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FOOTNOTE(S):

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Editor's note— An ordinance adopted December 13, 2012, amended Ch. 7.5 in its entirety to read as herein set out. Former Ch. 7.5, §§ 7.5-11—7.5-24, pertained to similar subject matter, and derived from an ordinance adopted November 5, 1992, §§ 1—13, 15, 2010. [\(Back\)](#)

Cross reference— Administration, Ch. 2; emergency services, Ch. 8; fire prevention and protection, Ch. 9. [\(Back\)](#)

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ARTICLE I. - IN GENERAL

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Sec. 7.5-1. - Short title.

This chapter shall be known and may be cited and referred to as the "Emergency Management Ordinance" for the county, including its municipalities.

(Ord. of 12-13-12)

Sec. 7.5-2. - Purpose.

- (a) It is the intent and purposes of this chapter to establish an emergency management agency to ensure the complete and efficient utilization of all resources of the county and its municipalities in the event of an emergency or disaster.
- (b) The emergency management agency shall be the coordinating entity for all activity in connection with emergency management within the county; it will be the agency through which the board of commissioners and city (or town) councils will exercise the authority and discharge the responsibilities vested in them during states of disaster or local emergency.
- (c) This chapter does not relieve any county department or agency of the responsibilities or authority given to it by state law or by local chapter, nor will it adversely affect the work of any volunteer agency organized for relief in disaster situations.
- (d) This chapter shall not abridge or modify the authority of the governor or his or her delegates to implement emergency measures during declared states of disaster.
- (e) The emergency management agency shall be the central coordinating agency for activities and programs relating to emergency and disaster mitigation, preparedness, response and recovery among agencies and officials of the county and with similar agencies and officials of other counties, the state and federal agencies; and with other private and quasi-official organizations.

(Ord. of 12-13-12)

Secs. 7.5-3—7.5-10. - Reserved.

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Sec. 7.5-11. - Restrictions authorized.

- (a) A state of emergency shall be deemed to exist whenever during times of public crisis, disaster, 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, or 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 Guilford County or any part thereof or threatening damages to or destruction of property, the chairperson of the board of commissioners is hereby authorized and empowered under G.S. 14-288.13 and G.S. 166A-8 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 county, to place in effect any or all of the restrictions hereinafter authorized. The chairperson shall fully utilize all available emergency service and management agencies and coordinators.
- (c) The chairperson is hereby 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 county 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, firemen and other public employees, rescue squad members, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel, whether state or federal; on-duty employees of public utilities, 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 people within the county.

(Ord. of 12-13-12)

Sec. 7.5-12. - Proclamation imposing prohibitions and restrictions.

- (a) The chairperson of the board of commissioners by proclamation may impose the prohibitions and restrictions specified in [section 7.5-13](#) through [7.5-18](#) of this article in the manner described in those sections. The chairperson may impose as many of those specified prohibitions and restrictions as he finds necessary because of an emergency to maintain an acceptable level of public order and services and to protect lives, safety and property. The chairperson shall recite his findings in the proclamation.
- (b) The proclamation shall be in writing. The chairperson 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 county courthouse. The chairperson shall send reports of the substance of the proclamation to the mass communications media which serve the affected area. The chairperson shall retain a text of the proclamation and furnish upon request certified copies of it.

(Ord. of 12-13-12)

Sec. 7.5-13. - Evacuation.

The chairperson may direct and compel the voluntary or mandatory evacuation of all or part of the population of the county; to prescribe routes, modes of transportation and destination in connection with evacuation; and to control ingress and egress of a disaster area, the movement of persons within the

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area and the occupancy of premises therein. Details of the evacuation may be set forth or amended in a subsequent proclamation which shall be well publicized.

(Ord. of 12-13-12)

Sec. 7.5-14. - Curfew.

- (a) The 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 24-hour day to which the curfew applies. The chairperson may exempt from some or all of the curfew restrictions classes of people whose exemption the chairperson 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 chairperson by proclamation removes the curfew.

(Ord. of 12-13-12)

Sec. 7.5-15. - Restrictions on possession, consumption or transfer of alcoholic beverages.

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

(Ord. of 12-13-12)

Sec. 7.5-16. - Restriction on possession, transportation and transfer of dangerous weapons and substances.

- (a) The proclamation may prohibit the transportation or possession off one's own premises or the sale or purchase of any dangerous weapon or substance. The chairperson 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's health, safety or welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.
- (b) "Dangerous weapon or substance" means:
 - (1) Any item described as a "Dangerous weapon or substance" as defined in G.S. 14-288.1.
 - (2) 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 used.
 - (3) Any part or ingredient in any instrument or substance included above when the circumstances indicate a probability that such a part or ingredient will be so used.
 - (4) Except that this article does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used in this article, "firearm" has the same meaning as it does under G.S. 14.409.39(2).

