

CLAY COUNTY EMERGENCY MANAGEMENT ORDINANCE

The County of Clay Ordains as follows: Clay County Office of Emergency Management

Section 1. Authority and Short Title

This ordinance is adopted pursuant to Chapters 153A and 166A of the North Carolina General Statutes and shall be known and may be cited and referred to as "The Clay County Emergency Management Ordinance."

Section 2. Intent and Purpose

- (1) It is the intent and purpose of this ordinance to establish an Emergency Management Agency that will ensure the efficient utilization of all Clay County resources to combat emergencies resulting from enemy actions or other emergencies as defined herein. The purposes of the Emergency Management Agency shall be to reduce vulnerability of people and property of Clay County to damage, injury, and loss of life and property; to prepare for prompt and efficient rescue, care and treatment of threatened or affected persons; to provide for the rapid and orderly rehabilitation of persons and restoration of property; and to provide for cooperation and coordination of activities relating to emergency and disaster mitigation, preparedness, response and recovery among agencies and officials of Clay County and with similar agencies and officials of other counties and municipalities and with other private and quasi-official organizations.
- (2) The Clay County Emergency Management Agency will be the coordinating agency for all activity in connection with Emergency Management in Clay County and will be the instrument through which the Clay County Board of Commissioners may exercise the authority and discharge the responsibilities vested in them during emergencies.
- (3) This Ordinance will not abrogate the authority or responsibilities of the Chairman of the Clay County Board of Commissioners or other County departments operating pursuant to applicable law, nor will it adversely affect the work of any volunteer agency organized for relief in emergencies.

Section 3. Definitions

- (1) The following definitions shall apply in the interpretation of this Ordinance:
 - (a) "Emergency Management" shall be defined as those measures taken by the populace and government of Clay County to minimize the adverse effect of any type of emergency, which include the never-ending preparedness cycle of prevention, mitigation, warning, movement, shelter, emergency assistance and recovery. Emergency management shall include 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 an emergency 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 Clay County, its government, 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) "Emergency" shall be defined as 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, paramilitary, weather-related, or riot-related cause. It shall include but not be 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 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, 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) The Clay County Emergency Management Agency within the Clay County government under the direction of the Clay County Board of Commissioners.

The agency head of the Clay County 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 subject to approval of the Board of Commissioners.

- (b) The employees and resources of all Clay County departments, boards, institutions, and councils, which shall participate in emergency management activities. Duties assigned to County departments 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 County.
- (2) The Clay County Board of Commissioners shall appoint a Coordinator of the Clay 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 emergency as defined in this ordinance.
- (3) The Coordinator shall designate and appoint Assistant 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 Clay County Board of Commissioners in regard to all phases of emergency management activity and shall be responsible for the planning, coordination, and operation of the emergency management activities in Clay County. The Coordinator shall maintain liaison with the State and Federal authorities and the authorities of nearby political subdivisions so as to ensure 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 Clay County 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 agreements with owners or persons in control of buildings 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 emergency, 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 prepared by the Coordinator and adopted by resolution of the Clay County Board of Commissioners. In the preparation of these plans as they pertain to 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 State of Emergency has been declared.
- (2) The Coordinator shall prescribe in the emergency plans those positions within the emergency 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 volunteers where needed. Each chief shall formulate the Standard 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 Clay County Board of Commissioners with the Coordinator's recommendation for their approval.
- (5) When a required competency or skill for an emergency 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 an emergency. Such services from persons outside of government may be accepted by Clay County on a volunteer basis. Such citizens shall be enrolled as emergency management volunteers.

Section 7. Violations

Any person who violates any of the provisions of this ordinance or plans issued pursuant to the authority contained herein, or who willfully obstructs, hinders or delays any member of the emergency management organization as herein defined in the enforcement of the provisions of this Ordinance or any plan issued thereunder shall be guilty of a misdemeanor punishable by a fine of five hundred dollars (\$500) or imprisonment of not more than thirty (30) days.

Section 8. Severability

Should any provision of this Ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions 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 9. Conflicting Ordinances, Orders, Rules and Regulations Suspended

At all times when the orders, rules and regulations made and promulgated pursuant to this Ordinance shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith and to the extent permitted by applicable law.

Section 10. Effective Date

This Ordinance originally became effective on October 6, 1992. This amendment and restatement of this Ordinance shall become effective upon adoption by the Board of Commissioners on March 5th 2015 (the "Effective Date"). The Ordinance is restated in this manner solely to facilitate review by the reader by obviating the need to integrate multiple documents. Though amended, this Ordinance shall be deemed to be continuously in effect, with modifications becoming effective upon the Effective Date.

Section 11. Applicability Extension

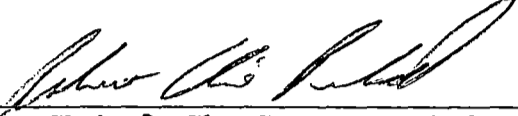
The undersigned municipalities hereby ratify this ordinance and adopt it as their own in all forms and conditions specified herein.

Section 12. Effective Date

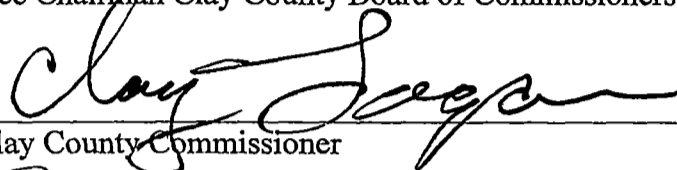
This ordinance shall take effect on the 5th day of March,



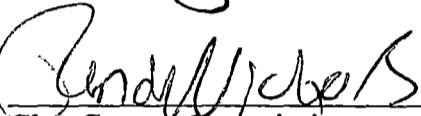
Chairman Clay County Board of Commissioners



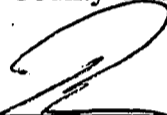
Vice Chairman Clay County Board of Commissioners



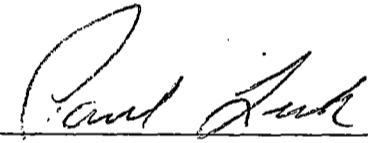
Clay County Commissioner



Clay County Commissioner



Clay County Commissioner

ATTEST 

Date 3-5-15