

Chapter 7 - EMERGENCY PREPAREDNESS

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**Sec. 7-1. - Purpose.**

It is the intent and purpose of this article [chapter] to establish an office that will develop plans and procedures to ensure the complete and efficient utilization of all of the city's resources to combat disasters, natural and manmade, or attacks against the public peace, and which will cooperate and coordinate these procedures and plans with the emergency management agency of the county.

(Ord. of 12-18-73, § 2; Ord. No. 89-33, 7-5-89)

**Sec. 7-2. - Definitions.**

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed as follows:

*Attack:* Direct or indirect assault against the city, its government, its environs, or of the nation, by the forces of a hostile nation or the agents thereof, including assault by bombing, conventional or nuclear, or biological warfare, or sabotage.

*Emergency preparedness:* To carry out the basic government functions of maintaining the public peace, health, and safety during an emergency. This shall include all contingency plans, preparation for protection from, and relief, recovery and rehabilitation from the effects of an attack on the public peace and any other disaster, natural or manmade.

*Emergency preparedness committee:* City administration, members of the public safety departments of the city, public works department, and citizen volunteers charged with the responsibility of developing contingency plans addressing attacks on the public peace and natural or manmade disasters.

*Emergency preparedness volunteers:* Any person duly registered, identified and appointed by the coordinator of the city emergency preparedness agency and assigned to participate in the civil preparedness activity.

*Coordinator:* The coordinator of the city emergency preparedness agency.

*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.

*Regulations:* Includes plans, programs and other emergency procedures deemed essential to emergency preparedness.

*Volunteer:* Contributing a service, equipment, or facilities to the emergency preparedness agency without remuneration.  
(Ord. of 12-18-73, § 3; Ord. No. 89-33, 7-5-89)

### **Sec. 7-3. - Effect of chapter.**

This chapter will not relieve any city department of the moral responsibilities or authority given to it in the city charter or by local ordinances, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.  
(Ord. of 12-18-73, § 2; Ord. No. 89-33, 7-5-89)

### **Sec. 7-4. - State law adopted.**

All of the provisions of chapter 166A of the General Statutes of North Carolina applicable to a local organization for emergency preparedness are hereby adopted and made a part hereof by reference.  
(Ord. No. 89-33, 7-5-89)

### **Sec. 7-5. - Liability—Municipal.**

This chapter is an exercise by the city of its governmental functions for the protection of the public peace, health, and safety, and neither the city, 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 chapter, shall be liable for any damage sustained to persons or property as the result of said activity.  
(Ord. of 12-18-73, § 8; Ord. No. 89-33, 7-5-89)

**Sec. 7-6. - Same—Private.**

Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the city 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 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.

(Ord. of 12-18-73, § 8; Ord. No. 89-33, 7-5-89)

**Sec. 7-7. - Violation of regulations.**

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 preparedness organization as herein defined in the enforcement of the provisions of this chapter or any regulations or plan issued thereunder.

(Ord. of 12-18-73, § 9; Ord. No. 89-33, 7-5-89)

**Sec. 7-8. - Emergency preparedness plans—Generally.**

Comprehensive emergency preparedness plans shall be adopted and maintained by resolution of the city council. In the preparation of these plans as they pertain to the city, 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 operations plan and disaster operations plan shall have the effect of law whenever a disaster has been proclaimed.

(Ord. of 12-18-73, § 7; Ord. No. 89-33, 7-5-89)

**Sec. 7-9. - Same—Personnel.**

(a) 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. In each instance, the responsible person will designate and keep on file with the coordinator a current list of three (3) persons as successors to his position. The list will be in order of succession and will nearly as possible designate persons best capable of carrying out all assigned duties and functions.

(b) Each service chief 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 chief shall formulate the operational plan for his service which, when approved, shall be an annex to and a part of the basic plan.

