



HURRICANE OPERATIONS PLAN

Town of Belville

OVERVIEW

A guide for the Town of Belville to plan for, manage, and recover from a hurricane or tropical storm.

FINAL DOCUMENT

June 14, 2021

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R20-19



ORIGINAL

A RESOLUTION BY THE BELVILLE BOARD OF COMMISSIONERS ADOPTING AN UPDATED HURRICANE OPERATIONS PLAN FOR THE TOWN OF BELVILLE, NC

WHEREAS, North Carolina and Brunswick County have a history of hurricanes making landfall creating destruction of property and life; and

WHEREAS, the Town of Belville strives to best prepare for future hurricanes to ensure the safety of its residents and their property; and

WHEREAS, from time to time, the Town may be threatened by tropical weather; and

WHEREAS, a State of Emergency may be declared during times of great public crisis, disaster, or catastrophe; and

WHEREAS, in the event of such an existing or threatened State of Emergency endangering the health or welfare of the people within the Town or threatening damaged to or destruction of property, it is necessary for the Town to respond in a manner which will mitigate public injury or loss of property; and

WHEREAS, a Hurricane Operations Plan of 2020, including appendices, is hereby officially adopted by the Board of Commissioners.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of the Town of Belville, NC that the Town Manager is hereby authorized to implement the Hurricane Operations Plan and to follow such plan during periods of public emergency.

Adopted this 24th day of August, 2020.

SIGNED:

Mike Allen, Mayor

ATTEST:

Sharon A. Niemann, Town Clerk



Record of Changes

Below is a record of changes made to the Town of Belville's Hurricane Plan since adoption on August 24, 2020.

<u>Adoption Date of Changes to Plan</u>	<u>Overview of Changes Made</u>	<u>Page Reference</u>
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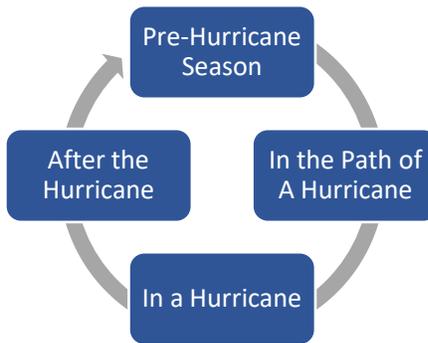
Town of Belville Hurricane Plan

Overview

Purpose Statement

The purpose of the Hurricane Operations Plan for the Town of Belville, North Carolina is to guide the Town of Belville through the three stages of a hurricane: preparation, management, and recovery. This plan outlines how the Town will coordinate pre-season preparedness, pre-storm activities, hurricane response, and post response operations. The plan details general municipal emergency hurricane response activities, while the appendices provide quick reference details and/ or relevant supporting documentation. This plan will help town staff and the Board of Commissioners understand their responsibilities during each phase of hurricane preparedness and response. To ensure the plan can serve its maximum benefit, it should be reviewed on an annual basis before hurricane season. This is a living document and can be updated and revised as needed.

This plan outlines three sections: Pre-Hurricane Season Preparedness, In the Event of a Hurricane (both before and during the storm), and Post Hurricane Events.



This should not be considered a tactical plan for first response fire, emergency medical services or law enforcement issues.

Community Profile

Belville is in Brunswick County's northeastern corner, along the Brunswick River. It lies south of the intersections of US 74-76, NC SR 133, and US 17. Belville is conveniently situated north of the Southport-Oak Island beaches and the Brunswick County Government Complex in Bolivia, and west of the City of Wilmington and the Port of Wilmington, a major deep-water port located on the Cape Fear River.

The Town of Belville is currently served by Novant Health Brunswick Medical Center located in Bolivia, Doshier Memorial Hospital located in Southport, and New Hanover Regional Medical Center located in Wilmington.

The town has a 2020 population of 2,203 residents.

General Town Information at a Glance

- Population: 2,203
- Major Roads: US 74-76, NC Highway 133, and US 17
- Bridges: NC Highway 133 has two at grade bridges that cross tributaries to the Brunswick River



- Nuclear Power Plants: Brunswick Nuclear Plant, located near Southport, N.C. (approximately 20 miles from Belville, making Belville outside of the 10-mile emergency planning zone).
- Natural Water Systems: Belville is bordered by the Brunswick River to the east; the river serves as the eastern town boundary.
- Sunny Point Military Terminal: The Military Ocean Terminal at Sunny Point (MOTSU) is situated on the west bank of the Cape Fear River in Brunswick County south of the Town of Belville. It occupies approximately 8,500 acres between the ruins of the Brunswick Town State Historic Site and Walden Creek. MOTSU is one of the largest military depots in the world. It serves as a transfer point between rail, trucks, and ships for the import and export of weapons, ammunition, explosives, and military equipment for United States Army. It is located approximately 29 miles from the Town of Belville.

Critical Facilities & Key Assets

Belville Town Hall is located at 63 River Road, Belville, North Carolina 28451. Town Hall serves as the Emergency Operations Center (EOC) during a hurricane event. The 6,280 square foot building has a brick façade and includes 14 rooms including a lobby, eight offices, two conference rooms with Wi-Fi and projector screens, a two-hour fire safe file room, and a staff kitchen and full bathroom, including shower. This facility is equipped with a 60 kW Kohler generator (model #60RCLA) that can run continuously during a storm, to ensure the facility continues to operate.

The Brunswick Riverwalk at Belville is an additional key asset. The Riverwalk Park is located at 580 River Road, opposite the western banks of Eagles Island on the Brunswick River, off SR 133 in Belville, NC. The park includes a riverwalk trail (both natural surface and boardwalk), a fishing pier, an observation deck, two playgrounds, open space picnic tables, covered picnic tables, an outdoor classroom, a covered stage, a covered farmers market stand, a garage/storage area, and restrooms. In the event of a hurricane, it is feasible to prepare or secure the outdoor classroom, garage/storage area, and restrooms.

Liquid Fuels

Vehicle fuel supplies are often disrupted in the days before, during, and after a hurricane. The Town of Belville currently has one vehicle, and it will operate during a hurricane event. Personal vehicles may also be used as needed by town officials. To ensure the vehicles are operational, further discussion and planning is needed to ensure an accessible fuel supply. Fuel disruptions typically affect a large area, but it is the responsibility of the local government to understand minimum needs to continue operations for an extended period.

The Town of Belville currently maintains one natural gas generator, located at Town Hall. This generator is connected to a continuous fuel supply. The Town has a generator maintenance contract with Cape Fear Generator, 910.763.9103 (non-emergency) or 910.443.4475 (emergency). While natural gas supply is inherently reliable and resilient, the Town should consider a backup plan for ensuring Town Hall remains functional during a supply disruption.



Normal Operations

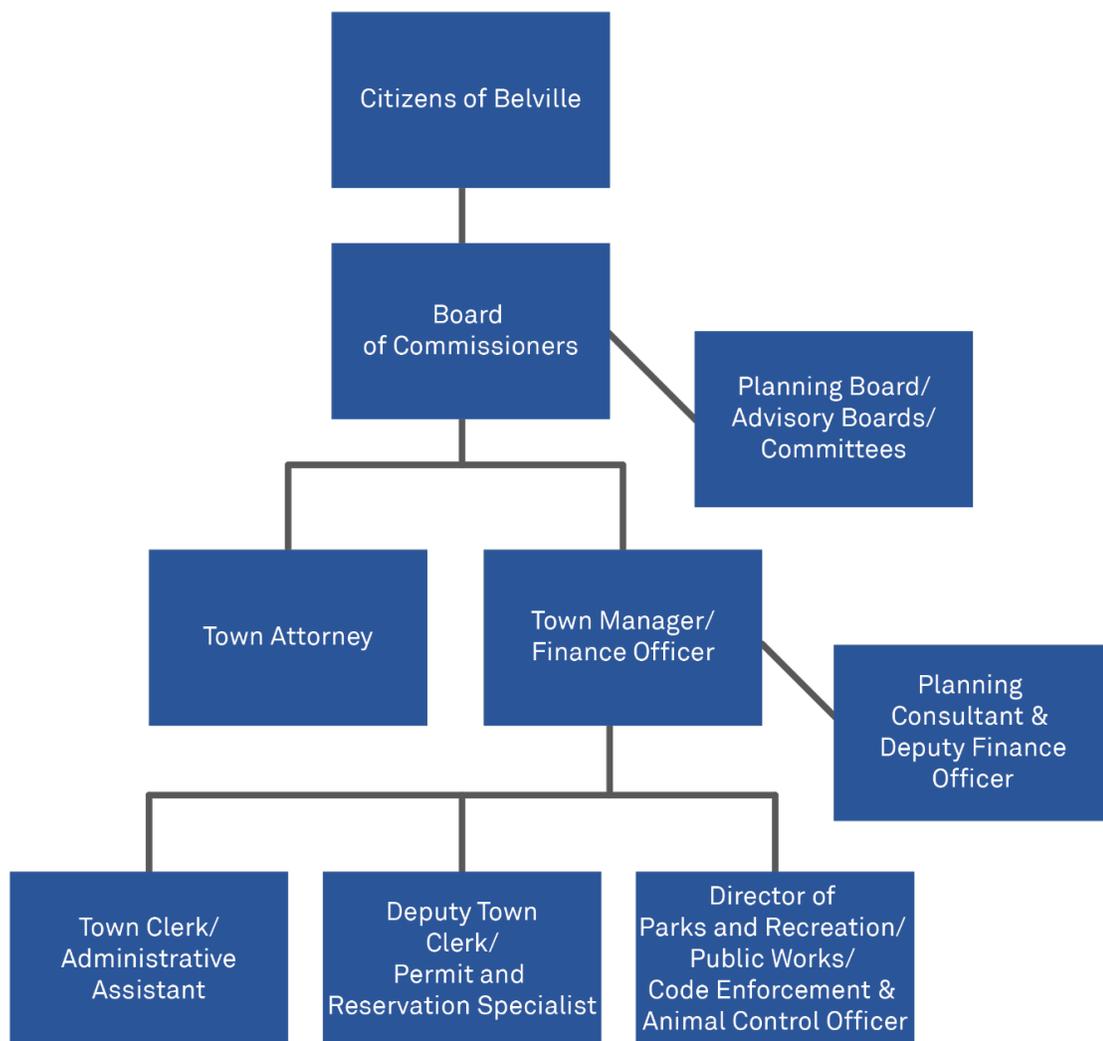
For the purpose of this plan, 'normal operations' is considered a time in which a tropical depression, tropical storm, or hurricane is not in the Atlantic Ocean with a potential path towards the mid-Atlantic.

