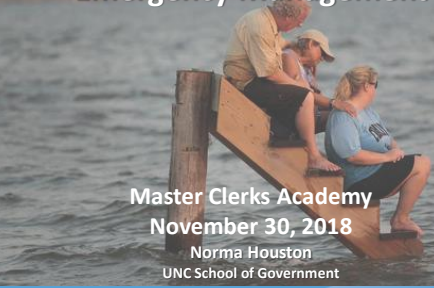


# NC Local Government Emergency Management



Master Clerks Academy  
November 30, 2018  
Norma Houston  
UNC School of Government

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# Hurricane Florence



Approx. \$13 billion in total estimated damages

Governor Cooper's Hurricane Florence Recovery Recommendations  
[https://files.nc.gov/ncosbm/documents/files/Florence\\_Report\\_Full.pdf](https://files.nc.gov/ncosbm/documents/files/Florence_Report_Full.pdf)

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# Historical Comparison of Florence to other Storms

Measure	Florence	Matthew	Floyd
Total Damage	\$12.8 billion	\$4.8 billion	\$7.0-\$9.4 billion (inflation adjusted)
FEMA Individual Assistance applications	158,800 (anticipated)	82,000	87,000
Inches of Rain	25-35	18-20	17-20
Storm Surge (ft.)	10	6	9
Fatalities	40	28	51
Strongest wind (mph)	90	80	100
Duration (days)	6	2	4

Governor Cooper's Hurricane Florence Recovery Recommendations, pg. 10  
[https://files.nc.gov/ncosbm/documents/files/Florence\\_Report\\_Full.pdf](https://files.nc.gov/ncosbm/documents/files/Florence_Report_Full.pdf)

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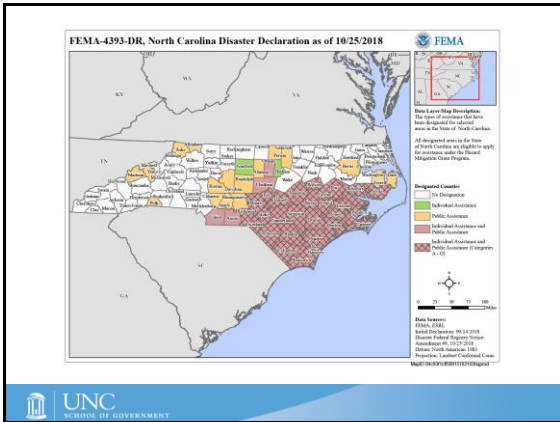
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## What is an “Emergency”?

NC law follows the “**all-hazards**” approach:

“**Emergency**” means “**any** occurrence or imminent threat of widespread severe damage, injury, or loss of life or property resulting from **any** natural or man-made accidental, military, or paramilitary, weather-related, or riot-related cause.”

*G.S. 166A-19.3(6)*



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## Role of Local Governments

All emergencies (disasters) begin and end at the **local** level.

“Local government has the **primary role** of planning and managing all aspects of the community’s recovery. Individuals, families and businesses look to local governments to articulate their recovery needs.”

*-National Disaster Recovery Framework (Sept. 2011, p. 22)*



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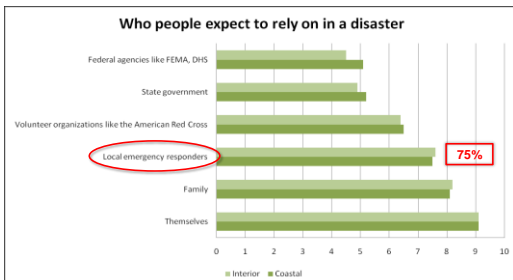
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## Citizens Look to Local Governments



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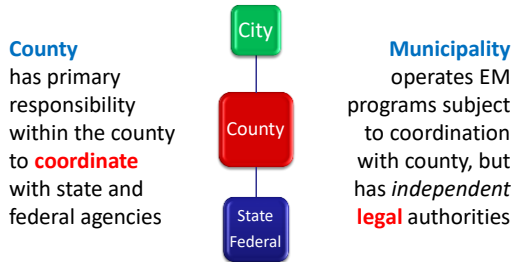
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## Role of Local Governments