(Ord. of 12-18-73, § 7; Ord. No. 89-33, 7-5-89)

**Sec. 7-10. - Same—Amendments.**

Amendments to the basic plan shall be submitted to the coordinator. If approved, the coordinator will then submit the amendments to the city council with his recommendation for their approval. Such amendment shall take effect thirty (30) days from the date of approval. (Ord. of 12-18-73, § 7; Ord. No. 89-33, 7-5-89)

**Sec. 7-11. - Outside assistance.**

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 preparedness volunteers in cooperation with the heads of local government departments affected. (Ord. of 12-18-73, § 7; Ord. No. 89-33, 7-5-89)

**Sec. 7-12. - Relocation of seat of government—Authorized in emergency.**

In the event the permanent seat of the government at the city hall, for any reason, becomes untenable, then the city council shall have the authority to temporarily relocate the seat of government to such place it may deem necessary and advisable within or without the corporate limits of the city. (Code 1968, § 2-1; Ord. No. 89-33, 7-5-89)

**Cross reference—** Interim government, § 2-91 et seq.

**State law reference—** Relocation authorized, G.S. § 162B-1.

**Sec. 7-13. - Same—Duties of coordinator.**

The coordinator of the city emergency preparedness agency shall, in the event of such relocation and in accordance with policy of the mayor and city council and under the direction of the city manager:

(a) Prepare such facilities for use, coordinate transportation and communications, and arrange temporary billeting for the emergency government.

(b) Inform the emergency services and the citizens of the location of the temporary seat of government and shall effect such coordination and liaison with county, state, and federal governments, and with affected municipalities or communities, as may be necessary for the orderly transfer and conduct of government. (Code 1968, § 2-2; Ord. No. 89-33, 7-5-89)

**Sec. 7-14. - Public shelter managers—Duties.**

In case of national emergency, public shelter managers duly appointed by the emergency preparedness coordinator shall open shelters, take charge of all stocks of food, water and other supplies stored in such shelter, admit the public according to the shelter's operational plan as approved by the emergency preparedness coordinator, and take whatever control measures are necessary for the protection and safety of the occupants and for turning over the shelter in good condition to its lawful owner at termination of occupancy.

(Code 1968, § 6A-1; Ord. No. 89-33, 7-5-89)

**Sec. 7-15. - Same—Authorization to use restraint.**

Public shelter managers and their authorized deputies are authorized to use whatever restraint is necessary against those who refuse to cooperate in orderly entry into the shelter and with the routine of shelter living under emergency conditions as set forth in the approved operation plan for the shelter.

(Code 1968, § 6A-2; Ord. No. 89-33, 7-5-89)

**Secs. 7-16—7-31. - Reserved.**

[ARTICLE II. - ORGANIZATION](#)

**DIVISION 1. - GENERALLY**

[Sec. 7-32. - Coordinating agency.](#)

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[Secs. 7-34—7-44. - Reserved.](#)

**Sec. 7-32. - Coordinating agency.**

The city emergency preparedness agency will be the coordinating agency for all activity in connection with emergency preparedness; it will be the instrument through which the city council may exercise the authority and discharge the responsibilities vested in them during disaster emergencies.

(Ord. of 12-18-73, § 2; Ord. No. 89-33, 7-5-89)

**Sec. 7-33. - Composition.**

The emergency preparedness organization shall consist of the following:

(a) An agency of emergency preparedness within the executive department of the city government under the direction of the city council and city manager. The agency head of the city emergency preparedness agency shall be known as the coordinator, and such assistants and other employees as are deemed necessary for the proper functioning of the agency will be appointed.

(b) The employees and resources of all the city departments, boards, institutions and councils will participate in the emergency preparedness activities. Duties assigned to city departments shall be the same or similar to the normal duties of the department where possible. (Ord. of 12-18-73, § 4; Ord. No. 89-33, 7-5-89)

**Secs. 7-34—7-44. – Reserved.**

## **DIVISION 2. - COORDINATOR**

[Sec. 7-45. - Appointment.](#)

[Sec. 7-46. - Qualifications.](#)

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### **Sec. 7-45. - Appointment.**

The city manager shall appoint a coordinator of the city emergency preparedness agency. (Ord. of 12-18-73, § 4; Ord. No. 89-33, 7-5-89)

### **Sec. 7-46. - Qualifications.**

The coordinator shall be a person well versed 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 enemy action or disaster. (Ord. of 12-18-73, § 4; Ord. No. 89-33, 7-5-89)

### **Sec. 7-47. - Deputy.**

The coordinator shall designate and appoint deputy coordinators to assume the emergency duties of the coordinator in the event of his absence or inability to act. (Ord. of 12-18-73, § 4; Ord. No. 89-33, 7-5-89)

### **Sec. 7-48. - Duties and responsibilities.**

The coordinator shall be responsible to the city manager in regard to all phases of the emergency preparedness activity. The coordinator shall be responsible for the planning, coordination and operation of emergency preparedness activities in the city. The coordinator shall maintain liaison with county, state and federal authorities and the authorities of nearby political subdivisions so as to ensure the most effective operation of the emergency preparedness plans. The coordinator's duties shall include, but not be limited to, the following:

(a) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the city for emergency preparedness purposes.