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- (c) If imposed, the restrictions shall apply throughout the jurisdiction of the county or such part thereof as designated in the proclamation.
- (d) A violation of this section shall be punishable as provided in G.S. 14-288.7.

(Ord. of 12-13-12)

Sec. 7.5-17. - Restriction on access to areas.

- (a) The 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 sheriff and his subordinates or other law enforcement officer when directed in the proclamation to do so by the chairperson. When acting under this authority, the sheriff and his subordinates may restrict or deny access to any area, street, highway or location within the county 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.

(Ord. of 12-13-12)

Sec. 7.5-18. - Activities, etc., prohibited or restricted.

The following activities or conditions may be prohibited or restricted:

- (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.

(Ord. of 12-13-12)

Sec. 7.5-19. - Removal of prohibitions and restrictions.

The chairperson shall by proclamation terminate the entire declaration of emergency or remove any of the prohibitions and restrictions when the emergency no longer requires them or when directed to do so by the board of commissioners.

(Ord. of 12-13-12)

Sec. 7.5-20. - Superseding and amending proclamations.

The chairperson, in his/her discretion, may invoke the restrictions authorized by this article in separate proclamations and may amend any proclamation by means of a superseding proclamation in accordance with the procedures set forth in [section 7.5-12](#).

(Ord. of 12-13-12)

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Sec. 7.5-21. - Termination of proclamation.

Any proclamation issued under this article shall expire five days after its last imposition unless sooner terminated in writing under the same procedures set forth in [section 7.5-12](#) for proclamations.

(Ord. of 12-13-12)

Sec. 7.5-22. - Exercise of powers in absence or disability of chairman.

In case of the absence or disability of the chairperson, the vice-chairperson of the board of commissioners, or such other person as may be designated by the board of commissioners, shall have and exercise all of the powers herein given the chairperson.

(Ord. of 12-13-12)

Sec. 7.5-23. - Penalty for violation.

Except as provided in [section 7.5-16](#), any person violating any prohibition or restriction imposed by a proclamation authorized by this article shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding \$500.00 and/or imprisonment not exceeding 30 days, as provided by G.S. 14-4.

(Ord. of 12-13-12)

Sec. 7.5-24. - Territorial applicability.

This article shall not apply within the corporate limits of any municipality or within the area of the county over which the municipality has jurisdiction to enact general police power ordinances unless the municipality by resolution consents to this application or the mayor of the municipality has requested its application.

(Ord. of 12-13-12)

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Sec. 7.5-25. - Agency organization.

- (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 G.S. Chapter 166A-7. 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 appointed to implement the responsibilities under the definition of this article;
 - (2) The employees and resources of all county and city (town) departments, boards, institutions and councils. The same shall participate in the emergency management activities. Duties assigned to county or city (town) departments shall be the same as or similar to the normal duties of the department, where possible; and
 - (3) Volunteer personnel and agencies offering services to and accepted by the county or city (town).
- (b) A director of the emergency management agency will be appointed. The director of the emergency management agency will be a person well versed and trained in emergency management processes and procedures involving the activities of various agencies that serve to protect the public health, safety and welfare in the event of an emergency or disaster.
- (c) The director shall designate and appoint deputy coordinators to assume the emergency duties of the director in the event of his or her absence or disability.

(Ord. of 12-13-12)

Sec. 7.5-26. - Duties and responsibilities of the director.

- (a) The director shall be responsible for the organization, administration and operation of the emergency management agency, subject to the direction and control by the manager or designee. The director shall coordinate the activities, services and programs for emergency management and disaster response within Guilford County and shall maintain liaison with the state and federal authorities and the authorities of nearby political subdivisions so as to insure the most effective operation and implementation of the emergency management plans.
- (b) The director's duties shall include, but not be limited to the following:
 - (1) Manage a comprehensive emergency management program for Guilford 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.
 - (2) Compel and coordinate the activity of all other public and private agencies engaged in any emergency management activities within the county and its municipalities.
 - (3) Through 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, terrorism, or disaster, either impending or present.
 - (4) Manage exercises to insure the efficient operation of the emergency management forces and to familiarize residents and partner agencies with emergency management regulations, procedures and operations.

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- (5) Monitor and advise the manager of any and all threats, emergencies or disasters that pose a risk to the lives and safety of the residents of Guilford County, proposing solutions for their decision on how best to protect people and property from imminent danger, or from further damage.
- (6) Procure supplies and equipment, institute training programs, public preparedness information and education programs, manage and coordinate disaster drills and exercises in accordance with county-wide emergency plans.
- (7) The director is authorized by the board to enter into 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.
- (8) Manage the Guilford County Emergency Operations Center as the central coordinating entity during major emergencies or disasters.

(Ord. of 12-13-12)

Sec. 7.5-27. - Emergency management plans.

