

Person County Emergency Management Ordinance

The County of Person ordains:

Person County Emergency Management Ordinance

Section 1. Authority and Short Title

This ordinance is adopted pursuant to delegating emergency management responsibilities to certain county staff in order to perform statutory requirements as prescribed by NCGS 166A-19.15 and the NCAC in Title 14B and pursuant to the provisions of Chapter 153A Article 6 of the NC General Statutes and shall be known and referred to as the “Emergency Management Ordinance for the County of Person.”

Section 2. Intent and Purpose

1. It is the intent and purpose of this ordinance to establish an emergency management agency that will ensure the efficient utilization of all Person County resources to combat emergencies resulting from enemy actions or other emergencies as defined herein. The purposes of the emergency management agency shall be to reduce vulnerability of people and property of Person County to damage, injury, and loss of life and property; to prepare for prompt and efficient rescue, care and treatment of threatened or affected persons; to provide for the rapid and orderly rehabilitation of persons and restoration of property; and to provide for cooperation and coordination of activities relating to emergency and disaster mitigation, preparedness, response and recovery among agencies and officials of Person County and with similar agencies and officials of other counties and municipalities and with other private and quasi-official organizations.

2. The Person County Office of Emergency Management will be the coordination agency for all activity in connection with emergency management. It will be the instrument through which the Person County Board of Commissioners may exercise the authority and discharge the responsibilities vested in them during emergencies.

3. This ordinance will not abrogate the authority or responsibilities of the Chairman of the Person County Board of Commissioners or any county department given to them in the county charter, local ordinances or any applicable law, nor will it adversely affect the work of any volunteer agency organized for relief in emergencies.

Section 3. Definitions

1. The following definitions shall apply in the interpretation of this Article:

(a) “Emergency Management” shall be defined as those measures taken by the populace and government of Person County to minimize the adverse effect of any type of emergency, which include the never-ending preparedness cycle of prevention, mitigation, warning, movement, shelter, emergency assistance and recovery. Emergency management shall include 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 an emergency as defined herein; it shall not, however, include any activity that is the primary responsibility of the military forces of the United States.

(b) “Man-made” shall include any man-made situation causing harm to Person County, its government, or its environs. This can include bombing, conventional, nuclear, chemical, or biological weapons through terrorism or sabotage. It includes local disasters from spills, accidental/purposeful chemical releases, explosions, and any local man-made incident.

(c) “Disaster” includes but is not limited to actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, accident, chemical spill, air or other discharge into ground water, or other impending or actual calamity endangering or threatening health, life, environment, or property of constituted government.

(d) “Emergency Management Forces” shall mean 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.

(e) “Volunteer” shall mean contributing a service, equipment, and facilities to the Emergency Management Agency without remuneration.

(f) “Emergency Management Volunteer” shall mean any person duly registered, identified, and appointed by the Coordinator of the Person County Emergency Agency and assigned to participate in the emergency management activity.

(g) “Coordinator” shall mean the Coordinator of the Person County Emergency Agency, appointed as prescribed in this ordinance.

(h) “Regulations” shall include plans, programs, and other emergency procedures deemed essential to emergency management.

(i) “Attack” shall mean direct or indirect assault against Person County, its government, 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.

(j) “Emergency” shall be defined as 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, paramilitary, weather-related, or riot-related cause. It shall include but not be 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.

(k) Hazardous materials incident or hazardous materials emergency. – An uncontrolled release or threatened release of a hazardous substance requiring assistance by any or all

of the following: Person County Emergency Management Agency, local fire department, hazardous materials team, law enforcement, spill companies, etc. to contain, control and clean up the release.

(l) Hazardous materials. – Any material defined as a hazardous substance in 29 Code of Federal Regulations, 1910.120.

(m) Hazardous materials emergency response team or hazmat team. – An organized group of persons specially trained and equipped to respond to and control actual or potential leaks or spills of hazardous materials.

(n) Responsible party. – A person or entity who causes directly or indirectly the release of a hazardous material creating a hazardous materials incident shall be liable for all reasonable costs incurred in responding to and mitigating the incident. In the event that the responsible party cannot be determined or is unable to pay, the owner of or person in possession of hazardous materials at the time of the incident is liable for the costs.

Section 4. Organization and Appointments

1. The organization shall consist of the following:

(a) An agency of emergency management within the executive department of the Person County government under the direction of the Person County Board of Commissioners, through the County Manager. The agency head of the emergency management agency shall be known as the Coordinator and such assistants and other employees as are deemed necessary for the proper functioning of the agency will be appointed.

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

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

2. The Person County Manager shall appoint a Coordinator of the Person County Emergency Management Agency who 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 danger from disasters either man-made or natural disasters as defined in this ordinance.

3. The coordinator shall designate and appoint assistant coordinators to assume the emergency duties of the coordinator in the event of his/her absence or inability to act.

Section 5. Day-to-Day Duties and Responsibilities of the Coordinator.