Information Sharing

The Town of Belville receives its pertinent information during normal operations from a variety of sources to include the State of North Carolina, Brunswick County, applicable federal and state departments (such as FEMA and NC Department of Transportation), subject matter expert organizations (such as The Weather Channel), news media, email, TV, and general observation.

Organizational Chart (Normal Operations)

The following is the Town of Belville Organizational Structure 2019/2020 Fiscal Year.



Pre-Hurricane Season Preparedness: All Departments

The following is a summary of actions to be taken by Town personnel in the event of a hurricane emergency. Individual department responsibilities are listed separately in subsequent pages. However, it is important to review the entire plan. All preseason activities should be completed annually, prior to June 1st.

1. Update departmental plans and review/ revise personnel assignments, rosters, contact information and checklists. See Appendix A.
2. Ensure all employees have completed NIMS ICS 100, 200 and 700. Employees can also complete IS 319.A, Tornado Mitigation Basics, if applicable. Store copies of all certifications in the Town Manager's Office. These certification courses can be found on FEMA's website: <https://training.fema.gov/nims/>.
3. Conduct appropriate training to familiarize personnel with storm responsibilities:
 - a. Elected Officials
 - b. Senior Town Staff
 - c. New Employees
4. Encourage all employees to prepare a personal hurricane plan to secure the safety of their family, any pets and their home. Employees should also be encouraged to prepare a personal hurricane response kit that will allow them to be self-sufficient for a period of 72 hours after a storm. A list of recommended supplies for this kit can be found in Appendix B.
5. Check all emergency equipment relevant to your department and inventory supplies. See Appendix A.
6. Identify files and equipment that must be relocated in the event of an evacuation. There is available file storage at Town Hall and at the Park Garage.
7. PIO should update public information distribution lists and press release templates found in Appendix E. The PIO should also actively encourage residents to register their pets with the Town of Belville by sending an email to the Public Works Department. More information can be found online at www.TownofBelville.com.

Storm Response Partners

The following is a list of partners that the Town of Belville should reach out to in the event of a disaster. Each organization should be contacted annually via email to ensure their willingness to help with response and/ or recovery, should they be needed. Additional contacts can be found in Appendix F.

- Red Cross
- Small Business Administration
- Brunswick Family Assistance
- Brunswick Senior Resources
- Grassroots Hurricane Rescue Teams
- Hope 4 NC Crisis Counseling (Trillium Health Resources)



In the Event of a Hurricane

Priorities and Responsibilities

It is the responsibility of local governments to undertake comprehensive management of emergencies, such as hurricanes and tropical storms, to protect life and property from the effects of hazardous events and disasters which will occur.

It is assumed that any of the hazardous events or disasters could individually, or in combination, cause an emergency situation within the Town of Belville. It is also assumed that these contingencies will vary in scope and intensity, from an area in which the devastation is isolated and limited to one that is wide-ranging and extremely devastated. For this reason, **planning efforts are made as general as possible so that great latitude is available in operations**, considering they could occur in several locations simultaneously.

Belville's top response priorities to a hurricane are to:

1. Save lives and protect the health and safety of the public, responders, and disaster recovery workers.
2. Maintain a functioning civil government.
3. Prevent, to the extent that capabilities and circumstance allow, the occurrence of any imminent incident from occurring.
4. Protect critical infrastructure and key resources.
5. Protect property and mitigate damages and impacts to individuals, communities, and the environment.
6. Facilitate recovery from the hurricane.

Local governments have the primary responsibility for emergency management activities because of their proximity to these events. Other levels of government provide resources not available at the local level.

Resilient communities begin with prepared individuals and depend on the leadership and engagement of local government, non-governmental organizations (NGOs), and the private sector to achieve maximum effectiveness.¹

Incident Size up

As an incident develops, the Town Manager will serve as, or will appoint, the Incident Commander (IC). The Incident Commander must validate the accuracy of the reports and the severity of the situation to assess the risk to the Town. All employees are expected to work during this time and as the storm progresses. Any previously approved vacation time must be rescheduled. Employees should keep this practice in mind when scheduling vacations during hurricane season.

Early Hurricane Notification & Activation

Once it becomes clear that a hurricane will likely affect the town/region, the municipal Emergency Operations Center (EOC) should be activated. The Town Manager will generally activate the EOC as soon as a State of Emergency is declared by the Mayor of Belville, with the support of the Board of Commissioners. The Mayor will typically declare a State of Emergency after the Governor of North Carolina and/or Brunswick County. The Town Manager will communicate this activation to staff via email and to Brunswick County via WebEOC.

¹ Source: Brunswick County Emergency Operations Plan, Public Version, August 2014



Emergency Operations Center

A primary and secondary EOC location is established based on availability of resources, safety, and location.

Location

- Primary: Town Hall, 63 River Road SE, Belville, North Carolina 28451
- Alternate 1: Brunswick Riverwalk Park Garage, 580 River Road SE, Belville, North Carolina 28451
- Alternate 2: It is recommended that the Town of Belville identify a second alternate EOC location. The Brunswick Riverwalk Park garage is limited in space. Potential opportunities include the ABC store across the street from Town Hall, or the Brunswick Community College, Leland campus.

Town Hall EOC Set Up During an Emergency Event

In the event of a hurricane, it may be necessary for staff and emergency responders to stay at and operate out of Town Hall. The image below describes how the Town Hall can be set up as a “home base” for around-the-clock emergency operations.

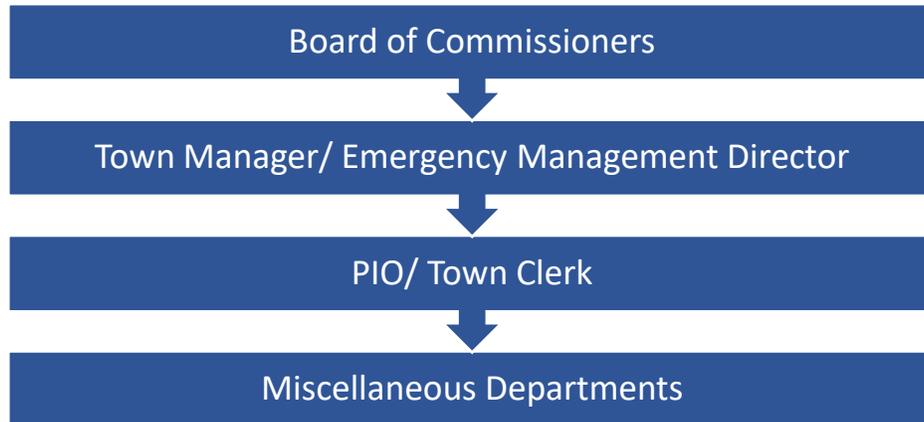


Debris Staging Site

Temporary disaster debris staging/storage areas are often established to handle the large amounts of debris generated after a storm. The North Carolina Division of Waste Management (DWM) requires that all such temporary areas be approved before use. Main Street and/or Belville Road is an ideal location to dump storm debris immediately after the storm until it is removed. It is recommended that the Town of Belville work with DWM to approve a location prior to the next hurricane season.