- (a) A countywide, all-hazard, emergency operations plan shall be adopted and maintained by resolution of the board of commissioners. In the preparation of this plan, the services, equipment, 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) The agency shall describe in emergency plans those positions within the disaster organization, in addition to the agency head, for which lines of succession are necessary. In each instance, the responsible person shall designate and file with the emergency management agency a current list of three persons to be successors to each key position. The list shall be in order of succession and shall designate persons most capable of carrying out all duties and functions assigned to the position.
- (d) Each department designated in emergency plans shall be responsible for carrying out all designated duties and functions designated by the plan. Duties will include organization and training of assigned employees and volunteers. Each department shall formulate procedures to implement the plan for the organization.
- (e) When a skill required for a disaster relief function is not available within local government, the coordinator shall be authorized to seek assistance beyond local government resources.

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Sec. 7.5-28. - Planning related to special facilities.

- (a) Special facilities are those institutions or organizations whose populations are dependent upon the institution for transportation or care.

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- (b) Special facilities are required to have a plan in place to be self-sufficient in an emergency that would require evacuation of their facility due to a natural or technological disaster.
- (c) These institutions include, but are not limited to, assisted living facilities, hospitals, schools (public and private), day care centers, elderly centers or other organizations.
- (d) The institutions shall submit copies of their disaster plan to the emergency management agency for review on a regular basis as defined by the emergency management agency.
- (e) Any facility required to submit special facility disaster plans shall pay to the county the fees set forth in a schedule approved by the board of commissioners.
- (f) The director of emergency management shall review the fee schedule every year and make recommendations to the board of commissioners as to any suggested alterations.
- (g) Any fees collected pursuant to this article shall be applied to support staffing, operations, equipment, supplies and programming efforts emergency management purposes.

(Ord. of 12-13-12)

Sec. 7.5-29. - Hazardous facility planning.

- (a) Any person required by law to annually submit their chemical inventory on forms approved by the Environmental Protection Agency shall pay to the county the fees set forth in a schedule approved by the board of commissioners.
- (b) The director of emergency management shall review the fee schedule every year and make recommendations to the board of commissioners as to any suggested alterations.
- (c) Any fees collected pursuant to this article shall be applied to support staffing, operations, equipment, supplies and programming efforts emergency management purposes.
- (d) Failure to pay the fees required by this article shall be enforceable by one or more of the following procedures:
 - (1) Violations of this article may be punished as provided in G.S. 14-4, and each day's continuing violation is a separate and distinct offense.
 - (2) This article may be enforced by any one or more of the remedies authorized by G.S. 153A-123.
 - (3) For any violation of this article, the director of emergency management may issue a civil citation which subjects the offender to a civil penalty of \$500.00, to be recovered by the county in a civil action in the nature of a debt if the offender does not pay the penalty within 30 days after being cited for the violation.

(Ord. of 12-13-12)

Sec. 7.5-30. - County departmental continuity plans.

To facilitate emergency preparedness planning for Guilford County, all Guilford County departments, authorities, independent agencies, and constitutional officers shall prepare and periodically revise continuity of operations plans pursuant to directions and guidelines from the emergency management agency. These continuity plans must establish a comprehensive and effective program that maintains the continuity of essential departmental functions during any emergency or other situation that disrupts normal operations. Guilford County shall ensure that such contingency plans are consistent with other emergency and disaster plans within Guilford County.

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- (1) These continuity of operations plans shall be submitted to the emergency management agency by the last day of December each year in an emergency management-approved format and shall address at a minimum the following areas:
 - a. Assignment of personnel as the continuity of operations program manager;
 - b. Direction and control including authorities and responsibilities of key personnel, the succession of key departmental leadership, and delegations of authority;
 - c. Identification of essential and non-essential departmental functions and staffing capabilities required to continue providing essential functions;
 - d. Activation, mobilization, relocation, alert, notification and implementation plans for activating the continuity of operations plan;
 - e. Alternate facility operations;
 - f. Communications (primary and back-up) systems that will be used to keep employees, on-duty and off-duty, informed of departmental response activities, to coordinate employees in order to carry out departmental missions, to keep in contact with customers and suppliers, and to coordinate with the Guilford County EOC;
 - g. Protection of facilities, equipment, supplies, and vital records;
 - h. Recovery and restoration of services including employee support, critical asset repair/replacement, and the continuity of operations;
 - i. Administration and logistics.

(Ord. of 12-13-12)

Sec. 7.5-31. - Territorial applicability.

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

(Ord. of 12-13-12)

Sec. 7.5-32. - Severability.

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

(Ord. of 12-13-12)

Sec. 7.5-33. - Violations of regulations.

It shall be unlawful for any person to violate any of the provisions of this chapter or of the regulations or plans promulgated pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency management forces, as herein defined, in the enforcement of the provisions of this chapter or any regulations or plan issued thereunder.

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