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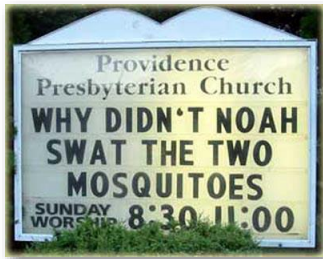
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## Local Emergency Ordinances

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## Local Emergency Ordinances

- Local ordinances are the **primary source** of local governments' legal authorities to exercise emergency powers under a State of Emergency Declaration
- Local governments **authorized by statute** to adopt local emergency ordinances
- Local ordinances **must** authorize emergency restrictions and prohibitions (not vested directly by statute)
- Restrictions and prohibitions are **triggered** by State of Emergency Declaration

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## Local Emergency Ordinances

To maximize legal authority, local ordinances should:

- ✓ Specify local powers & restrictions when emergency is declared
  - ✓ Clarify who local decision-making body is
  - ✓ Delegate declaration authority if necessary
  - ✓ Conform to Article 1A of Chapter 166A
  - ✓ Activate local EOP
  - ✓ Affirm compliance with NIMS and use of ICS
  - ✓ Cite legal authority for local state of emergency declarations
  - ✓ State penalties for violations – *provides clear citation for law enforcement*
- If your ordinance has not been updated since 2012, it's probably out of date!*



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## City “Under” County Ordinance?



- **YES:** GS 153A-122 – City council may apply county ordinance within city
- **BUT:** City must still take *independent* legal action when declaring state of emergency



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## Local State of Emergency



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## Local State of Emergency

### When is it issued?

- Declared by city or county when it finds that an **emergency** exists
- Cannot be a situation merely anticipated to occur in the future *Raynor v. Commissioners for Town of Louisburg, 220 N.C. 348, 17 S.E.2d 495 (1941)*

### How is it issued?

- Can be declared by County Board Chair, Mayor, Chief Executive Official of City or County, or other official or personnel **designated in local ordinance**
- Unless authority delegated in ordinance, board must issue declaration

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## Local State of Emergency

### Where does it apply?

- Applies **only** within the jurisdiction issuing it (county declaration cannot apply within municipality without consent)
- Can apply in part(s) or all of the jurisdiction (default – entire jurisdiction)
- One jurisdiction's declaration can be extended by Mayor/BOC Chair into their own jurisdiction
- If County declaration is to apply within municipality, **Mayor must request** and **County declaration must include reference to municipality** (or vice versa)

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## Local State of Emergency

### How is it communicated?

- Reports of substance of declaration may be communicated to mass communications media or other effective methods to communicate quickly
- "Appropriate" distribution of **full text** as soon as practicable
- Formal published notice in newspaper not required

### When is it effective?

- Immediately (when issued) unless a later date is set in the declaration
- Remains effective until terminated by the entity or official who issued it (unless termination date is included in declaration)

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## Local State of Emergency

### What does it do?

- Triggers **local emergency ordinances**, plans, and operations
- Imposes **only the prohibitions and restrictions deemed necessary** in response to the circumstances of the emergency
- Usually necessary for state and federal reimbursement



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## Local State of Emergency

### Can it be modified?

- Yes – restrictions and prohibitions can be modified by amendments to original declaration as conditions change
- Modifications communicated the same way as original declaration

### How is it terminated?

- Official who has authority to issue also has authority to terminate
- Terminate when conditions no longer warrant keeping declaration in place
- Law no longer imposes automatic termination after 5 days – declaration remains effective until terminated (check your local ordinance and update)



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## Local Emergency Restrictions



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## Local Emergency Restrictions

Restrictions and Prohibitions allowed:

Movements of people in public places, mandatory and voluntary evacuations, limited ingress and egress



Violations punishable as Class 2 misdemeanor



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## Local Emergency Restrictions

Restrictions and Prohibitions allowed:

Operation of businesses and places people travel to and from and gather



Violations punishable as Class 2 misdemeanor



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## Local Emergency Restrictions

