

DUPLIN COUNTY
EMERGENCY MANAGEMENT DISASTER RELIEF AND ASSISTANCE PLAN
ANNEX A - ORDINANCE
Duplin County Emergency Management Agency

The County of Duplin ordains: Article 1 Duplin County Emergency Management Agency.

Section 1. Short Title

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

Section 2. Intent and Purpose

- (1) It is 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 Duplin's resources to combat disaster resulting from enemy actions or other disasters as defined herein.
- (2) The Duplin County Office of Emergency Management will be the coordinating agency for all activity in connection with Emergency Management; it will be the instrument through which the Duplin 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 City or County Department of the moral responsibilities or authority given to it in the City or County Charter or by local ordinances, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

Section 3. Definitions

- (1) The following definitions shall apply in the interpretation of this article.
 - (a) **Emergency Management** shall mean those plans, actions and procedures necessary to provide protection to the people against loss of life, injury, and loss or damage to property caused by natural phenomena or man-made causes such as war, insurrection, riot or accidents; and those measures necessary to mitigate the effects of the destructive forces of man and nature, to provide for response to disaster conditions and for the relief of suffering and hardship resulting from such conditions and to initiate rehabilitation of persons and restoration of essential services and acceptable standards of living (GS 166-2 (1) Extract).
 - (b) **Attack** shall mean direct or indirect assault against the County of Duplin, 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, or sabotage.
 - (c) **Disaster** includes but is not limited to actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic or other impending or actual calamity endangering or threatening to endanger health, life or property of constituted government.
 - (d) **Emergency Management Forces** shall mean the employees, equipment and facilities of all City and County department, 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 or 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 Duplin County Emergency Management Agency and assigned to participate in the Emergency Management activity.
- (g) **Director** shall mean the Director of the Duplin County Emergency Management Agency, appointed as prescribed in this Ordinance.
- (h) **Regulations** shall include plans, programs and other emergency procedures deemed essential to Emergency Management

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 Duplin County Government under the direction of the Duplin County Board of Commissioners. The agency head of the Duplin County Emergency Management Agency shall be known as the Director, 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 Duplin County departments boards, institution, and councils will participate in the Emergency Management activities. Duties assigned to City or County Departments shall be the same or similar to the normal duties of the Department, where possible.
 - (c) Volunteer personnel and agencies offering service to, and accepted by the city and county.
- (2) The Duplin County Board of Commissioners shall appoint a Director of the Duplin 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 enemy action or disaster as defined in this ordinance.
- (3) The Director shall designate and appoint Deputy Directors to assume the emergency duties of the Director in the event of his absence or inability to act.

Section 5. Emergency Powers and Duties

- (1) Director of Duplin County Emergency Management Agency.
 - (a) During any period when disaster or when Duplin County has been struck by disaster, within the definition of this Ordinance, the Emergency Management Director may promulgate such regulations as he deems necessary to protect life and property and preserve critical resources. This promulgation of regulations solely by the Director will be only when immediacy of necessary action precludes contact and discussion with the Duplin 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 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.
3. Such other regulations necessary to preserve public peace, health and safety.
4. Regulations promulgated in accordance with the authority above will be given widespread circulation through all avenues of the news media.

Section 6. Day to Day Duties and Responsibilities of the Director

- (1) The Director shall be responsible to the Duplin County Board of Commissioners in regard to all phases of the Emergency Management activity. The Director shall be responsible for the planning, coordination and operation of the Emergency Management preparedness activities in Duplin 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 of the Emergency Management plans. The Director's duties shall include, but not be limited to, the following:
 - (a) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the County of Duplin 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 and property, and protecting 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 building or other property for the use of such building or other property for the Emergency Management purposes and designating suitable buildings as public shelters.
 - (d) Through public informational programs, educating and populace as to actions necessary and required for the protection of their persons and property in case of enemy attack or disaster as defined herein, either impending or present.
 - (e) 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.
 - (f) Coordinating the activity of all other public and private agencies engaged in any Emergency Management activities.

Section 7. Emergency Management Plans

- (1) Comprehensive Emergency Management plans to be adopted and maintained by resolution of the Duplin County Board of Commissioners: In the preparations of these plans as it pertains to city and county organization, it is intended that the services equipment and 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 municipal departments and agencies to perform the functions assigned by these plans and to maintain their portions of the plans in a current state of readiness at all times. The Basic Emergency Operations Plan and Disaster Operations Plan shall have the effect of law whenever a disaster, as defined in the Ordinance, has been proclaimed.

- (2) 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 (3) 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.
- (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 and a part of the Basic Plan.
- (4) Amendments to the Basic Plan shall be submitted to the Director. If approved, the Director, will then submit the amendments to the Duplin County Board of Commissioners with his recommendation for their approval. Such amendments shall take effect 30 days from the date of approval.
- (5) When a required competency or skill for a disaster function is not available within local government, the Director is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant 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. Such citizens shall be enrolled as Emergency Management volunteers in cooperation with the heads of local government departments affected.

Section 8. No Municipal or Private Liability

- (1) This ordinance is an exercise by the County of Duplin of its governmental function for the protection of the public peace, health, and safety, and neither the County of Duplin nor agents and representatives if some, or any individual, receiver, firm, partnership, corporation, association, or trustees, or 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 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 Duplin the right to inspect, designate and use the whole or any part or parts of such real estate or premises for the purposes 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 9. Violation of Regulations

It shall be unlawful for any person to violate any of the provisions of this Ordinance or of the regulations 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 regulations or plan issued thereunder.

Section 10. Severability

Should any provision of this Ordinance be declared invalid for any reason, such declaration shall not affect the validity of other

provisions, or of this Ordinance, as a whole, it being the legislation intent that the provisions of this Ordinance shall be severable and remain valid notwithstanding such declaration.

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

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

Section 12. Effective Date

This ordinance shall take effect on the 21st day of March, 1983.

William J. Costin, Chairman
Duplin County Board of Commissioners

ATTEST: _____
Clerk