Emergency Organization

The following charts illustrates the chain of command during a hurricane.



Each incident must have an IC in charge of the response. For the Town of Belville Hurricane Response, the IC is the Town Manager or his/ her designee. In some cases, the EOC will support the ICs, but in some cases the EOC may also be the Incident Command Post (ICP), as is the case with Belville.

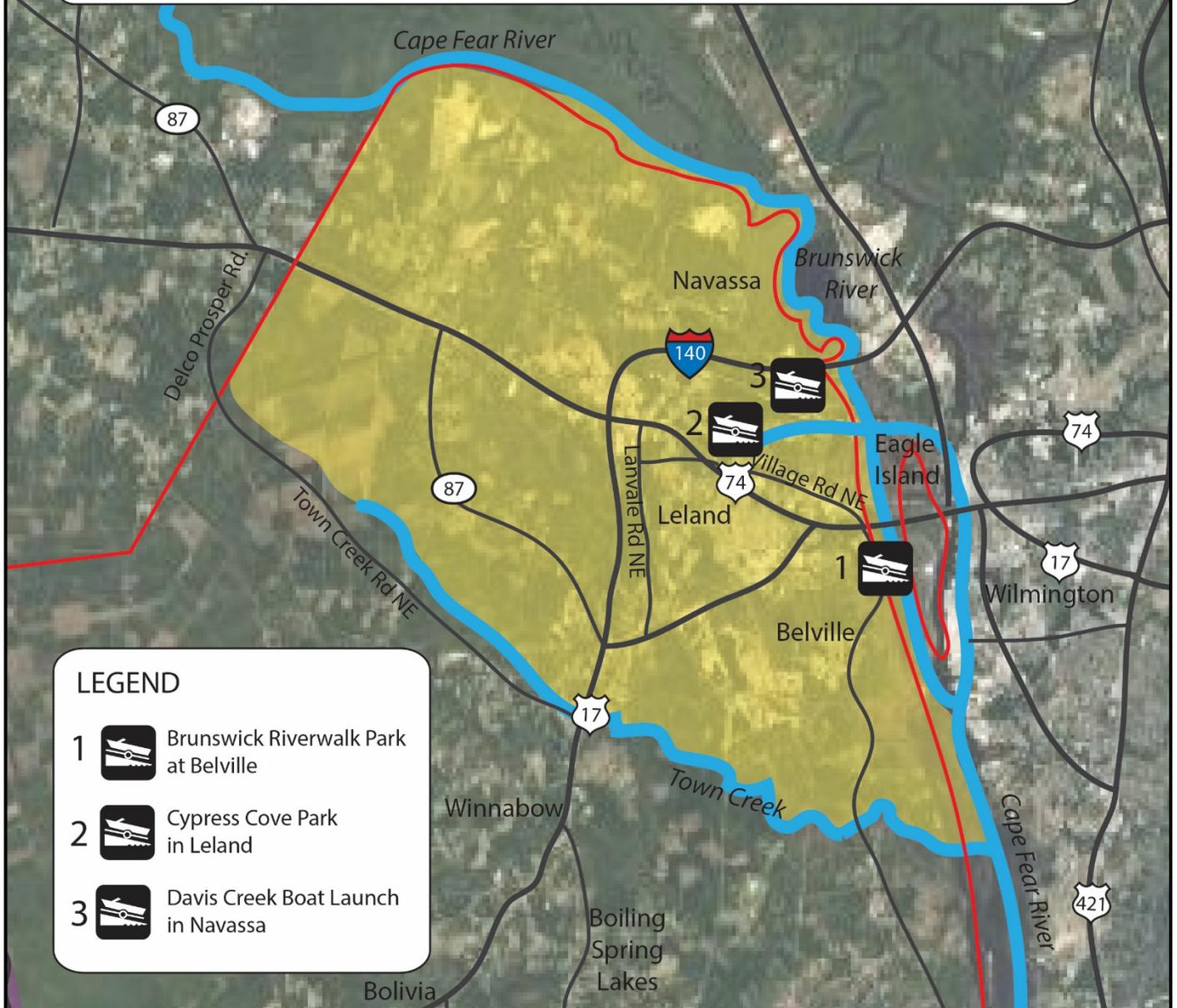
Understanding Local Conditions

In 2018, North Carolina was severely damaged and flooded after Hurricane Florence: 42 people died; there was \$16.7 billion in damages; 74,563 structures were flooded; and 5,214 were rescued. This hurricane was slow-moving and drenched North Carolina with more than 30 inches of rain in some places. This experience taught us where we will flood. These lessons should be used in future hurricane planning efforts. The map on the following page illustrates the three 'islands' that were created from the Hurricane Florence floods.



Potential Boat Launch Locations for Rescues in 'Island' Created by Floods

In Hurricane Florence (2018), 133 rescues were made from the Brunswick Riverwalk at Belville.



LEGEND

- 1  Brunswick Riverwalk Park at Belville
- 2  Cypress Cove Park in Leland
- 3  Davis Creek Boat Launch in Navassa

This is important to understand as these islands would not allow people to leave for food or supplies or allow people who evacuated to return home. This amount of flooding increased the need for rescues, however the creation of these islands made rescue attempts difficult. The Town of Belville's Riverwalk Park includes a motorized boat launch. This was the only location in which rescues could be made on the island created by the flood waters. Understanding the potential for this amount of flooding to happen again, the Town of Belville should plan accordingly to prepare for a similar situation. The Town should consider the possibility of staging necessary resources on each of the four islands, as funds/personnel allow.



FEMA COVID-19 Pandemic Operational Guidance for Hurricane Season

The following is an excerpt from the COVID-19 Pandemic Operational Guidance for the 2020 Hurricane Season released by FEMA in May of 2020. The document is based on FEMA’s current understanding of COVID-19, however it will likely be updated as the nation learns more about how the virus spreads and how it can be best contained. The document can be viewed in its entirety here: <https://www.fema.gov/media-library/assets/documents/188203>.

In response to COVID-19, the entire Nation, including every level of government—federal, state, tribal, territorial, and local—has been engaged in efforts to slow and stop the spread of COVID-19 through a multitude of initiatives including stay-at-home orders, travel restrictions, use of Personal Protective Equipment (PPE), and adherence to Centers for Disease Control and Prevention (CDC) guidelines.

As a result of the COVID-19 pandemic, the Nation is facing unprecedented challenges as we respond to additional disasters, anticipate emergent incidents, and prepare for the 2020 hurricane season. Federal, state, local, tribal, and territorial (SLTT) officials, along with the private sector and non-governmental organizations (NGO), must partner together to fulfill their respective missions and help disaster survivors. As the Nation continues to respond to and recover from COVID-19 while posturing for the coming hurricane season, emergency managers must continue to operate under a framework of a locally executed, state managed, and federally supported approach to incident stabilization.

To help emergency managers and public health officials respond to incidents during the 2020 hurricane season amid the COVID-19 pandemic, FEMA is releasing the *COVID-19 Pandemic Operational Guidance for the 2020 Hurricane Season*. This document will:

- Describe anticipated challenges to disaster operations posed by COVID-19 and describe planning considerations for emergency managers in light of these challenges;
- Outline how FEMA plans to adapt response and recovery operations to the realities and risks of COVID-19 to:
 - Ensure prioritization for life safety, life sustainment, and workforce protection, and
 - Maintain the delivery of FEMA’s programs and help to solve complex problems by using whole-of-community disaster assistance to the highest level possible;
- Allow SLTT emergency managers to prepare and plan accordingly based on FEMA’s operational posture and create a shared understanding of expectations between FEMA and SLTTs prior to hurricane season; and
- Provide guidance, checklists, and resources to enable emergency managers to best adapt response and recovery plans.

In the appendixes, emergency managers will find checklists and resources on FEMA operations and additional COVID-19 related guidance.

In preparing for the 2020 hurricane season, this document provides actionable guidance to SLTT officials to prepare for response and recovery operations and encourages personal preparedness measures amidst the ongoing COVID-19 pandemic. While this document focuses on hurricane season preparedness, most planning considerations can also be applied to any disaster operation in the COVID-19 environment, including no-notice incidents, spring flooding and wildfire seasons, and typhoon response.

