

## ORDINANCE #2

### Perquimans County Civil Preparedness Ordinance

Under the authority of North Carolina General Statutes Chapter 166 as amended, the County of Perquimans ordains: Article 1 Perquimans County Civil Preparedness Agency.

#### Section 1. Short Title

This Ordinance shall be known and may be cited and referred to as "Civil Preparedness Ordinance for the County of Perquimans."

#### Section 2. Intent and Purpose

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

(2) The Perquimans County Office of Civil Preparedness will be the coordinating agency for all activities in connection with Civil Preparedness; it will be the instrument through which the Perquimans County Board of Commissioners and Town Councils may exercise the authority and discharge the responsibilities vested in them during disaster emergencies.

(3) This Ordinance will not relieve any Town or County Department of the moral responsibilities or authority given to it in the Town 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) "Perquimans County" shall mean all incorporated and unincorporated areas within the boundaries of Perquimans County.

(b) "Civil Preparedness" shall mean those plans, actions and procedures necessary to provide protection to the people against loss of life, injury, and the loss or damage to property caused by natural phenomena or man-made causes such as war, insurrection, riot or accidents; and those measures necessary to mitigate the effects of the destructive forces of man and nature, to provide for response to disaster conditions and for the relief of suffering and hardships resulting from such conditions and to initiate rehabilitation of persons and restoration of persons and restoration of essential services and acceptable standards of living.

(c) "Attack" shall mean direct or indirect assault against the County of Perquimans, its government, its environs, or 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 or other weapons or processes.

(d) "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.

(e) "Civil Preparedness Forces" shall mean the employees, equipment and facilities of all Town 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.

(f) "Volunteer" shall mean contributing a service, equipment or facilities to the Civil Preparedness Agency without remuneration.

(g) "Civil Preparedness Volunteer" shall mean any person duly registered, identified and appointed by the Coordinator of the Perquimans County Civil Preparedness activity.

(h) "Coordinator" shall mean the Coordinator of the Perquimans County Civil Preparedness Agency, appointed as prescribed in this Ordinance.

(i) "Regulations" shall include plans, programs and other emergency procedures deemed essential to Civil Preparedness.

#### Section 4. Organization and Appointments

(1) The organization shall consist of the following:

(a) An agency of Civil Preparedness within the executive department of the Perquimans County government under the direction of the Perquimans County Board of Commissioners. The agency head of the Perquimans County Civil 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 Towns and County departments, boards, institutions, and councils will participate in the Civil Preparedness activities. Duties assigned to Town or County departments shall be the same or similar to the normal duties of the department, where possible.

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

(2) The Perquimans County Board of Commissioners shall appoint a Coordinator of the Perquimans County Civil Preparedness 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, with the concurrence of the Perquimans County Board of Commissioners, 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 Perquimans County Civil Preparedness Agency

(a) During any period when disaster threatens or when Perquimans County has been struck by disaster, within the definition of this Ordinance, the Civil 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 Perquimans County Commissioners. Such regulations may include, but shall not be limited to the following:

1. Regulation prohibiting or restricting the movement of vehicles in order to facilitate the work of Civil Preparedness forces, or to facilitate the mass movement of persons 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 Perquimans County Board of Commissioners in regard to all phases of the Civil Preparedness activity. The Coordinator shall be responsible for the planning, coordination and operation of the Civil Preparedness activities in Perquimans County and its municipalities. The Coordinator shall maintain liaison with the State and Federal authorities and the authorities of nearby political subdivision so as to ensure the most effective operation of the Civil Preparedness plans. The Coordinator's duties shall include, but not limited to, the following:

(a) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the County of Perquimans for Civil Preparedness purposes.

(b) Development and coordination of plans for the immediate use of all facilities, equipment, manpower and other resources of Perquimans 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 Civil 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 herein, either impending or present.

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

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

#### Section 7. Civil Preparedness Plans

(1) Comprehensive Civil Preparedness plans shall be adopted and maintained by resolution of the Perquimans County Board of Commissioners: In the preparation of these plans as it pertains to county organization, it is intended that the services, equipment, 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 county and 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. Emergency Operations Plans and regulations 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 this position. The list will be in order of succession and will designate persons most 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 operation plan for his service which, when approved, shall be an annex to and a part of the Emergency Operations Plan.

(4) Amendments to the Emergency Operations Plan shall be submitted to the Coordinator. If approved, the Coordinator will then submit the amendments to the Perquimans County Board of Commissioners with his recommendation for their approval.

(5) When a required competency of 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 Civil Preparedness volunteers in cooperation with the heads of local government departments affected.

Section 8. No County, Municipal or Private Liability

(1) This ordinance is an exercise by the County of Perquimans of its governmental functions for the protection of the public peace, health, and safety, and neither the County of Perquimans and its Towns 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 County of Perquimans 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 Civil Preparedness 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 7<sup>th</sup> day of June, 1976.

***Lester H. Simpson***

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Lester H. Simpson, Chairman Perquimans  
County Board of Commissioners