

EMERGENCY MANAGEMENT AGENCY ORDINANCE

The County of McDowell ordains; Article 1 – McDowell County Emergency Management Agency.

Section 1. Short Title

This Ordinance shall be known and may be cited and referred to as “Emergency Management Agency Ordinance for the County of McDowell”.

Section 2. Intent and Purpose

- A. It is the intent and purpose of this Ordinance to establish an office of all of the County of McDowell’s resources to combat disaster resulting from enemy actions or other disasters as defined herein.
- B. The McDowell 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 McDowell County Board of Commissioners may exercise the authority and discharge the responsibilities vested in them during disaster emergencies.
- C. 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

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

- A. **Emergency Management** – in its broad meaning is to carry out the basic government functions of maintaining the public peace, health and safety during an emergency. This shall include plans and preparation 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.
- B. **Attack** – shall mean direct or indirect assault against the County of McDowell, its government, its environs, or of the nation, by the forces of a hostile nation or of 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, hazardous materials 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 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 or facilities to the Emergency Management Agency without remuneration.
- F. **Emergency Management Volunteer** – shall mean any person duly registered, identified and appointed by the Director of the McDowell County Emergency Management Agency and assigned to participate in the emergency management activity.
- G. **Director** – shall mean the Director of the McDowell 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

- A. The organization shall consist of the following:
 - 1. An agency of Emergency Management within the executive department of the McDowell County government under the direction of the McDowell County Board of Commissioners. The agency head of the McDowell 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
 - 2. The employees and resources of all County departments, boards, and institutions 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.
 - 3. Volunteer personnel and agencies offering service to, and accepted by the County.

- B. The McDowell County Board of Commissioners shall appoint a Director of the McDowell 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 public health, safety and welfare in the event of danger from enemy action or disaster as defined in this Ordinance.
- C. The Director shall designate and appoint Deputy Directors to assume the emergency duties of the Director in the event of this absence or inability to act.

Section 5. Emergency Powers and Duties

- A. Chairman of McDowell County Board of Commissioners.
 - 1. During any period when disaster or when McDowell County has been struck by a disaster, within the definition of this Ordinance, the Chairman of McDowell County Board of Commissioners may promulgate such regulations as he deems necessary to protect life and property and preserve critical resources. This promulgation of regulations solely by the Chairman will be only when immediacy of necessary action precludes contact and discussion with the McDowell County Commissioners. Such regulations may include, but shall not be limited to the following:
 - a. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of emergency management forces, or to facilitate the mass movement of personnel from critical areas within the county.
 - b. Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.
 - c. Such other regulations necessary to preserve public peace, health and safety.
 - d. 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

- A. The Director shall be responsible to the McDowell 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 activities in McDowell County. The Director shall maintain a 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 plan. The Director's duties shall include, but not limited to, the following:

1. Coordinating the recruitment of volunteer agencies to augment the personnel and facilities of the City of Marion, Town of Old Fort and County of McDowell for Emergency Management purposes.
2. 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 resorting 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 building or other property for the use of such building or property for the emergency management purposes and designating suitable buildings as public shelters.
4. Though public informational programs, educating the 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.
5. 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.
6. Coordinating the activity of all other public and private agencies engaged in any emergency management activities.

Section 7. Emergency Management Plans

- A. Comprehensive emergency management plans shall be adopted and maintained by resolution of the McDowell County Board of Commissioners. In the preparations of these plans as it pertains to 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 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 this Ordinance, has been proclaimed.
- B. The Director, at his discretion, 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 two (2) persons as successors to his position. The list will be in order of succession and will as nearly as possible designate persons best capable of carrying out all assigned duties and functions.

- C. Each volunteer 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 deputy shall formulate the operational plan for his service which, when approved, shall be an addendum to and a part of the Basic Plan.
- D. Amendments to the Basic Plan shall be submitted to the Director. If approved, the Director will then submit the amendments to the McDowell County Board of Commissioners with his recommendations for their approval.
- E. 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 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. Such citizens shall be enrolled as emergency management volunteers in cooperation with the heads of local government departments affected.

Section 8. Emergency Management Expense Fund

The McDowell County Board of Commissioners shall establish an Emergency Management Fund to cover local costs for food, drinks, or other materials that are needed to cover any emergency activities that are not covered by State or Federal Funds.

Section 9. No Municipal of Private Liability

- A. This Ordinance is an exercise by the County of McDowell of its governmental functions for the protection of the public peace, health, and safety and neither the County of McDowell, City of Marion and Town of Old Fort, nor agents and representatives if some, 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 Ordinance, shall be liable for any damage sustained to persons or property as a result of said activity.
- B. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the County of McDowell or its municipalities

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 accrual, impeding 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 10. 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 there under.

Section 11. 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 several and remain valid notwithstanding such declaration.

Section 12. Conflicting Ordinances, 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 13. Effective Date

This Ordinance shall take effect on the 15th day of September, 1986.

s/William A. Wiseman
Chairman of the Board of
Commissioners of
McDowell County, NC

s/Carrie Padgett
Clerk to the Board
of Commissioners
McDowell County, NC