



TOWN OF FARMVILLE

CODE OF ORDINANCES

CHAPTER 7 – CIVIL DEFENSE AND EMERGENCIES

Section 1.0 CIVIL DEFENSE AGENCY

The Town of Farmville does establish a Civil Defense Agency with authority of- and in accordance with Chapter 166 of the General Statutes of North Carolina as enacted at the 1951 Session of the General Assembly for North Carolina.

Section 2.0 EMERGENCY RELOCATION OF GOVERNING BODY

2.1 Declaration of Emergency

Whenever the Governor and the Board acting together declared an emergency to exist by actual or impending hostile attack upon the State of North Carolina, and due to the emergency so declared, it becomes imprudent or impossible to conduct the affairs of the Town of Farmville at the regular or usual place, the governing body of the Town is hereby authorized to meet from time to time upon the call of the presiding officer at the designated emergency location of government during the period of the emergency and until the emergency is declared terminated by the Governor and Council of State.

2.2 Governing Body Location

The Town designates the Farmville Police Department office as the emergency location of the governing body of the Town. The governing body is authorized to meet at such other locations as may be designated by the presiding officer of the governing body of the Town.

Section 3.0 CONTINUITY OF GOVERNMENT IN EVENT OF ENEMY ATTACK

3.1 Short Title

This ordinance shall be known and may be cited as the "Continuity of Government Ordinance of the Town of Farmville".

3.2 Definitions

As used in this ordinance, unless the context otherwise clearly indicates:

- 3.2.1 "Unavailable" shall mean either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office (including any deputy exercising

the powers and discharging the duties of an office because of a vacancy) and his duly authorized deputy are absent or unable, for physical, mental, or legal reasons, to exercise the powers and discharge the duties of the office.

- 3.2.2 "Attack" shall mean any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner, by sabotage or by the use of bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological, or biological means or other weapons or processes.
- 3.2.3 "Duly Authorized Deputy" shall mean a person who is presently authorized to perform all of the functions, exercise all the powers and discharge all the duties of an office in the event the office is vacant or at such times as it lacks administration due to the death, absence, or disability of the incumbent officer.
- 3.2.4 "Emergency Interim Successor" shall mean a person designated pursuant to this Ordinance for possible temporary succession to the powers and duties, but not the office, of a Town officer in the event that such officer or duly authorized deputy is unavailable to exercise the powers and discharge the duties of the office.

3.3 Emergency Interim Successors

- 3.3.1 Designation. Within thirty days following the effective date of the ordinance and thereafter within thirty days after first entering upon the duties of office, the Board of Commissioners shall, in addition to any duly authorized deputy, designate such number of emergency interim successors to office and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three duly authorized deputies or emergency interim successors or combination thereof for each key elective and appointive office in Town government.
- 3.3.2 Offices Affected. Offices shall include the Mayor, each member of the Board of Commissioners, Town Manager, Town Clerk, Finance Officer, Town Attorney, Utilities Director, Public Works Director, Chief of Police, and Fire Chief.
- 3.3.3 Review of Designations. The Board of Commissioners shall review and, as necessary, promptly revise the designations of emergency interim successors or duly authorized deputies or any combination thereof for each officer specified.
- 3.3.4 Qualifications. No person shall be designated or serve as an emergency interim successor unless he may under the constitution and statutes of this State and the Charter or ordinance of the Town, hold the office of the person to whose powers and duties he is designated to succeed. No provision of any ordinance prohibiting an officer or employee of this Town from holding

another office shall be applicable to an emergency interim successor.

3.3.5 Status of Emergency Interim Successor. A person designated as an emergency interim successor holds that designation at the pleasure of the designators; provided, that they must be replaced if removed. He retains this designation as emergency interim successor until replaced by another appointed by the authorized designator.

3.3.6 Assumption of Powers and Duties by Emergency Interim Successor.

If, in the event of any attack, any officer named above and any duly authorized deputy is unavailable, his emergency interim successor highest in rank in order of succession who is not available shall exercise the powers and discharge the duties of such officer. An emergency interim successor shall exercise these powers and discharge these duties only until such time as the lawful incumbent officer or any duly authorized deputy or an emergency interim successor higher in rank in order to succession exercises, or resumes the exercise of, the powers and discharge of the duties of the office, or until, where an actual vacancy exists, a successor is appointed to fill such vacancy or is elected and qualified as provided by law.