Information presented in this document regarding FEMA’s operating posture should serve as a baseline for SLTT partners. For specific disaster response and recovery operations, FEMA will continue to work directly with federal and SLTT partners and may adjust this guidance based on the requirements of the incident, the operating



environment and phased reopening as directed by SLTT officials, and any updates to existing guidance at the time of the incident. (FEMA, 2020)

FEMA Guidance: How to Prepare for a Tornado

Tornadoes are one of nature’s most violent storms and can cause death, injury and destruction within seconds. The Town of Belville and the surrounding area experienced tornado touchdowns with Hurricanes Isaias (2020) and Dorian (2019). Tornadoes come with little advance warning. The goal is always protection. In hurricane conditions, when the Town receives notice that a tornado is imminent, it is imperative that staff at Town Hall take shelter in the internal area of Town Hall – the restrooms and the kitchen area. See page 10 for the Town Hall floor plan. On average, tornado warnings are issued thirteen (13) minutes prior to the event, but warning times vary greatly and may be much less. (National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 2011)

While a NOAA weather radio is recommended to receive notice of imminent weather events, it is important to remember that you may not always receive an official tornado alert in your area. FEMA has identified the following tornado warning signs (Federal Emergency Management Agency, 2014):

1. A rotating, funnel-shaped cloud that extends from a thunderstorm toward the ground may be visible.
2. An approaching cloud of debris, especially at ground level, can mark the location of a tornado even if a funnel is not visible.
3. A loud roar that sounds similar to a freight train.
4. A strange quiet occurring within or shortly after a thunderstorm. The wind may die down and the air may become very still.
5. Debris dropping from the sky.
6. A change in the color of the sky.

The Town should encourage residents to identify their safe areas before a potential tornado. Residents can achieve moderate protection in a sturdy building, in a small, interior windowless room. Ideally this room is located on the bottom floor or underneath the ground.

Tornado Watch

- Tune in to NOAA Weather Radio All Hazards, local radio, and television weather reports and check alert notifications
- Review where you will go for protection and discuss with those around you. Change your plans, if necessary, to make sure you will be able to get to a protective location quickly.
- Call anyone you know who may not be tuned-in or who may need assistance to reach a protective location
- Charge your cell phone in case the power goes out.

Tornado Warning

- **TAKE ACTION IMMEDIATELY!**
- If available go to a FEMA safe room or ICC 500 storm shelter, **OR**
- Go to a small, interior, windowless room in a sturdy building on the lowest level (underground is best). Take additional personal cover. Cover your head and neck with your arms and cover your body as best as you can, e.g., with a coat or a blanket.



Overview of Emergency Condition Levels

The following section contains step-by-step descriptions of the activities that should occur as a hurricane event progresses from a Level 3 (Potential Threat) to a Level 1 (Evacuation). It is important to note that not all hurricanes will lead to an evacuation situation, but it is imperative to have a plan outlined in the event a Level 1 is announced.

Levels of Disruption Tracking for the Town of Belville are:



Level 3: Potential Threat

Level 3 is typically announced when a hurricane watch is issued by the National Weather Service. However, the timing for announcing a Level 3 can be altered at the discretion of the Town Manager. For a Level 3 hurricane, the following should occur:

- Town Manager will announce Level 3. This announcement will take place via email to Town Staff and the Board of Commissioners.
- Departments will initiate actions from their departmental Level 3 checklists. See pages 16-19.
- Town Manager and departments will meet to review the situation and initiate any additional appropriate actions.
- Board of Commissioners may proclaim a State of Emergency (see Appendix D).
- All departments will check emergency equipment and emergency power sources. The following items need to be confirmed as in place and operational:
 - Town Hall generator (must start up and ensure that it is functioning properly)
 - Portable generator (ensure fuel source is available and it is functioning properly)
 - Gasoline in Town vehicles
 - Backup containers of gasoline
- Town Clerk will work through the EOC to advise residents to begin hurricane preparations.
- Town Manager will notify the NC Highway Patrol and the Brunswick County Sheriff's Office that assistance may be needed.
 - The phone number for Brunswick County Emergency Management Services is 910-253-5383.
 - The phone number for the State Highway Patrol is 919-733-7952.
- Planning Department will advise construction sites that construction work must stop, and materials must be secured once a hurricane warning is issued.
- Town Manager/ Emergency Management Director (or designee) will communicate status reports the Brunswick County Emergency Operations Center via WebEOC. Previous storms have caused internet disruptions; situational awareness must be maintained even if systems fail. Back up communication methods, once developed, should be listed here.
- Ensure that proper supplies are available at the Town EOC; specifically ensure the availability of food rations, water, first aid kits, cots, and pet food (to help with animal control during the storm)



Level 2: Imminent Threat

Level 2 is typically announced when a hurricane warning is issued by the National Weather Service. However, the timing for announcing a Level 2 can be altered at the discretion of the Town Manager. For a Level 2 hurricane, the following should occur:

- Town Manager will announce Level 2 and schedule planning meetings as appropriate.
- All Departments will forward the notification to staff members and advise them of their duty status.
- All departments will suspend non-essential services.
- Planning Department will advise all construction sites that construction must stop, and materials must be secured.
- Town Manager will notify the Board of Commissioners that Level 2 has been declared. Upon receipt of this notification, the Mayor will call for an immediate meeting of the Board of Commissioners. Based on recommendations from the Town Manager, the Board of Commissioners will consider:
 - 1) Proclaiming a State of Emergency (if this was not completed during Level 3)
 - 2) Order an evacuation
- Town Clerk will be aware of all shelter locations and schedules of operations and will work through the EOC to ensure all citizens are aware of this information. In the event of an evacuation, Brunswick County will coordinate the relocation of persons requiring special assistance (See Appendix H for form). Citizens that will have a special needs request can register for evacuation assistance on the Brunswick County's website: <https://forms.brunswickcountync.gov/Forms/accessneeds>.
- All departments will confirm the security of designated files and relocated if needed. This activity is recommended in Preseason Preparedness but should be confirmed.
- Town Manager/ Emergency Management Director (or designee) will communicate status reports the Brunswick County Emergency Operations Center
- Town Clerk will coordinate with the Brunswick County Town Clerk to disseminate appropriate information to the media and to the public

Level 1: Evacuation Ordered

Level 1 is announced when an evacuation is ordered. Based on recommendations from the Town Manager and the Brunswick County Emergency Operations Center, the Board of Commissioners will order an evacuation of the Town. If a State of Emergency has not previously been declared, the Board of Commissioners will also issue this declaration. For a Level 3 hurricane, the following should occur:

- Town Clerk will notify the media and the public of the evacuation order (See Appendix F for a media contact list). The Town Clerk will also post evacuation notices on town bulletin boards as required.
- Brunswick County will confirm that all persons needing special evacuation assistance have been relocated.
- All departments will finalize securing and relocating equipment and/or files.
- All departments will relocate Town vehicles and mobile equipment to the designated areas.
- Upon completion of duties, Town Staff will relocate to designated location (Belville EOC, personal home or other safe location).



- Each department must maintain strict accountability for their personnel. The Town Manager will monitor weather information and order all employees to safe shelter in time to ensure their personal safety. Once this order is given, the Town Manager will request a personnel accountability report from each department to verify that all personnel are safe. See Appendix I.
- All Town services will be suspended after town staff have been evacuated. The Town Manager can approve specific emergency operations to be conducted by staff if the benefits justify the risk.
- Town Clerk will disseminate important media information and news releases through the EOC and will continue coordination with the Brunswick County Town Clerk
- To the extent possible, personnel should be directed to rest and rehabilitate during the storm to prepare for post storm operations
- Town Manager will continue to schedule planning meetings as appropriate and will communicate status reports to the Brunswick County EOC through WebEOC

Suspending Emergency Response Operations

All municipal services will be suspended once the Board of Commissioners has ordered staff members to evacuate the Town. The timing of the suspension of emergency response operations varies based on the current threat. Emergency Response Operations should not be attempted when sustained winds reach 50 MPH or wind gusts exceed 65 MPH.

Hurricane Eye Operations

Operations conducted during the period when the hurricane eye passes by should be limited to re-securing emergency facilities and equipment. When conducting such operations, safety of personnel is the primary concern. Even when the sky may appear to be clear, storm conditions can return suddenly. No personnel shall be dispatched to calls for service during the eye of the hurricane.



Department Specific Activities – Board of Commissioners

Hurricane Response by Condition Level

General Statement of Duties: The Board of Commissioners will perform policy oversight functions and provide policy guidance to the Town Manager. The Board will also authorize State of Emergency declarations and authorize the activation and termination of the emergency management system.

Pre-Season

- Update Town ID card
- Prepare a personal hurricane kit
- Support emergency preparedness and training exercises
- Encourage public education and awareness activities
- Review damage assessment and reporting procedures

Level 3: Potential Threat

- Participate in emergency briefing
- Review evacuation plans
- Review emergency ordinances
- Prepare for relocation to Town Hall EOC, if necessary
- Review emergency contact and communication procedures

Level 2: Imminent Threat

- Mayor will call an emergency meeting of the Board of Commissioners to consider possible emergency declarations
- May declare State of Emergency
- May activate emergency ordinance procedures
- May order evacuation
- Monitor conditions and maintain contact with the Town Manager

Level 1: Evacuation Ordered

- Evacuate to designated location
- Maintain contact with Town Manager
- Monitor conditions



Department Specific Activities – General Administration Department

Hurricane Response by Condition Level

General Statement of Duties: The General Administration Department will be responsible for insurance documentation, financial information, and maintaining constant communication with the Board of Commissioners during a storm event.

