

Emergency Management Ordinance

The County of Randolph ordains:

Section 1 AUTHORITY

This Ordinance is established pursuant to the following:

- A. North Carolina Emergency Management Act, as amended (General Statutes Chapter 166A, Article 1A).
- B. The Federal Civil Defense Act of 1950, as amended (Public Law 81-920).
- C. The Federal Disaster Relief Act of 1974, as amended (Public Law 93-288).
- D. North Carolina General Statutes §§14-288.12 through 14-288.14.

Section 2 JURISDICTION

This Ordinance shall be applicable to all unincorporated areas of Randolph County.

Section 3 PURPOSE

The purpose of this Ordinance is:

- A. To establish an Emergency Management Agency in Randolph County to ensure the complete and efficient utilization of all of the community's resources to combat disaster from natural causes such as tornadoes, floods, fire, and earthquakes; or from those caused by man such as industrial explosions, aircraft accidents, civil disturbances, and the like; or from enemy attack, sabotage or other hostile action;
- B. To set forth the authority and the responsibilities of local government in the prevention of, preparation for, response to and recovery from natural or man-made emergencies or hostile military or paramilitary action and to recognize the emergency powers conferred upon local government by the North Carolina General Statutes;
- C. To provide for the exchange of mutual aid among neighboring cities and counties;
and

- D. To provide for cooperation and coordination of activities relating to emergency mitigation, preparedness, response and recovery among agencies and officials of the State of North Carolina, and with similar agencies and officials of other states, with local and federal governments, with interstate organizations, and with other private and quasi-official organizations to ensure the most effective preparation, response and use is made of all available resources for dealing with any emergencies that may occur.

Section 4 DEFINITIONS

- A. Dangerous Weapons and Substances are defined as any deadly weapon, ammunition, explosive, incendiary device, radioactive material or device, or any instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property; or any instrument or substance that is capable of being used to inflict serious bodily injury, when circumstances indicate a probability that such instrument or substance will be so used; or any part or ingredient in any instrument or substance included above, when the circumstances indicate a probability that such part or ingredient will be so used.
- B. Emergency 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, paramilitary, weather-related, or riot-related cause.
- C. Emergency Area refers to the geographical area covered by a state of emergency.
- D. Emergency Management Agency refers to the Randolph County Department of Emergency Services, the local governmental agency charged with coordination of all emergency management activities for its jurisdiction.
- E. Emergency Management Coordinator refers to the Director of the Randolph County Department of Emergency Services, the individual with the direct responsibility for the development, organization, administration, and operation of the Randolph County Emergency Operations Plan as provided in this Ordinance.
- F. Emergency Operations Plan refers to the document, developed by the Randolph County Emergency Management Coordinator, that assigns responsibilities to organizations and individuals for carrying out specific actions at projected times and places in an emergency that exceeds the capability or routine responsibility of any one agency and establishes lines of authority and organizational relationships within the jurisdiction.
- G. Firearm is defined as a handgun, shotgun, or rifle which expels a projectile by action of an explosion.

- H. Mutual Aid Agreements are defined to include but not be limited to agreements related to the furnishing or exchange of such supplies, equipment, facilities, personnel, and services as may be needed with provisions for the reimbursement of costs and expenses for equipment, supplies, personnel, and similar items upon such terms and conditions as may be necessary.
- I. State of Emergency is a finding and declaration pursuant to this Ordinance that an emergency exists.

Section 5 STATE OF EMERGENCY

- A. The Chairman of the Randolph County Board of Commissioners is hereby empowered to determine and declare the existence of a state of emergency and to impose authorized restrictions and prohibitions deemed appropriate.
- B. If the Chairman of the Randolph County Board of Commissioners is unavailable, then the power vested in him pursuant to Section 5 (A) above shall be conferred upon the Vice Chairman of the Board of Commissioners.
- C. If both the Chairman and the Vice Chairman of the Randolph County Board of Commissioners are unavailable, then the powers described in Section 5 (A) above shall be held by any of the remaining members of the Board of Commissioners.
- D. In the event that a State of Emergency is declared, the authority to coordinate response is hereby expressly vested in the Emergency Management Agency and the Emergency Management Coordinator as defined in Section 4 above. All Randolph County offices and employees shall cooperate with the Emergency Management Agency and the Emergency Management Coordinator in carrying out the objectives of the Emergency Operations Plan and the declaration of a state of emergency.
- E. Any or all of the following prohibitions and restrictions may be included in the declaration of a state of emergency when deemed necessary:
 - 1. the prohibition/restriction of movements of people in public places, including imposing a curfew, directing and compelling the voluntary or mandatory evacuation of all or part of the population from any stricken or threatened area, prescribing routes, modes of transportation and destinations in connection with evacuation, and controlling the ingress and egress of an emergency area and the movements of people within the area;
 - 2. the prohibition/restriction of the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate;

3. a prohibition/restriction on the possession, transportation, sale, purchase and consumption of alcoholic beverages;
4. a prohibition/restriction on the possession, transportation, sale, purchase, storage and use of gasoline and dangerous weapons and substances except that this section does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition for said firearms; and
5. a prohibition/restriction upon any other activity or condition, the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.

**Section 6 EMERGENCY MANAGEMENT COORDINATOR
RESPONSIBILITIES**

- A. The Emergency Management Coordinator will have the direct responsibility for the development, organization, administration, and operation of the Randolph County Emergency Operations Plan, subject to the direction and guidance of the Randolph County Board of Commissioners.
- B. In addition to developing the Emergency Operations Plan, as stated in Section 6 (A) above, the Emergency Management Coordinator is directed to pursue and develop mutual aid agreements with other agencies for reciprocal emergency management aid and assistance consistent with the Randolph County Emergency Operations Plan and with the State of North Carolina's emergency management programs and plans.
- C. The Emergency Management Coordinator has the responsibility and authority to collect bids and present recommendations for the award of and preparation of any contracts that may be needed to be ready for activation in the event of an emergency.

Section 7 REPEAL OF PRIOR ORDINANCES

The "Randolph County Emergency Management Agency Ordinance" enacted January 3, 2005, is hereby repealed.

Section 8 EFFECTIVE DATE

This Ordinance shall become effective on September 4, 2012.

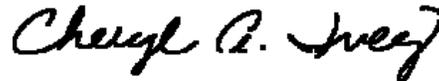
Upon motion of Commissioner Frye, seconded by Commissioner Kemp, the foregoing Ordinance was passed by the following vote:

Ayes: 5

Noes: 0

I, Cheryl A. Ivey, Clerk to the Randolph County Board of Commissioners, do hereby certify that the foregoing Ordinance was duly adopted by the governing body of Randolph County at a regular meeting thereof, a quorum being present.

The 4th day of September, 2012.



*Cheryl A. Ivey
Clerk to the Board
County of Randolph*