

CHAPTER 17 EMERGENCY MANAGEMENT

ARTICLE I. IN GENERAL

Section 17-1. Short title

This article shall be known and may be cited and referred to as the “Emergency Management Ordinance for the Town of Holly Ridge, North Carolina.”

Section 17-2. Definitions

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

1. Attack means direct or indirect assault against the Town, the County, its government or 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 or any act of terrorism.
2. Civil Preparedness Forces means the employees, equipment and facilities of all Town departments, boards, councils, committees, institutions and commissions; and in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.
3. Coordinator means the coordinator of the town emergency management activities, appointed as prescribed in this chapter.
4. 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 or constituted government.
5. Emergency Management to carry out the basic government functions of maintaining the public peace, health and safety during an emergency. This shall include plans and preparations for protection from and relief, recovery and rehabilitation from effects of an attack by the forces of an enemy nation or the agents thereof, and it shall also include such activity in connection with disaster as defined herein. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States.
6. Emergency Management Volunteer means any person duly registered, identified and appointed by the emergency management coordinator of the Town and assigned to participate in the emergency management activity.
7. Regulations means plans, programs and other emergency procedures deemed essential to emergency management.

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

Section 17-3. Intent and purpose

- A. It is the intent and purpose of this chapter to establish an office that will ensure the complete and efficient utilization of all the Town's resources to combat disaster resulting from enemy actions or other disasters.
- B. The Town Hall shall be the coordinating agency for all activity in connection with emergency management; it will be the instrument through which the Town Council may exercise the authority and discharge the responsibilities vested in it during disaster emergencies.
- C. This chapter will not relieve any Town department of moral responsibilities or authority given to it in the Town Charter or by local ordinances, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

Section 17-4. Organization and appointments

- A. The emergency management organization consists of the following:
 1. An emergency management coordinator who shall be the Town Manager.
 2. The employees and resources of all Town departments, boards, institutions and councils will participate in the emergency management activities. Duties assigned to the town departments shall be the same or similar to the normal duties of the department where possible.
 3. Volunteer personnel and agencies offering service to, and accepted by, the Town.
- B. The coordinator shall designate and appoint a field commander to assume the emergency duties of the coordinator in the event of his absence or inability to act.

Section 17-5. Emergency power and duties

- A. During any period of disaster or when the Town has been struck by disaster, the emergency management coordinator may promulgate such regulations as he deems necessary to protect life and property and preserve critical resources. This promulgation of regulations solely by the coordinator will only be when immediacy of necessary action precludes contact and discussion with the Town Council. Such regulation may include but shall not be limited to the following:

1. Regulation prohibiting or restricting the movement of vehicles in order to facilitate the work of emergency management forces, or to facilitate the mass movement of persons from critical areas within the Town.
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.

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

Section 17-6. Day-to-day duties and responsibilities of coordinator

The coordinator shall be responsible to the Town Council in regard to all phases of emergency management activity. The coordinator shall be responsible for the planning, coordination and operation of emergency management activities in the Town. The coordinator shall maintain liaison with the county authorities and the authorities of nearby political subdivisions 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. Development and coordination of plans for the immediate use of all facilities, equipment, manpower, and other resources of the Town 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.
2. Coordinating the activity of all other public and private agencies engaged in any emergency management activities.

Section 17-7 Civil preparedness plans

- A. Comprehensive Emergency Action Plans shall be adopted and maintained by the Town Council of Holly Ridge. In the preparation of these plans as it pertains to Town 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. 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 action plan shall have the effect of law whenever a disaster has been proclaimed.
- B. 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.

- C. Each department head assigned responsibility in the emergency action 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 department head shall review the emergency action plan and make recommendations as to improvements wherever necessary.

- D. Amendments to the emergency action plan shall be submitted to the coordinator. If approved, the coordinator will then submit the amendments to the Town Council with his recommendation for their approval. Such amendments shall take effect thirty (30) days from the date of approval. 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 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 17-8. Municipal and private liability

- A. This chapter is an exercise by the Town of its governmental functions for the protection of the public peace, health and safety, and the town or agents and representatives of same, 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 promulgated pursuant to the provisions of this chapter shall not 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 Town 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 person 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 17-9. Violations

It shall be unlawful for any person to violate any of the provisions of this chapter 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 in the enforcement of the provisions of this chapter or any regulations or plan issued hereunder.

