

CLAY COUNTY  
DISASTER RELIEF AND ASSISTANCE PLAN  
EMERGENCY MANAGEMENT ORDINANCE AND AGREEMENT  
CLAY COUNTY EMERGENCY MANAGEMENT

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

Section 1. Short Title

This ordinance shall be known and may be cited and referred to as  
Emergency Management Ordinance for the Town of Hayesville and the County  
of Clay.

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 the  
Town of Hayesville and the County of Clay's resources to combat disaster  
resulting from enemy actions or other disasters as defined herein.

(2) The Clay 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 Hayesville Town Council and  
the Clay County 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 in its broad meaning is to carry out the  
basic government functions of maintaining the public peace, health and  
safety during an emergency. This shall include plans and preparations  
for protection from, and relief, recovery and rehabilitation from effects  
of an attack by the forces of an enemy nation or the agents thereof, and  
it shall also include such activity in connection with disaster as defined  
herein. It shall not, however, include any activity that is the primary  
responsibility of the military forces of the United States.

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(b) "Attack" shall mean direct or indirect assault against the Town of Hayesville and the County of Clay, 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, or sabotage.

(c) "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 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 Clay County Emergency Management Agency and assigned to participate in the Emergency Management activity.

(g) "Coordinator" shall mean the Coordinator of the Clay County Emergency Management Agency and assigned to participate in the Emergency Management activity.

(g) "Coordinator" shall mean the Coordinator of the Clay County 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 Clay County Government under the direction of the Clay County Board of Commissioners. The agency head of Clay County Emergency Management Agency shall be known as the Coordinator or Director, 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 Town of Hayesville, Clay County departments, boards, institutions, and councils will 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 Clay County Board of Commissioners shall appoint a Coordinator of the Clay County 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. Emergency Powers and Duties

(1) Coordinator of Clay County Emergency Management Agency

(a) During any period of disaster or when Clay County has been struck by disaster, within the definition of this Ordinance, the Emergency Management 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 Hayesville Town Council and Clay County Commissioners. Such regulations may include, but shall not be limited to the following:

1. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of Emergency Management forces, or to facilitate the mass movement of personnel from critical areas within the county.
2. Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.
3. Such other regulations necessary to preserve public peace, health and safety.
4. Regulations promulgated in accordance with the authority above will be given widespread circulation through all avenues of the news media.

#### Section 6. Day to Day Duties and Responsibilities of the Coordinator

(1) The Coordinator shall be responsible to the Clay County Board of Commissioners in regard to all phases of the Emergency Management activity. The Coordinator shall maintain liason 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 Town of Hayesville and the County of Clay 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 7. Emergency Management Plans

(1) Comprehensive Emergency Management plans shall be adopted and maintained by resolution of the Town of Hayesville Council and Clay 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 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, 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 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.

(4) Amendments to the Basic Plan shall be submitted to the Coordinator. If approved, the Coordinator will then submit the amendments to the Town of Hayesville Council and the Clay County Board of Commissioners with his recommendation for their approval.

(5) 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 the 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, 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 in cooperation with the heads of local government departments affected.

Section 8. No Municipal or Private Liability

(1) This ordinance is an exercise by the Town of Hayesville and the County of Clay of its governmental functions for the protection of the public peace, health, and safety, and neither the Town of Hayesville and the County of Clay 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.

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(2) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the Town of Hayesville and the County of Clay 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.

Section 9. Violation of Regulations

It shall be unlawful for any person to violate any of the provisions of this Ordinance 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 Management organization as herein defined in the enforcement of the provisions of this Ordinance or any regulations or plan issued thereunder.

Section 10. 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 legislation intent that the provisions of this Ordinance shall be severable and remain valid notwithstanding such declaration.

Section 11. 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 12. Effective Date

This Ordinance shall take effect on the 9th day of December,  
19 85.

Paul J. Vaughn, Jr.

Mayor  
Town of Hayesville

Harold E. ...

Chairman  
Clay County Board of Commissioners

CLAY COUNTY  
DISASTER RELIEF AND ASSISTANCE PLAN  
EMERGENCY MANAGEMENT ORDINANCE AND AGREEMENT  
MUTUAL AID AGREEMENT

North Carolina )  
County of Clay )

THIS AGREEMENT, made this 9th day of December, 19 85, by and between Clay County, North Carolina, hereinafter referred to as "party of the first part" and Cherokee County, North Carolina, hereinafter referred to as "party of the second part."

W I T N E S S E T H

WHEREAS, a disaster 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 or paramilitary cause;

WHEREAS, each party desire to provide its residents all possible assistance in and protection from disasters; and

WHEREAS, each party can provide the other mutual aid in time of disaster since they are geographically adjacent;

NOW THEREFORE, pursuant to G.S. 166A-10 and other applicable laws the party of the first part and the party of the second part agree as follows:

1. That should either party require the aid of the other, because of local state of emergency or disaster, the local Emergency Management Coordinator/Director (Disaster Preparedness) of party requiring aid shall make a request for aid to the Local Emergency Management Coordinator/Director (Disaster Preparedness) of the other party to this agreement.
2. That each party hereby authorizes and grants to its own local Emergency Management Coordinator/Director (Disaster Preparedness), the authority to give to, use and expend for the benefit of the other party to this agreement all available resources needed to assist the requesting party in providing reasonable and adequate protection for the residents of the requesting party.
3. That the party who is requested to extend aid may withhold resources necessary to provide reasonable and adequate protection for its community;
4. That, unless otherwise specified, the Emergency Management (Disaster Preparedness) forces of the party extending aid will continue to operate under the command and control of their own leaders but those units actually rendering the requested aid will come under the operational control of the Emergency Management (Disaster Preparedness) authorities of the party receiving aid;
5. That the requesting party will provide for the physical needs of those volunteers and personnel of the party extending;
6. That the party receiving aid will pay to the party extending aid

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all costs and expenses which the party extending aid incurred by reason of extending the aid;

7. That the party receiving aid will indemnify, save, defend and hold harmless the party extending aid from any action or suit arising out of supplying or extending such aid;

8. That the party receiving aid will reimburse and make whole the party extending aid for any and all damage to equipment or loss of materials incurred by reason of extending aid;

9. That the party requesting aid will provide Workman's Compensation coverage, to the extent required of either party by State Law, for the extending party's forces that actually render the requested aid.

IN WITNESS WHEREOF, the parties have set their hands and seals as of the date set forth above.

ATTEST

CLAY COUNTY

Mue Patton  
Clerk to the Board

BY: Howie Lane (SEAL)  
Chairman, Board of County  
Commissioners

ATTEST

CHEROKEE COUNTY

\_\_\_\_\_  
Clerk to the Board

BY: \_\_\_\_\_ (SEAL)  
Chairman, Board of County  
Commissioners