chair of the board of commissioners may exempt from some or all of the curfew restrictions classes of people whose exemption the chair 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.
- (b) Unless otherwise specified in the proclamation, the curfew shall apply during the specified period each day until the chair of the board of commissioners by proclamation removes the curfew.

(Ord. of 12-7-1987(3), § 4)

Sec. 8-65. 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 purchases 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 Beverage Control stores as well as by anyone else within the geographical area described.

(Ord. of 12-7-1987(3), § 5)

Sec. 8-66. Restriction on possession, transportation, and transfer of dangerous weapons and substances.

- (a) 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 chair of the board of commissioners 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.

(b) Dangerous weapon or substance means:

- (1) Any deadly weapon, ammunition, explosive, incendiary device, radioactive material, or device as defined in G.S. 14-288.8
- (2) 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.
- (3) 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.

(4) Except that this article does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used in this article, "firearm" has the same meaning as it does under NCGS 14-408.39(2).

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

(d) A violation of this section shall be punishable as provided in G.S. 14-288.7.

(Ord. of 12-7-1987(3), § 6) (Ord. 9-12-2016)

Sec. 8-67. Restrictions on access to areas.

(a) 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.

(b) Areas to which access is denied or restricted shall be designated by the Sheriff and his subordinates or other law enforcement officer when directed in the proclamation to do so by the chair of the board of commissioners. 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.

(Ord. of 12-7-1987(3), § 7)

Sec. 8-68. Activities, etc., prohibited, or restricted.

The following activities or conditions proclamation may prohibit or restricted:

(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.

(Ord. of 12-7-1987(3), § 8)

Sec. 8-69. Removal of prohibitions and restrictions.

The chair of the board of commissioners shall by proclamation terminate the entire declaration of emergency or remove any of the prohibitions and restrictions when the emergency no longer requires them, or when directed to do so by the board of commissioners.

(Ord. of 12-7-1987(3), § 9)

Sec. 8-70. Superseding and amendatory proclamations.

The chair of the board of commissioners in his discretion may invoke the restrictions authorized by this article in separate proclamations and may amend any proclamation by means of a superseding proclamation in accordance with the procedures set forth in section 8-62.

(Ord. of 12-7-1987(3), § 10)

Sec. 8-71. Termination of proclamation.

Any proclamation issued under this article shall expire five days after its last imposition unless sooner terminated in writing under the same procedures set forth in section 8-62 for proclamations.

(Ord. of 12-7-1987(3), § 11)

Sec. 8-72. In case of absence or disability of chair.

In case of the absence or disability of the chair of the board of commissioners, the vice-chair of the board of commissioners, or such other person as may be designated by the board of commissioners, shall have an exercise all of the powers given in this article to the chair of the board of commissioners.

(Ord. of 12-7-1987(3), § 12)

Sec. 8-73. Penalty for violation.

Except as provided in section 8-66, any person violating any prohibition or restriction imposed by a proclamation authorized by this article shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding \$500.00 and/or imprisonment not exceeding 30 days, as provided by G.S. 14-4.

(Ord. of 12-7-1987(3), § 13) (Ord. of 9-12-2016)

Sec. 8-74. Territorial applicability.

This article 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.

(Ord. of 12-7-1987(3), § 15)

***Cross references: Administration, Ch. 2; emergency services, Ch. 11; fire prevention, Ch. 17.**

State law references: Civil emergencies, G.S. 14-288 e seq., G.S. 166A-8 et seq.