(b) Development and coordination of plans for the immediate use of all facilities, equipment, manpower, and other resources of the city 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.

(c) Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such building or other property for emergency preparedness purposes and designating suitable buildings as public shelters.

(d) 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 or disaster as defined therein, either impending or present.

(e) Conducting public practice alerts to ensure the efficient operation of the emergency preparedness forces and to familiarize residents with emergency preparedness regulations, procedures and operations.

(f) Coordinating the activity of all other public and private agencies engaged in any emergency preparedness activities.

(Ord. of 12-18-73, § 6; Ord. No. 89-33, 7-5-89)

#### **Sec. 7-49. - Emergency powers and duties.**

During any period when the city has been struck by disaster, the emergency preparedness 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 be only when immediacy of necessary action precludes contact and discussion with the city manager. 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 preparedness forces, or to facilitate the mass movement of persons from critical areas within the city.

(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.

(Ord. of 12-18-73, § 5; Ord. No. 89-33, 7-5-89)

#### **Secs. 7-50—7-65. - Reserved.**

## ARTICLE III. - STATE OF EMERGENCY

[Sec. 7-66. - Authority.](#)

[Sec. 7-67. - Proclamation.](#)

[Sec. 7-68. - Notice to council.](#)

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### **Sec. 7-66. - Authority.**

Notwithstanding any other provision of law to the contrary, an emergency may be declared to exist within the city whenever conditions arise by reason of war, conflagration, flood, heavy snow storm, blizzard, catastrophe, disaster, riot or civil comotion, acts of God, and including conditions, without limitation because of enumeration, which impair transportation, food or fuel supplies, medical care, fire, health or police protection or other vital facilities of the city.

### **Sec. 7-67. - Proclamation.**

Whenever in the judgment of the mayor, or in the event of his inability to act, the city manager, determines that an emergency exists within the city, he shall have power to impose by proclamation any regulations necessary to preserve the peace and order of the city.

### **Sec. 7-68. - Notice to council.**

After proclamation of an emergency, or any order thereunder, the mayor or other person authorized to do so under this article shall forthwith provide for notice thereof to be given to members of the council.

### **Sec. 7-69. - Restriction of activities.**

In the event an emergency is proclaimed under the provisions of this article, the mayor shall have the power and authority to:

(a) Impose a curfew upon all or any portion of the city thereby requiring all persons in such designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places; provided, however, that physicians, nurses and ambulance operators performing medical services, firemen and city authorized or requested law enforcement officers and personnel may be exempted from such curfew. No person who is not a resident of the city, as evidenced by a current address on his driver's license or other valid identification, shall be arrested or prosecuted for violation of a curfew without first being given a reasonable opportunity to continue through or otherwise leave the area which is under a state of emergency. Any person who is given a reasonable opportunity to leave such area and does not do so is subject to arrest and prosecution.

(b) Order the closing of any business establishments anywhere within the city for the period of the emergency, such businesses to include, but not be limited to, those selling intoxicating liquors, cereal malt beverages, gasoline or firearms.

(c) Designate any public street, thoroughfare or vehicle parking areas closed to motor vehicles and pedestrian traffic.

(d) Call upon regular and auxiliary law enforcement agencies and organizations within or without the city to assist in preserving and keeping the peace within the city.

(e) Issue such other orders as are necessary for the protection of life and property or to bring the emergency under control.

**Sec. 7-70. - When proclamation effective.**

The proclamation of emergency provided for by this article shall become effective upon its issuance and dissemination to the public by appropriate news media.

**Sec. 7-71. - Termination.**

A curfew or order authorized by this article may be amended or rescinded in like manner by the mayor or other authorized person during the pendency of the emergency, but shall cease to be in effect upon the declaration by the mayor or his lawful designee that the emergency no longer exists, or when superseded by action of the council.

**Sec. 7-72. - Penalty.**

Any person who shall violate any condition or restriction imposed pursuant to the provisions of this article shall be deemed guilty of a misdemeanor.