Pre-Season

- Prepare a personal hurricane kit
- Review Insurance policies for adequate coverage
- Inventory/order supplies and equipment
- Review Hurricane Operations Plan
- Identify files and equipment that would need to be relocated during an event

Level 3: Potential Threat

- Town Clerk will notify Board of Commissioners and schedule a meeting to review Hurricane Operations Plan
- Town Clerk will distribute emergency ID's to the Board of Commissioners and other designated employees
- Finance Officer will plan for contingency cash funds
- Begin recording all storm associated expenditures
- Work with the EOC to ensure public awareness and preparation

Level 2: Imminent Threat

- Town Manager will suspend non-essential services
- Prepare Town Office for potential evacuation
- Ensure that vital records are secured
- Obtain \$2,000 cash for emergency services such as tree removals

Level 1: Evacuation Ordered

- Relocate to Town Hall, personal home, or other safe location
- Maintain communication with the Board of Commissioners
- Maintain copies of emergency proclamations and the hurricane plan



Department Specific Activities – Public Works/ Planning Department

Hurricane Response by Condition Level

General Statement of Duties: The Planning Department will be responsible for preparing all Town owned structural assets for potential storm impacts and ensuring that Town vehicles and equipment are prepared for use during an event.

Pre-Season

- Inventory all equipment
- Order necessary equipment
- Video departmental equipment
- Review Hurricane Plan
- Update Employee contact lists and ID's
- Prepare a personal hurricane kit

Level 3: Potential Threat

- Report to Town Hall for plan review and situation report
- Secure and verify functionality of all necessary equipment. Fuel all vehicles. Locate magnetic signs and make available if needed. Check spare tires and jumper cables.
- Load bolt cutters, axes, chain saws and other needed equipment
- Check all buildings and secure exposed windows and doors. Store trash carts.
- Review post storm procedures and distribute records sheet for post storm evaluations.
- Check construction sites for security; notify contractors that have not secured. Ensure all portable toilets have been removed.
- Call real estate companies to remove signs
- Check drainage systems in which the Town is responsible such as Olde Towne swale
- Assist other departments as needed

Level 2: Imminent Threat

- Suspend non-essential services. Call all personnel to active duty, if advised by Town Manager
- Review status and procedures with staff
- Recheck construction sites that were not secured during level 3.
- Remove any remaining signs
- Move all equipment and files to an elevated location within the office or a secure off site location
- Continue to monitor drainage systems
- Advise Town Manager once all duties are completed and staff is available to assist other departments

Level 1: Evacuation Ordered

- Stage manpower resources and equipment for standby for additional assignments
- Continue to monitor drainage systems
- Maintain personnel roster. All employees must sign in and out.



Department Specific Activities – Public Information

Hurricane Response by Condition Level

General Statement of Duties: The Public Information Office will be responsible ensuring constant communication with Town Staff, other local officials, and the media. The PIO will also be responsible for formulating press releases, public information documents for the public and answering questions from residents.

Pre-Season

- Periodically communicate to citizens with residents with special needs about their responsibility to complete special assistance forms and send to the Town
- Provide Hurricane Preparedness Information to residents through the website

Level 3: Potential Threat

- Distribute news releases through the Belville EOC and media outlets listed in Appendix F
- Answer direct inquiries from Town residents and property owners

Level 2: Imminent Threat

- Distribute news release through the Belville EOC and media outlets
- Answer direct inquiries from Town residents and property owners
- Follow all steps in the level 2 checklist found in Appendix A

Level 1: Evacuation Ordered

- Distribute news releases through the Belville EOC and media outlets
- Notify all hotels/ motels and condominiums of evacuation order
- Keep all local, regional, and national media informed
- Answer direct inquiries from Town residents and property owners



Brunswick County Hurricane Evacuation Routes

The following is the Brunswick County Hurricane Evacuation Routes and shelter information.

Evacuate before you are told to do so if:

- You live in a mobile home
 - You live in a high-rise
 - You live on the coast or near water
 - You feel you may be in danger
- Leave at once

If an evacuation is ordered:

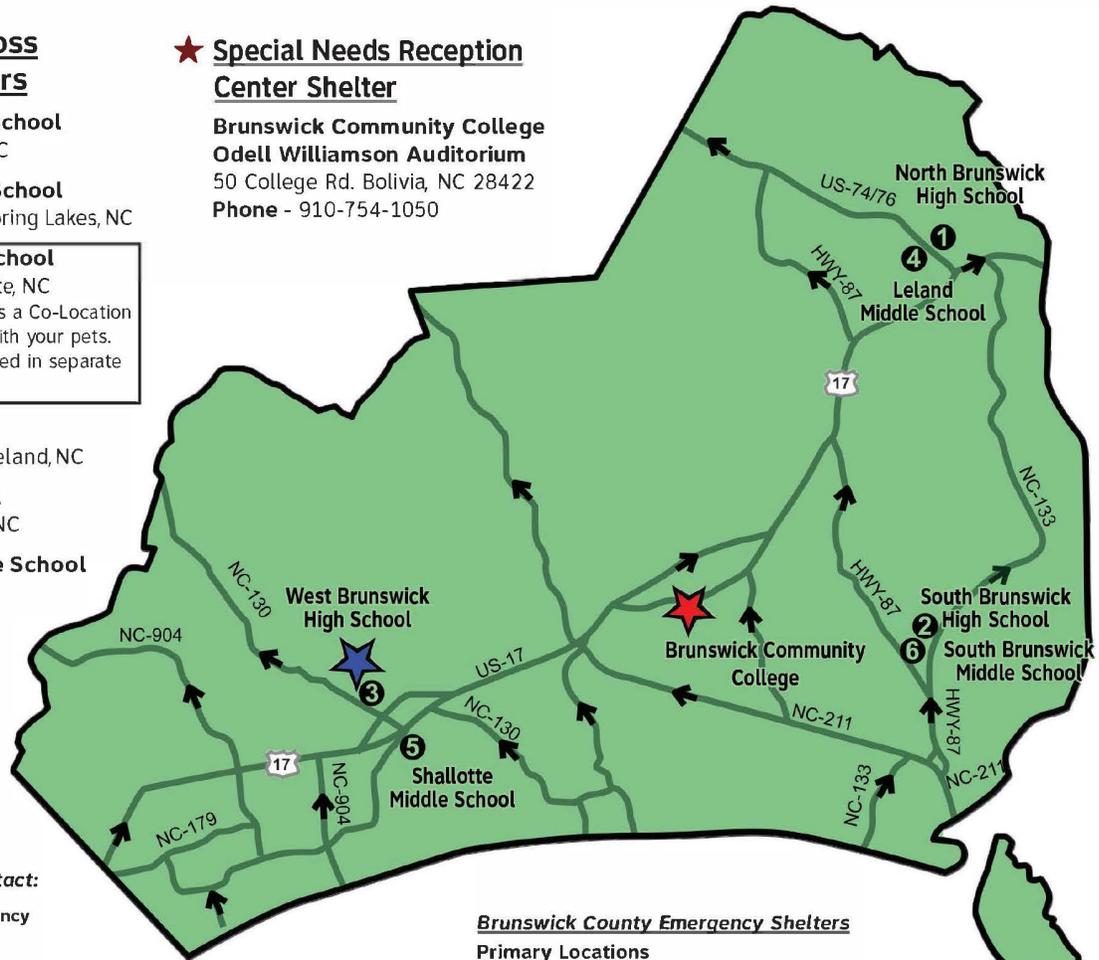
- Bring your disaster supply kit
- Follow advised evacuation routes
- Keep away from coastal areas or inland water
- Let others know your plans

American Red Cross Hurricane Shelters

- 1 North Brunswick High School**
114 Scorpion Dr., Leland NC
- 2 South Brunswick High School**
280 Cougar Rd., Boiling Spring Lakes, NC
- 3 West Brunswick High School**
550 Whiteville Rd., Shallotte, NC
West Brunswick High School is a Co-Location where you can seek shelter with your pets. You and your pet will be housed in separate locations of the shelter.
- 4 Leland Middle School**
927 Old Fayetteville Rd., Leland, NC
- 5 Shallotte Middle School**
225 Village Rd., Shallotte, NC
- 6 South Brunswick Middle School**
100 Cougar Rd., Boiling Spring Lakes, NC

★ Special Needs Reception Center Shelter

**Brunswick Community College
Odell Williamson Auditorium**
50 College Rd. Bolivia, NC 28422
Phone - 910-754-1050



For additional information contact:

Brunswick County Office of Emergency Management
3325 Old Ocean Hwy., P.O. Box 9
Bolivia, NC 28422-0009
910-253-5383 or 1-800-522-2366
www.BrunswickCountyNC.gov/es

For Red Cross info call:
910-762-2683

For all Government Departments:
www.BrunswickCountyNC.gov

* Contact the Brunswick County Sheriff's Office for pet sheltering needs
70 Stamp Act Drive
Bolivia, NC 28422
Phone: 910-253-2777

Brunswick County Emergency Shelters

Primary Locations

1. North Brunswick HS, Scorpion Dr., Leland; 910-371-2261
2. South Brunswick HS, Hwy 87, Southport; 910-845-2203
3. West Brunswick HS, Hwy 130 W. Shallotte; 910-754-4338

Secondary Locations

1. Leland MS, Old Fayetteville Rd., Leland; 910-371-3030
2. Shallotte MS, Hwy 179, Shallotte; 910-754-6882
3. South Brunswick MS, Boiling Spring Lakes, Hwy 87, Southport; 910-845-2771

Not all shelters may be open during a state of emergency. In the event of an evacuation, please check with your local media stations or call the Brunswick County Emergency Services Department for specific shelter openings.