Section 17-10. Purpose

The purpose of this article is to provide an avenue whereby the Mayor of the Town of Holly Ridge can take action, on an emergency basis, to minimize possible suffering of citizens or possible property damage by limiting access to certain areas, and/or to limit the movement of objects or people during certain periods.

Section 17-11. Conditions constitution state of emergency; restrictions authorized

- A. A state of emergency shall be deemed to exist whenever during times of public crisis, 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 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 Town or any part thereof, or threatening damage to or destruction of property, the Mayor of the Town of Holly Ridge is authorized and empowered under Section 14-288 of the General Statutes 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 Town, to place in effect any or all of the restrictions hereinafter authorized.
- C. The Mayor is 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 Town 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, firefighters, and other public employees; rescue squad members; doctors, nurses, pharmacists, employees of hospitals and other medical facilities; on-duty military personnel, whether state or federal, on-duty employees of public utilities and 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 Town.

Section 17-12. Proclamation

- A. The Mayor of the Town of Holly Ridge by proclamation may impose the prohibitions and restrictions specified in Section 13 through 17 in the manner described in those sections. The Mayor of the Town of Holly Ridge 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 Mayor of the Town of

Holly Ridge shall recite his findings in the proclamation.

- B. The proclamation shall be in writing. The Mayor 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 Town Hall. The Mayor shall retain a text copy of the proclamation and furnish it upon request certified copies of it for use as evidence.

Section 17-13. Curfew

- A. The emergency 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 twenty-four hour day to which the curfew applies. The Mayor may exempt from some or all of the curfew restrictions classes of people whose exemption the Mayor 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 Mayor by proclamation removes the curfew.

Section 17-14. Restriction on possession, consumption, transfer of alcoholic beverages

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

Section 17-15. Restrictions on possession, transportation, transportation, transfer of dangerous weapons, substances

- A. The emergency proclamation may prohibit the transportation or possession off one's own premises, or the sale or purchase of any dangerous weapon or substance. The Mayor 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 health, safety, or welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.
- B. The term "dangerous weapon or substance" means:
 - 1. Any deadly weapon to include but not be limited to a: bowie knife, dirk, dagger, switch blade, sling shot, loaded cane, metallic knuckles, razor, stun gun, pistol or gun.

2. Ammunition, incendiary device, explosive, gasoline, or other instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property.
 3. 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 destructively used.
 4. Any part or ingredient in any instrument or substance included above.
- C. If imposed, the restrictions shall apply throughout the jurisdiction of the town or such part thereof as designated in the proclamation.

Section 17-16. Restrictions on access to areas

- A. The emergency 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 Police Chief and his subordinates when directed in the proclamation to do so by the Mayor. When acting under this authority, the police chief and his subordinates may restrict or deny access to any area, street, highway or location within the town 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 17-17. Prohibited or restricted activities

The emergency proclamation may prohibit or restrict:

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 17-18. Amendments of Proclamation

The Mayor may amend or extend the emergency proclamation from time to time, making such modifications as he would have been authorized to include in the original proclamation.

Section 17-19. Removal of prohibitions and restrictions; expiration of Proclamation

The Mayor shall by proclamation remove the prohibitions and restrictions as the emergency no longer requires them, or when directed to do so by the Town Council. However, the proclamation shall expire five (5) days after its last imposition unless sooner terminated.

Section 17-20. Separate and superseding Proclamation

The Mayor 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.

Section 17-21. Absence or disability of chairman

In case of the absence or disability of the Mayor, the Mayor Pro-tem, or such other person as may be designated by the Town Council, shall have and exercise all of the powers given the Mayor in this article.

Section 17-22. Penalty for violation

Any person violating any prohibition or restriction imposed by a proclamation authorized by this article shall be guilty of a misdemeanor.