

## EMERGENCY MANAGEMENT ORDINANCE

### Section 1. Authority

This Ordinance is adopted pursuant to the authority vested in Pitt County by the General Statutes of North Carolina, particularly Chapter 153A-121 (General Ordinance Making Power); 166A-19.15 (Local Emergency Management); and other applicable laws.

### Section 2. Purpose

The intent and purpose of this Ordinance is:

- A. To establish an emergency management agency in Pitt County to ensure complete and efficient utilization of all the community's resources to combat emergencies from natural causes such as tornadoes, floods, fire and earthquakes; or from those caused by man such as industrial explosions, aircraft accidents, civil disturbances, and the like; or from enemy attack, sabotage or other hostile action;.
- B. To set forth the authority and responsibilities of local government in the prevention of, preparation for, response to and recovery from natural or man-made emergencies and to recognize the emergency powers conferred upon local government by the North Carolina Statute Chapter 166A;
- C. To provide for the exchange of mutual aid among neighboring cities and counties; and
- D. To provide for cooperation and coordination of activities relating to emergency mitigation, preparedness, response and recover among agencies and officials of the State of North Carolina, and with local and federal governments, with interstate organizations, and with other private and quasi-official organizations to ensure the most effective preparation, response and use is made of all available resources for dealing with any emergencies that may occur.

### Section 3. Title

This Ordinance shall be known as the Emergency Management Ordinance.

### Section 4. Jurisdiction

This Ordinance shall be applicable within the geographical limits of Pitt County.

### Section 5. Definitions

As used in this Ordinance, the following terms shall have the respective meanings ascribed to them:

**Director** refers to the Director of Pitt County Emergency Management, the individual with direct responsibility for the development, organization, administration, and operation of the County Emergency Management Agency as provided by this Ordinance.

**Disaster** represents the degree and severity of an emergency's impact as declared by the Governor.

**Emergency** is 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.

**Emergency Management** includes those measures taken by the populace and governments of federal, state, and local levels to minimize the adverse effect of any type of emergency, which includes the never-ending preparedness cycle of planning, prevention, mitigation, warning, movement, shelter, emergency assistance, and recovery.

**Emergency Management Agency** refers to the Pitt County Emergency Management Office, the local government agency charged with coordination of all emergency activities for its jurisdiction.

**Emergency Operations Plan** refers to the document, developed by Pitt County Emergency Management, that assigns responsibilities to organizations and individuals for carrying out specific actions in an emergency/disaster that exceeds the capability or routine responsibility of any one agency and establishes lines of authority and organizational relationships.

**Mutual Aid Agreements** are defined to include but not be limited to agreements related to the furnishing or exchange of such supplies, equipment, facilities, personnel, and services as may be needed with provisions for the reimbursement of costs and expenses for equipment, supplies, personnel and similar items upon such terms and conditions as may be necessary.

**Volunteer** shall mean personnel and agencies contributing a service, equipment, or facilities to the emergency management agency without remuneration.

## **Section 6. Organization and Appointments of Agency**

- A. The organization shall consist of the following:
  - 1. An agency of emergency management under the direction of the Board of Commissioners, through the County Manager, as authorized by N.C.G.S. Chapter 166A-19.15. The coordinator of emergency management shall be known as its Director. Other assistants and employees that are deemed necessary by the Board of Commissioners for the proper functioning of the agency shall be employed to implement the responsibilities under the definition of this article;
  - 2. The employees and resources of all Pitt County departments, boards, institutions, and councils shall participate in the emergency management activities. Duties assigned 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 Pitt County.
- B. The County Manager shall appoint a Director of the County Emergency Management Agency who shall be a person experienced 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 emergency or disaster as defined in this ordinance in accordance with N.C.G.S 166A-19.75 and as required by the Director's job description on file with Pitt County Human Resources.
- C. The Director shall designate and appoint Deputy Directors to assume the emergency duties of the Director in the event of the Director's absence or inability to act and shall appoint other assistants as deemed necessary.