Resource Requests & Financial Expenses

When the EOC is active, the Town Manager may authorize the purchase of supplies, equipment and services as required in support of ongoing incidents, up to a total of \$5,000. Purchases over \$5,000, require approval of the Board of Commissioners, or if the Board is unable to meet because of the emergency, any available Board member. This action must be ratified by the whole board at the earliest convenience.

All materials, personnel and equipment expenditures and requests must be properly documented by the Public Information Office (See Appendix I).

Damage Assessments

“Preliminary Damage Assessments (PDA’s) are conducted to enable FEMA, as well as state, local, tribal, and territorial partners to determine the magnitude of damage and impact of disasters. The process starts at the local level where damage details are initially collected, shared and validated by State, Tribal, and Territorial authorities. The state, tribe or territory generally has 30 days from the start of the incident to determine whether or not federal assistance in the form of FEMA Individual Assistance, Public Assistance or other federal programs may be necessary. Not every incident will result in the need for a PDA or federal assistance. Extensions may be granted upon request”. (FEMA, 2020)

“On May 8, 2020, FEMA released its Preliminary Damage Assessment Guide (PDA Guide), the update to the 2016 Damage Assessment Operations Manual. The purpose of the PDA Guide and its accompanying PDA Pocket Guide is to define a standard national-level framework for how state, local, tribal, and territorial (SLTT) governments and FEMA staff collect and validate the cause, location, and details of damage following a disaster. Guidance in the PDA Guide went into effect on June 8, 2020. This document highlights key changes between the process laid out in the PDA Guide compared to the earlier guidance”. (FEMA, 2020)

The Belville EOC will maintain and update a damage report as information becomes available. This report will include a list of public infrastructure damage (including roads, bridges, culverts, any publicly owned infrastructure) to facilitate funding requests during the recovery phase. The recent most FEMA damage assessment information can be located at: <https://www.fema.gov/media-library/assets/documents/109040>.

Vulnerable Populations

The Town of Belville maintains a list of the population with special needs that will require assistance if an evacuation is declared. This list is created by self-identification; any resident of the Town that thinks they may need special assistance during an evacuation MUST register online with Brunswick County at: <https://fs19.formsite.com/ubwatts/form165290145/index.html>. While all registrations will be collected at the County level, the Town will also maintain an internal list. If a resident is unable to register online with the County, they may alternatively register directly with the Town using the form found in Appendix H. Once the Town receives this form, they will ensure that Brunswick County also receives the information for their electronic database.



Shelters

Shelters are located throughout Brunswick County. The shelters are opened and maintained by the County but are open to all residents. Shelter locations can be found on the map on page 21.

American Red Cross Hurricane Shelters

Primary Locations:

- North Brunswick High School – 114 Scorpion Drive Leland, NC
- South Brunswick High School – 280 Cougar Road Boiling Spring Lakes, NC
- West Brunswick High School – 550 Whiteville Road Shallotte, NC
 - Note: This is a co-location where you can seek shelter with your pets.

Secondary Locations:

- Leland Middle School – 927 Old Fayetteville Road Leland, NC
- Shallotte Middle School – 225 Village Road Shallotte, NC
- South Brunswick Middle School – 100 Cougar Road Boiling Spring Lakes, NC

Special Needs Reception Center Shelter:

- Brunswick Community College Odell Williamson Auditorium – 50 College Road Bolivia, NC 28422



Post Hurricane Events

Demobilization Process

After a hurricane or storm has passed, the Town of Belville EOC will be deactivated by the Town Manager once the State of Emergency is rescinded.

Plan Review, Evaluation & Maintenance

After immediate and essential services have been completed after a storm, the Town Manager will work with staff and the Board of Commissioners to complete a post-storm report. Each hurricane/storm is different with varying levels of wind, rain, and travel speed and therefore each storm will have a different effect on the Town. Some items to be considered for conversation are:

- Supplies
- Communication
- Staffing
- Equipment
- Fuel
- Transportation (evacuation routes, etc.)

This Hurricane Operations Plan should be reviewed and modified annually to best reflect the needs of the Town based on experience.

From Hurricane Florence (2018), the following notes were documented:

- No stove – Town needs a way to provide adequate meals for EOC staff during an event.
- The Town needs to formulate a plan to supply adequate vehicle fuel.
- The Town needs to purchase additional cots for the EOC.
- Due to massive flooding, Brunswick County was essentially divided into 4 islands. This impacted the Town’s ability to access supplies and equipment. The flooding also made it difficult for evacuated residents to return home.
- ATMC was flooded, dismantling internet and phone line connections. The Town must plan for this possibility with the next storm event. Without internet and a phone line, the Town was unable to send press releases from the EOC; however, the Town was able to send press releases from an alternate location.



The Appendix Quick Reference is designed to serve as a quick and easy-to-use series of documents that can be printed and referenced before, during, and after a hurricane. The following is a list of printable material. Checklists and printable documents start on the next page.

The following documents compose the appendix and are designed for printing for ease of use.

- Appendix A: Hurricane Checklist by Department
- Appendix B: Personal Hurricane Response Kit Guidance for Staff
- Appendix C: General Hurricane Information
- Appendix D: Sample Proclamations
- Appendix E: Sample Public Information Releases
- Appendix F: Contacts
- Appendix G: Vegetation & Debris Removal
- Appendix H: Special Assistance Request
- Appendix I: Personnel Accountability Form (PAR)
- Appendix J: Glossary of Terms
- Appendix K: General Statute: North Carolina Emergency Management Act



Appendix A - Hurricane Checklist by Department

Board of Commissioners

Hurricane Checklist Pre-Season

- Ensure that you have an up to date ID card
- Prepare a personal hurricane kit
- Complete and/ or support Emergency Preparedness Training
- Review Hurricane plan with Town Manager
- Encourage public education and awareness activities regarding preparedness
- Review damage assessment and reporting procedures

Hurricane Checklist Level 3

- Participate in Emergency Briefing
- Review evacuation plans
- Review emergency ordinances
- Prepare for relocation to EOC
- Review emergency contact / communication procedures
- Ensure that you have an emergency ID (distributed by Town Clerk)

Hurricane Checklist Level 2

- Mayor will call an emergency meeting of the Board of Commissioners to consider possible emergency actions to include:
 - Emergency declaration
 - Activate emergency ordinance procedure
 - Order evacuation
 - Monitor conditions and maintain contact with the Town Manager

Hurricane Checklist Level 1

- Evacuate to designated location
- Maintain contact with the Town Manager
- Monitor storm conditions



Hurricane Checklist Pre-Season

- Inventory all equipment
- Order Necessary Equipment
- Review Hurricane Plan
- Verify employee ID's are current
- Contact bank regarding availability of cash
- Brief staff on hurricane plan and procedures
- Update digital photos of town property
- Review insurance policies for adequate coverage
- Review plan for relocating files and equipment
- Prepare personal hurricane kits

Hurricane Checklist Level 3

- Notify Board of Commissioners
- Establish Board Meeting Time
- Distribute Emergency ID's to Board of Commissioners
- Plan to obtain necessary cash
- Assign account number to record hurricane expenditures

Hurricane Checklist Level 2

- Relocate all designated files and equipment
- Maintain contact with Board of Commissioners
- BOC goes into continued meeting
- Notify bank of cash funds needed for employees to be paid in cash
- Suspend non-essential services

Hurricane Checklist Level 1

- Maintain communications with Board of Commissioners
- Complete relocation of files and equipment
- Maintain copies of emergency proclamations
- Dismiss applicable staff



Hurricane Checklist Pre-Season

- Inventory and Order necessary equipment (Planner)
- Video departmental equipment
- Review Hurricane Plan and Storm procedures with staff
- Update employee contact lists and ID's
- Prepare a personal hurricane kit (all Staff)
- Assemble cell phone needs list (Planner)
- Locate car magnets and make available if needed

Hurricane Checklist Level 3

- Report to Town Hall for plan review and situation report
- Secure and verify functionality of all necessary equipment.
- Fuel all vehicles
- Check spare tires and jumper cables
- Load bolt cutters, axes, chain saws and other needed equipment
- Check all buildings (Town Hall and Brunswick Riverwalk) and secure exposed windows and doors
- Store all trash carts
- Review post storm procedures and distribute records sheets for post storm evaluation
- Check construction sites for security; notify any contractors that have not secured their sites; ensure all portable toilets have been removed
- Call real estate companies to remove their signs
- Assist other departments as needed

Hurricane Checklist Level 2

- Suspend non-essential services; call all personnel to active duty if advised by Town Manager
- Review status and procedures with staff
- Check construction sites that were not secured during Condition 3
- Remove any remaining signs
- Move all equipment and files to an elevated location within the office or a secure off-site location
- Advise Town Manager once all duties are completed and staff is available to assist other departments

Hurricane Checklist Level 1

- Stage manpower resources and equipment for standby for additional assignments at the EOC
- Maintain personnel roster. All employees must sign in and out.