3.3.7 Recording and Publication. The name, address, and rank in order of succession of each duly authorized deputy shall be filed with the Town Manager and each designation, replacement, or change in order of succession of any emergency interim successor shall become effective when the designator files with the Town Manager, the successor's name, address, and rank in order of succession. The Town Manager shall keep on file all such data regarding duly authorized deputies and emergency interim successors and it shall be open to public inspection.

3.3.8 Formalities of Taking Office. At the time of their designation, emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to exercise the powers and discharge the duties of the office to which they may succeed.

3.3.9 Quorum and Vote Requirements. In the event of an attack, quorum requirements for the Board of Commissioners shall be suspended, and where the affirmative vote of a specified proportion of members for approval of an ordinance, Resolution, or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient.

Section 4.0 STATES OF EMERGENCY - CURFEWS

4.1 State of Emergency - Definition

A state of emergency shall be deemed to exist whenever, during time of great public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives, safety, or property.

4.2 Declaration of Emergency; Imposition of Curfew

In the event of an existing or threatened state of emergency, endangering the lives, safety, health, and welfare of the people within the Town of Farmville, or threatening damage to or destruction of property, the Mayor of the Town of Farmville is hereby authorized and empowered to issue a public proclamation declaring to all person the existence of such a state of emergency, and, in order more effectively to protect the lives, safety, and property of people within the Town, to define and impose a curfew applicable to all persons with the jurisdiction of the Town.

4.3 Curfew Limitations and Exemptions

The Mayor is hereby authorized and empowered to limit the application of such a curfew to any area specifically designated and described with the corporate limits of the Town and to specific hours of the day or night; and to exempt from the curfew policemen, firemen, doctors, nurses, and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the people within the city.

4.4 Termination of Curfew

The Mayor shall proclaim the end of such state and curfew as soon as circumstances warrant or when directed to do so by the Board of Commissioners.

4.5 Curfew Regulations

During the existence of a proclaimed state of emergency when a curfew has been imposed, it shall be unlawful for anyone subject to such curfew:

4.5.1 Movement. To be or travel upon any public street, alley, or roadway or upon public property unless in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of himself or his family or some member thereof.

4.5.2 Weapons. To possess off one's own premises, buy, sell, give away, or otherwise transfer or dispose of any explosives, firearms, ammunition, or dangerous weapon of any kind.

4.5.3 Alcoholic Beverages. To sell beer, wines, or intoxicating beverages of any kind; or to possess or consume the same off one's own premises.

4.5.4 Flammable Substances. To sell gasoline or any other similar petroleum products or any other flammable substances, except as expressly authorized by the provisions of the curfew imposed.

Section 5.0 CIVIL PREPAREDNESS PLAN FOR WAR

Under the authority of North Carolina General Statutes Chapter 166 as amended, the Town of Farmville does ordain:

5.1 Short Title

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

5.2 Intent and Purpose

5.2.1 County Coordination. 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 County of Pitt's and the incorporated municipalities' resources to combat disaster resulting from enemy actions or other disasters as defined herein.

5.2.2 Designation of Coordinating Agency. The Pitt County Office of Civil Preparedness will be the coordinating agency for all activities in connection with civil preparedness. It will be the primary instrument through which the Pitt County Board of Commissioners and the Town Boards may exercise the authority and discharge the responsibilities vested in them during disaster emergencies.

5.2.3 Local Responsibilities. 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.

5.3 Definitions

The following definitions shall apply in the interpretation of this ordinance:

5.3.1 "Pitt County" shall mean all incorporated and unincorporated areas within the boundaries of Pitt County.

5.3.2 "Civil Preparedness" shall mean those plans, actions, and procedures necessary to provide protection to the people against loss of life, injury, and 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 hardship resulting from such conditions and to initiate rehabilitation of person and restoration of essential services and acceptable standards of living.

- 5.3.3 "Attack" shall mean direct or indirect assault against the County of Pitt, its government, its environs, or of the nation, by the forces of hostile nation or the agents thereof, including assault by bombing, conventional or nuclear, chemical or biological warfare, or sabotage, or other weapons and processes.
- 5.3.4 "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, property, or constituted government.
- 5.3.5 "Civil Preparedness Forces" shall mean the employees, equipment, and facilities of all Town and County Departments, Boards, councils, institutions, and commissioners; and, in addition it shall include all volunteer personnel, equipment, and facilities contributed, by, or obtained from, volunteer persons or agencies.
- 5.3.6 "Volunteer" shall mean contributing a service, equipment, or facilities to the Civil Preparedness Agency without remuneration.
- 5.3.7 "Civil Preparedness Volunteer" shall mean any person duly registered, identified, and appointed by the Coordinator of the Pitt County Civil Preparedness Agency and assigned to participate in the civil preparedness activity.
- 5.3.8 "Coordinator" shall mean the Coordinator of the Pitt County Office of Civil Preparedness, appointed as prescribed in this ordinance.
- 5.3.9 "Regulations" shall include plans, programs, and other emergency procedures deemed essential to civil preparedness.