## **Section 7. Duties and Responsibilities of the Director**

The Director shall be responsible for the organization, administration and operation of the emergency management agency, subject to the direction and control by the County Manager. The Director shall coordinate the activities, services and programs for emergency management and emergency/disaster response within Pitt County and shall be the liaison with the state and federal authorities and the authorities of nearby political subdivisions so as to ensure the most effective operation and implementation of the emergency management plans. The Director's duties shall include but not be limited to the following:

- A. Manage a comprehensive emergency management program for Pitt County pursuant to N.C.G.S. 166A, including, but not limited to elements addressing mitigation activities, preparedness, responses to disasters and emergencies, and recovery operations.
- B. Coordinate the activity of all other agencies engaged in any emergency management activities with Pitt County and its municipalities in accordance with N.C.G.S. Chapter 166A-19.15.
- C. Manage exercises to insure the efficient operation of the emergency management forces and to familiarize residents and partner agencies with emergency management plans, procedures and operations.
- D. Through public informational programs, educate the populace as to actions necessary and required for the protection of their persons and property in case of a natural or man-made disaster, either impending or present.
- E. 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 Pitt County, proposing solutions for their decision on how best to protect people and property from imminent danger, or from further damage.
- F. Manage the Pitt County Emergency Operations Center as the central coordinating entity during major emergencies or disasters.
- G. The Director may arrange for 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 in accordance with N.C.G.S. 166A-19.72.
- H. To assign and make available all resources for emergency management purposes for service within or outside the county.
- I. To delegate powers in a local state of emergency declared pursuant to N.C.G.S. 166A-19.22.
- J. To coordinate the voluntary registration of functionally and medically fragile persons in need of assistance during an emergency through an established registry in accordance with N.C.G.S. 166A-19.15(f)(5).

## **Section 8. Emergency Management Plans**

- A. A countywide, all-hazard emergency operations plan shall be adopted and maintained by the County Board of Commissioners in accordance with N.C.G.S. 166A-19.15(f)(2). In the preparations of this plan, the services, equipment and facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When the plan is approved, each department or agency shall perform those functions assigned to it by the plan and shall maintain a current state of readiness at all times. The emergency operations plan shall have the full effect of local law whenever an emergency or disaster occurs.

- B. Supporting plans shall be maintained by the emergency management agency to ensure coordinated activities in the mitigation, preparedness, response, and recovery phases of emergency management. In the preparation of these plans, the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When the plans are published, each department or agency shall perform those functions assigned to it by the plans.
- C. When a skill required for an emergency or disaster relief function is not available within local government, the Director shall be authorized to seek assistance beyond local government resources.
- D. To facilitate emergency preparedness planning for Pitt County, all County departments shall prepare and periodically revise continuity of operations plans pursuant to directions and guidelines from the emergency management agency. These continuity plans should include a succession of leadership and establish a comprehensive and effective program that maintains the continuity of essential departmental functions during any emergency or other situation that disrupts normal operations.

**Section 9. No Municipal or Private Liability**

- A. This Ordinance is an exercise by the County of its governmental functions for the protection of the public peace, health, and safety, and neither the County, nor agents and representatives thereof, or any person 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 such activity in accordance with N.C.G.S.166A-19.60.
- B. Any person, firm, or corporation, together with any successors in interest, if any, owning or controlling real or personal property who, voluntarily or involuntarily, knowingly or unknowingly, with or without compensation, grant a license or privilege or otherwise permits or allows the designation of use of the whole or any parts or parts of such real or personal property for the purpose of activities or functions relating to emergency management as provided for in N.C.G.S. 166A shall not be civilly liable for the death of or injury to any person or the loss of or damage to the property of any persons where such death, injury, loss, or damage resulted from, through, or because of the use of the said real or personal property for any of the above purposes, provided that the use of said property is subject to the order or control of or pursuant to a request of the State government or any political subdivision thereof in accordance with N.C.G.S. 166A-19.61.

**Section 10. Suspension of Conflicting Ordinances, Orders, Rules, and Regulations**

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

**Section 11. Territorial Applicability**

The emergency management agency shall perform emergency management, mitigation, preparedness, disaster response, and recovery functions within the territorial limits of Pitt County including incorporated municipalities and in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provision of North Carolina Statutes, mutual aid agreements, and in accordance with State and County comprehensive emergency management planning.

**Section 12. Severability**

Should any provisions of this Ordinance be declared invalid for any reason, by any court of competent jurisdiction, such declaration of invalidity shall not affect the validity of the provisions of this Ordinance.

**Section 13. Effective Date**

This Ordinance shall be effective August 1, 2014, and shall supercede and replace the Emergency Services Ordinance originally adopted on August 15, 1988.

Adopted this the 21<sup>st</sup> day of July, 2014.



Mark W. Owens, Jr., Chairman  
Pitt County Board of Commissioners

Attest:

Kimberly W. Hines  
Kimberly W. Hines, Clerk to the Board