Restrictions and Prohibitions allowed:

Possession, transportation, sale, purchase and consumption of alcohol



Violations punishable as Class 2 misdemeanor



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## Local Emergency Restrictions

### Restrictions and Prohibitions allowed:

Possession, transportation, sale, purchase, storage and use of dangerous weapons and gasoline  
**EXCEPT** LAWFULLY POSSESSED FIREARMS (handguns, rifles, and shotguns) AND AMMUNITION



Violations punishable as Class 2 misdemeanor



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## Emergency Gun Restrictions

### Can:

- Restrict other "dangerous weapons and substances"
- Enforce curfew or non-weapons restrictions against person even if lawfully possessing a firearm
- Enforce other state gun laws (ex: concealed-carry permit)
- Include gun stores among other business restrictions

### Cannot:

- Limit or restrict the "possession, transportation, sale, purchase, storage, and use" of lawfully possessed firearms and ammo
- Prohibit lawful sale of firearms
- Prohibit lawful sale of ammo for lawfully possessed firearms
- Prohibit lawful concealed carrying



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## Local Emergency Restrictions

### Restrictions and Prohibitions allowed:

Other actions necessary to maintain order and protect lives and property



Violations punishable as Class 2 misdemeanor



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EVACUATION  
PLAN



Our Disaster Recovery Plan  
Goes Something Like This...



**Importance of Planning**



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## Emergency Management Planning

- Planning is a critical component of emergency management
- **Inter**-governmental and **Intra**-governmental
- Local plans must be consistent with state and federal laws and regulations, and NCDDEM standards
- Federal and state grant funding tied to local planning and professional competencies



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## EM Legal Preplanning Checklist

- ☒ Become NIMS compliant (training on [www.fema.gov](http://www.fema.gov))
- ☒ Preposition contracts (such as debris removal)
- ☒ Execute mutual aid & interlocal agreements
- ☒ Compile & back-up relevant documents
- ☒ Develop templates for declarations, contracts, etc.
- ☒ Check local ordinances for needed updates
- ☒ Be familiar with local, state, and federal laws
- ☒ Involve local attorney
- ☒ Review local plan / conduct exercises



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## Resources

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## SOG EM Website: [www.sog.unc.edu/ncem](http://www.sog.unc.edu/ncem)

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About Public Offices Topics Courses Publications Blogs Resources Giving Knapp Library MBA Degree

EMERGENCY MANAGEMENT

- Emergency Management Information
- Laws and Authorities
- Sample Documents
- Legislative Updates
- Publications
- Blog
- Related Links

SEE ALSO

Act Now Prepared!

NC Emergency Management

Overview Contributors Roles / Topics

Welcome to the School of Government Emergency Management Law Microsite

How You Prepared? Legal Issues I

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## SOG EM ListServ: [ncem@listserv.unc.edu](mailto:ncem@listserv.unc.edu)

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Head of the School | Governance and Resources | Library | Master of Public Administration | Publications

Listserves

Library Technology | Library Policy  
Frequency Asked Questions | List of Listserves

The School of Government manages a number of listserves primarily for local government officials and employees. These listserves allow local government to share information with peers and faculty experts at the School of Government.

**Library Technology**

A listserv is an application that collects individual e-mail addresses under a single e-mail address, allowing members of the listserv to send a message to all members using the designated e-mail address of the listserv. This technology works with the most basic Internet application: e-mail. Any municipal or county official or employee that has a computer with a modem, connection with that modem to a phone jack, and an e-mail account can join any of the listserves appropriate to their area of work and participate in the exchange.

Number	Topic	Chair
1	Emergency Management	Carla Stewart
2	Economic Development	Carla Stewart
3	Emergency Management	Norma Reid Houston
4	Finance Officers and Directors	Greg Abbott
5	Rural Plain Issues	Stephen Smith

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FEMA [www.fema.gov](http://www.fema.gov)



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**STAY SAFE!**

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(919) 843-8930

[nhouston@sog.unc.edu](mailto:nhouston@sog.unc.edu)

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