1. The coordinator shall be responsible to the Person County Board of Commissioners in regard to all phases of emergency management activity. The coordinator shall be responsible for

planning, coordinating, and operation of the emergency management activities in Person County. The coordinator shall maintain liaison with the state and federal authorities and the authorities of nearby political subdivisions so as to ensure the most effective operations of the emergency management plans. The coordinator's duties shall include, but are not limited to the following:

- (a) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of Person County for emergency management purposes.
- (b) Development and coordination of 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, property, environment, protection, and restoring to usefulness governmental services and public utilities necessary for the public health, safety, and welfare.
- (c) Negotiating and concluding agreements with owners or persons in control of buildings or other properties for the use of such buildings or other properties for the emergency management purposes and designation suitable buildings as public shelters.
- (d) Through public informational programs, educating the populace as to actions necessary and required for the protection of their persons and property in case of emergency, either impending or present.
- (e) Coordinating the activities of all other public and private agencies engaged in any emergency management activities.
- (f) Conducting public practice alerts to ensure the efficient operation of the emergency management forces and to familiarize residents with emergency management regulations, procedures and operations.

Section 6. Emergency Management Plans

1. Comprehensive emergency management plans shall be prepared by the coordinator and adopted and maintained by resolution of the Person County Board of Commissioners. In the preparation of these plans as it pertains to county organizations, it is intended that the services, equipment, facilities, and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by these plans and to maintain their portions of the plans in a current state or readiness at all times. These plans shall have the effect of the law whenever a State of Emergency has been declared.
2. The coordinator shall prescribe in the emergency plans those positions within the emergency organization (in addition to his/her position) 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/her 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.

3. Each service chief and department head assigned responsibility in the plans 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 a standing operations procedure to implement the plans for his/her service.

4. Amendments to these plans shall be submitted to the coordinator. If approved, the coordinator will then submit the amendments to the Person County Board of Commissioners with his/her recommendation for their approval.

5. When a required competency, skill, or emergency function is not available within the government, the coordinator is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature shall also include the granting authority for the persons so assigned to carry out such duties prior to, during, and after the occurrence of an emergency. Local government on a voluntary basis may accept such services from persons outside of government. Such citizens shall be enrolled as emergency management volunteers.

Section 7. Hazardous Materials

1. The intent and purpose of this section is to establish the duties of the emergency management agency as it relates to hazardous materials emergencies. Such incidents include, but are not limited to spills, accidents, illegal dumping and other releases or threatened releases of hazardous materials requiring control. The emergency management agency shall have the authority to summarily remove, abate, or remedy hazardous material emergencies within the jurisdiction of the Person County that are, or potentially are, a threat to public safety.

2. In the event Person County forms a Hazardous Materials Team, the coordinator has the authority to designate another person to coordinate the operations of the team.

3. When responding to a release or threatened release of hazardous materials, the emergency management agency, along with any agencies it calls in to provide assistance, may enter onto private or public property or any adjacent or surrounding property where the release or threatened release occurred.

4. Liability for a hazardous material incident lies with the responsible party who shall be responsible for all reasonable costs incurred in responding to and mitigating the incident.

Section 8. No Municipal or Private Liability

1. This ordinance is an exercise by Person County as its governmental functions for the protection of the public peace, health, environment, safety, and neither Person County nor agents and representatives, if some, or any individual receiver, firm, partnership, corporation, association, trustee, or any other 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 ordinance, shall be liable for any damage sustained to person, property, environment, as a result of said activity.

Section 9. Violations.

Pursuant to Article 6 of Chapter 153A of the NC general Statutes it shall be a misdemeanor for any person to violate any of the provisions of this ordinance or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder, or delay any member of the emergency management organization as herein defined in the enforcement of the provisions of this ordinance or any plan issued thereunder.

Section 10. Separability.

Should any provision of this ordinance be declared invalid for any reason, such declaration shall affect the validity of the other provisions or of this ordinance as a whole, it being the legislative intent that the provisions of this ordinance shall be separate and remain valid notwithstanding such declaration.

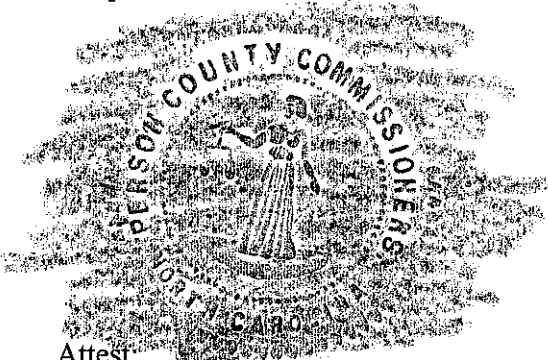
Section 11. Conflicting Ordinances, Orders, Rules, and Regulations Suspended.

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

Section 12. Effective Date

This Ordinance shall take effect upon final adoption by the Person County Board of Commissioners.

Adopted, this the 1st day of December 2014.



Attest:

Brenda B. Reaves

Brenda B. Reaves, Clerk to the Person
County Board of County Commissioners

PERSON COUNTY
BOARD OF COMMISSIONERS

Kyle W. Puryear

Kyle W. Puryear, Chairman