5.4 Civil Preparedness Organization and Appointments

- 5.4.1 Elements. The Civil preparedness organization shall consist of the following:
 - 5.4.1.1 An office of Civil Preparedness within the executive department of the Pitt County government under the direction of the Pitt County Board of Commissioners. The agency head of the Pitt County Office of Civil Preparedness 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.
 - 5.4.1.2 The employees and resources of all Town and County departments, boards, institutions, and councils will participate in the Civil Preparedness activities. Duties assigned to County or Town departments shall be the same or similar to the normal duties of the department, where possible.
 - 5.4.1.3 Volunteer personnel and agencies offering service to, and accepted by the Towns and County.

5.4.2 Coordinator. The Pitt County Board of Commissioners shall appoint a coordinator of the Pitt County Office of Civil Preparedness, who shall be a person well versed and trained in planning operations involving the activities of any 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. 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.

5.5 Coordinator Powers and Duties

5.5.1 Emergency Regulations. During any period when disaster threatens or when Pitt County has been struck by a 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 Pitt County Board of Commissioners and the governing board of any affected municipality. Such regulations may include, but shall not be limited to the following:

5.5.1.1 Regulations 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.

5.5.1.2 Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.

5.5.1.3 Such other regulations necessary to preserve public peace, health, and safety.

5.5.1.4 Regulations promulgated in accordance with the authority above will be given widespread circulation through all avenues of the news media.

5.5.2 Regular Duties and Responsibilities. The Coordinator shall be responsible to the Pitt 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 Pitt County and its municipalities. 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 Civil Preparedness Plans. The Coordinator's duties shall include, but not be limited to, the following:

- 5.5.2.1 Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the County of Pitt for civil preparedness purposes.
- 5.5.2.2 Developing and coordinating of plans for the immediate use of all facilities, equipment, manpower, and other resources of Pitt County for the purpose of minimizing or preventing damage to person and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety, and welfare.
- 5.5.2.3 Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for the civil preparedness purposes and designation of suitable buildings as public shelters.
- 5.5.2.4 Through public information 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.
- 5.5.2.5 Conducting public practice alerts and exercises to insure the efficient operation of the civil preparedness forces and to familiarize residents with civil preparedness regulations, procedures, and operations.
- 5.5.2.6 Coordinating the activity of all other public and private agencies in civil preparedness activities.

5.6 Civil Preparedness Plans

- 5.6.1 Comprehensive Plan Adoption. Comprehensive civil preparedness plans shall be adopted and maintained by Resolution of the Pitt County Board of Commissioners. These plans when approved by the Farmville Board of Commissioners shall be applicable to the Town of Farmville. It is intended that the services, equipment, facilities, and personnel of all existing departments and agencies shall be utilized to the fullest extent. When the plans are approved by the appropriate governing boards, 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. The plans shall have the effect of law whenever a disaster, as defined, in this ordinance, has been proclaimed.
- 5.6.2 Organizational Structure; Succession. The Coordinator shall prescribe in the 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 designate persons most capable of carrying out all assigned duties and functions.

- 5.6.3 Execution Responsibilities. Each service chief and department head assigned responsibility in the comprehensive civil preparedness 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 a part of the plan.
- 5.6.4 Plan Amendments. Amendments to the plan shall be submitted to the Coordinator. If approved, the Coordinator will then submit the amendments to the Pitt County Board Commissioners and applicable Town Boards with the recommendation for their approval.
- 5.6.5 Volunteer Assistance. 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 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 the 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.

5.7 County, Municipal, or Private Liability

- 5.7.1 Governmental Liability. This ordinance is an exercise of governmental functions for the protection of the public peace, health, and safety, and neither the County of Pitt nor its Town or agents and representatives, 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 such activity.
- 5.7.2 Private Liability. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the County of Pitt or the Town of Farmville 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 both 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.

5.8 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 plans issued thereunder.

5.9 Conflicting Regulations, Orders, Rules, and Regulations

At all times when the orders, rules, and regulations made and promulgated pursuant to this Chapter shall be in effect, they shall supersede all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent herewith.