Hurricane Checklist Pre-Season

- Update media contact phone numbers
- Prepare public information (maps, evacuation guidance, plans)
- Update Town website
- Update evacuation flyers
- Send special needs letter
- Prepare personal hurricane kits

Hurricane Checklist Level 3

- Ensure Town maps and division maps are readily accessible
- Notify contact lists via email
- Notify contact lists via phone/ fax
- Update Town website
- Issue press releases in a timely manner
- Contact residents with special assistance needs

Hurricane Checklist Level 2

- Coordinate news releases as needed
- Notify contact lists via email of possible evacuation
- Notify contact lists via phone/ fax of possible evacuation
- Update Town website
- Issue press releases in a timely manner
- Coordinate special needs with Brunswick County

Hurricane Checklist Level 1

- Coordinate news releases as needed
- Notify contact lists via email of evacuation
- Notify contact lists via phone/ fax of evacuation
- Update Town website
- Issue press releases in a timely manner
- Coordinate special needs with Brunswick County
- Ensure Brunswick County Town Clerk has all pertinent information regarding Belville



Appendix B - Staff Member's Personal Hurricane Response Kit Guidance

When reporting for hurricane duty, all staff members must be prepared for the worst-case scenario of being totally self-sufficient for 3 days. Prior to the beginning of the hurricane season, all staff members should prepare a Personal Hurricane Response Kit. When preparing your kit, it is important to consider conditions that may be encountered both during and after the storm. A list of recommended items for a personal hurricane response kit is presented below. Staff members should also consider adding additional items that may be appropriate for their assigned duties.

- 3 sets of work clothes | uniforms
- Face mask(s) and hand sanitizer/ sanitizing wipes
- Rain gear, rubber boots and / or work boots
- Work gloves
- Hat (for rain & sun protection)
- Extra dry socks
- 1 extra pair of shoes
- Bath towel
- Sleeping bag / bedding / pillow
- Flashlight | Batteries
- Personal articles for 3 days
 - Prescribed medications
 - Toothbrush / toothpaste
 - Deodorant
 - Soap
 - Shampoo
 - Razor | shaving cream
 - Toilet paper
 - Other personal hygiene items
- Sunscreen
- Sunglasses
- Insect repellent
- 3 gallons of water
- 3-day supply of non-perishable food that does not require cooking
- Plastic utensils | drinking cups



Appendix C - General Hurricane Information

Saffir-Simpson Scale

Scale	Central Pressure	Rain	Winds	Storm	Impact
#	<u>Millibars</u>	<u>Inches</u>	<u>(mph)</u>	<u>Surge (ft)</u>	<u>Damage</u>
1	>980	>28.91	74-95	4-5	Minimal
2	965-979	28.50-28.91	96-110	5-7	Moderate
3	945-965	27.91-28.47	111-130	7-10	Extensive
4	920-944	27.17-27.90	131-155	9-13	Extreme
5	<920	27.17	155 +	15 +	Catastrophic

A description of each hurricane category is shown below:

Category 1 Winds of 74-95 miles per hour. Damage primarily to shrubbery, trees, and unanchored mobile homes. Some damage to poorly constructed signs. Low-lying coastal roads inundated, minor pier damage, some small craft in exposed anchorage torn from moorings.

Category 2 Winds of 96 to 110 miles per hour. Considerable damage to shrubbery and tree foliage; some trees blown down. Major damage to exposed mobile homes. Extensive damage to poorly constructed signs. Some damage to roofing materials of buildings; some window and door damage. No major damage to buildings. Coastal roads and low-lying escape routes inland cut by rising water two to four hours before arrival of hurricane center. Considerable damage to piers. Marinas flooded. Small craft in unprotected anchorage's torn from moorings.

Category 3 Winds of 111 to 130 miles per hour. Foliage torn from trees; large trees blown down. Practically all poorly constructed signs blown down. Some damage to roofing materials of buildings; some window and door damage. Some structural damage to small buildings. Mobile homes destroyed. Serious flooding at coast and many smaller structures near coast destroyed; large structures near coast damaged by battering water and floating debris. Low-lying escape routes inland cut by rising water three to five hours before hurricane center arrives.

Category 4 Winds of 131 to 155 miles per hour. Shrubs and trees blown down; all signs down. Extensive damage to roofing materials, windows, and doors. Complete failure of roofs on many small residences. Complete destruction of mobile homes. Major damage to lower floors of structures near shore due to flooding and battering waves and floating debris. Low-lying escape routes inland cut by rising water three to five hours before hurricane arrives. Major erosion of beaches.

Category 5 Winds greater than 155 miles per hour. Shrubs and trees blown down; considerable damage to roofs of buildings; all signs down. Very severe and extensive damage to windows and doors. Complete failure of roofs on many residential and industrial buildings. Extensive shattering of glass in windows and doors. Some complete building failures. Small buildings overturned or blown away. Low-lying escape routes inland cut by rising water three to five hours before hurricane center arrives.



Flooding Potential

The severity of storm surge flooding affecting the Town or Belville will depend on several factors including:

- Strength of the storm
- Forward speed of the storm
- Size of the storm
- Track of the storm
- State of the lunar tide

Saffir/Simpson scale storm surge heights can be used to estimate potential storm surge flooding for Belville. Benchmark elevations are measured in feet above mean sea level. They are measured to the top of the operating nut of the fire hydrant at that location indicated.

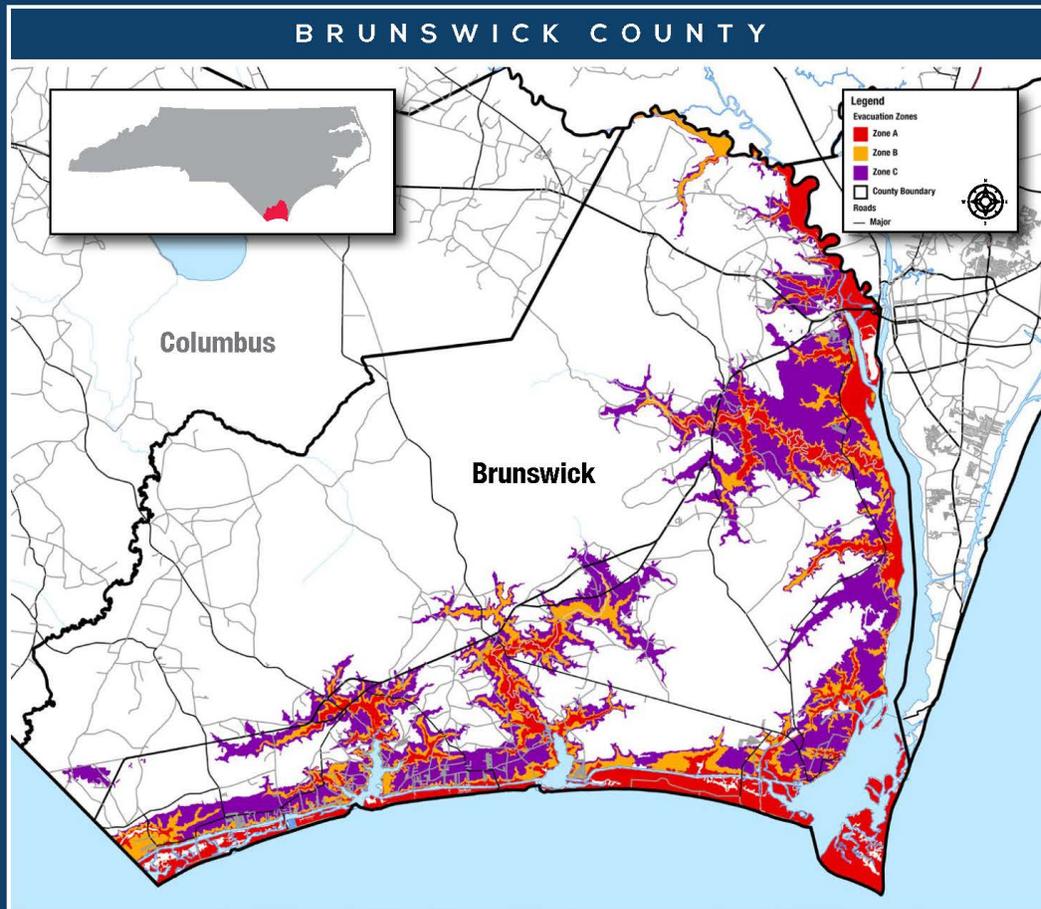
Know Your Zone

The North Carolina Department of Emergency Management, in partnership with the North Carolina Department of Public Safety, has created a zone map called 'Know Your Zone'. In an emergency, local officials in NC will order evacuations using zones to keep residents safe. These zones highlight areas most at risk to impacts from hurricanes, tropical storms, and other hazards. Know Your Zone maps are included on the following pages.



