

CAROLINA COUNTY EMERGENCY MANAGEMENT ORDINANCE

The Town of Hayesville and the County of Clay ordains:
Article 1 Central City-Carolina Emergency Management Agency.

This ordinance shall be known and may be cited and referred to as "Emergency Management Ordinance for the City of Central City and the County of Carolina".

Section 2. Intent and Purpose

(1) It is the intent and purpose of this Ordinance to establish an office that will insure the complete and efficient utilization of all of the City of Central City and the County of Carolina's resources to combat disaster resulting from enemy actions or other disasters as defined herein.

(2) The Central City-Carolina 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 Central City Council and the Carolina Board of Commissioners may exercise the authority and discharge the responsibilities vested in them during disaster emergencies.

(3) 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

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

(a) "Emergency Management" is the basic government functions of maintaining the public peace, health and safety during an emergency. This term shall include plans and preparations for protection and relief, recovery and rehabilitation from effects of an attack by the forces of an enemy nation or the agents thereof, or a 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 City of Central City and the County of Carolina, 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, chemical or biological warfare, terrorism or sabotage.

(c) "Disaster" includes but is not limited to actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, accident, chemical spill 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 Coordinator of the Central City-Carolina Emergency Management Agency and assigned to participate in the Emergency Management Activity.

(g) "Coordinator" shall mean the Coordinator of the Central City-Carolina 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

(1) The organization shall consist of the following:

(a) An agency of Emergency Management within the executive department of the Central City government and the Carolina County government under the direction of the Central City Council and the Carolina County Board of Commissioners. The agency head of the Central City-Carolina Emergency Management 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 Central City and Carolina County departments, boards, institutions, and councils shall participate in the emergency management activities. Duties assigned to City or County department shall be the same as or similar to the normal duties of the department, where possible.

(c) Volunteer personnel and agencies offering service to, and accepted by the city and County.

(2) The Central City Council and Carolina Board of Commissioners shall appoint a Coordinator of the Central-City-Carolina 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 the public health, safety and welfare in the event of danger from enemy action or disaster as defined in this Ordinance.

(3) 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.

Section 5. Day to Day Duties and Responsibilities of the Coordinator

(1) The Coordinator shall be responsible to the Central City Council and the Carolina County Board of Commissioners in regard to all phases of emergency management activity. The Coordinator shall be responsible for the planning, coordination and operation of the Emergency Management activities in Carolina County. The Coordinator shall maintain 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 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 of Central City and the County of Carolina for Emergency Management purposes.

(b) 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 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 building or other property for the use of such building or other property for the Emergency Management 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 herein, either impending or present.

(e) 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.

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

Section 6. Emergency Management Plans

(1) Comprehensive Emergency Management plans shall be adopted and maintained by resolution of the Central City Council and Carolina County Board of Commissioners. In the preparations of these plans as it pertains to city and 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. These Plans shall have the effect of law whenever a disaster, as defined in this Ordinance, has been proclaimed.

(2) 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.

(3) Each service chief and department head assigned responsibility in the Plans 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 Standing Operating Procedure to implement the plans for his service.

(4) Amendments to these Plans shall be submitted to the Coordinator. If approved, the Coordinator will then submit the amendments to the Central City Council and the Carolina County Board of Commissioners with his recommendation for their approval. Such amendments shall take effect 30 days from the date of approval.

(5) When a required competency or skill for a disaster function is not available within government, the Coordinator 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 to, 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.

Section 7. No Municipal or Private Liability

(1) This ordinance is an exercise by the City of Central City and the County of Carolina of its governmental functions for the protection of the public peace, health, and safety, and neither the city of Central City and the County of Carolina 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 the result of said activity.

(2) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the City of Central City and the County of Carolina the right to inspect, designate and use the whole or any part of 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.

Section 8. Violations

It shall be a misdemeanor for any person to violate any of the provisions of this Ordinance 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 plan issued thereunder.

Section 9. 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 legislative intent that the provisions of this Ordinance shall be severable and remain valid notwithstanding such declaration.

Section 10. 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 11. Effective Date

This Ordinance shall take effect on the 1st. day of

MAY, 1989.

PAUL VAUGHT, JR., Mayor
CITY OF HAYESVILLE

Harrell Moore
HARRELL MOORE Chairman
County Board of Commissioners