KNOW YOUR ZONE

In an emergency, local officials will order evacuations using zones to keep your family safe. These zones highlight areas most at risk to impacts from hurricanes, tropical storms, and other hazards.



Find your evacuation zone where you live, work or play.

KNOWYOURZONE.NC.GOV

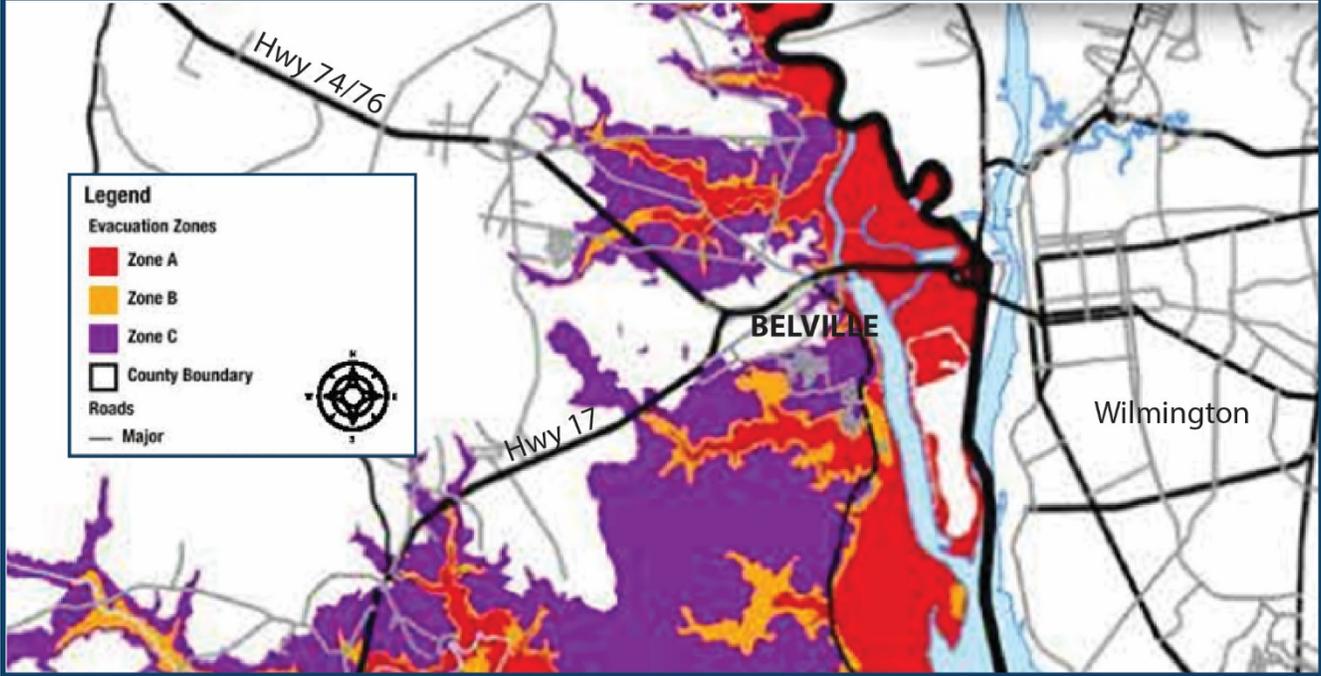


  @BrunswickGovt



KNOW YOUR ZONE

TOWN OF BELVILLE



Appendix D - Sample Proclamations

NOTE: These State of Emergency Declaration and Termination templates are provided by the UNC School of Government as guidance for North Carolina county and city officials and is not intended to serve as legal advice. Local officials are advised to consult with their attorneys to ensure compliance with state law and local ordinances in developing and issuing a local state of emergency declaration pursuant to G.S. Chapter 166A of the North Carolina General Statutes.

Following the two School of Government templates, the currently used templates by the Town of Belville are also included. The Town may use the template(s) that best suites their needs dependent upon impending storm.



DECLARATION OF A STATE OF EMERGENCY

WHEREAS, *(describe the emergency event including specific imminent or actual threats posed to the public health, welfare, and safety of the jurisdiction)*; and

WHEREAS, as a result of the above-described emergency I have determined that there is an imminent threat of, or existing conditions have caused or will cause, widespread or severe damage, injury, or loss of life or property; and

WHEREAS, declaring a State of Emergency and imposing the restrictions and prohibitions ordered herein is necessary to maintain order and protect public health, safety, and welfare, and to secure property.

NOW, THEREFORE, pursuant to the authority vested in me as the *(Mayor, Chairman of the Board of Commissioners, or other official title)* of *(name of jurisdiction)* under Article 1A of Chapter 166A of the North Carolina General Statutes and Chapter *(chapter number/title of local emergency ordinance)* of the *(name of jurisdiction)* Code of Ordinances:

Section 1. A State of Emergency is hereby declared within the jurisdiction of *(name of jurisdiction)*. *For county declarations, if Mayors within the county request that their municipalities be included in a county declaration, include the names of those municipalities in this section and specify that the municipalities are included with the consent of the Mayors; note that a county declaration cannot apply within municipal jurisdictional limits except upon the request of the Mayor).*

Section 2. The emergency area covered by this state of emergency shall be *(choose between the entire jurisdiction or a specified geographic area within the jurisdiction; if no geographic area is specified, the entire jurisdiction is automatically covered)*.

Section 3. The following restrictions and prohibitions are imposed: *(choose the restrictions and prohibitions deemed necessary; do not include those that are not deemed necessary. If no restrictions or prohibitions are deemed necessary, delete this section and renumber the remaining sections accordingly)*

A. Evacuation: *(indicate whether evacuation is voluntary or mandatory, describe areas of jurisdiction to be evacuated and state times and dates for evacuation; include categories of essential personnel not subject to evacuation order)*

B. Curfew: *(describe areas of jurisdiction under curfew and specify times during which curfew is in effect; include categories of essential personnel, if any, not subject to curfew)*

C. Restricted Access: *(describe areas of jurisdiction under restricted access or limited entry; include categories of essential personnel, if any, not subject to restriction)*

D. Business Operations: *(describe limitations on operations of businesses and commercial establishments, such as restricted hours of operation)*



E. **Alcohol:** *(describe restrictions on the possession, transportation, sale, purchase, and consumption of alcoholic beverages)*

F. **Dangerous Weapons & Gasoline:** *(describe restrictions on the possession, transportation, sale, purchase, storage, and use of dangerous weapons and substances, and gasoline) NOTE: Be sure to include the following language to ensure that restrictions on dangerous weapons are compliant with state law: This prohibition does not apply to the lawful possession, transportation, sale, purchase, storage, and use of firearms (defined as handguns, rifles, and shotguns) or ammunition.*

G. **Other:** *(describe any other restrictions or prohibitions on other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency)*

Section 4. I hereby order all (county/city) law enforcement officers, employees, and all other emergency management personnel subject to our control to cooperate in the enforcement and implementation of the provisions of this Declaration, all applicable local ordinances, state and federal laws, and the (name of jurisdiction) Emergency Operations Plan.

Section 5. I hereby order this declaration: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be filed with Clerk to the (jurisdiction's governing board) and (c) to be distributed to others as necessary to ensure proper implementation of this declaration.

Section 6. This declaration shall take effect on (date) at (time), and shall remain in effect until modified or rescinded.

DECLARED

(Mayor, Chairman of the Board of Commissioners, or other official title)

ATTEST:

Clerk

(NOTE: Notarization is not required)



TERMINATION OF STATE OF EMERGENCY

WHEREAS, on (date of declaration) at (time of declaration), as (Mayor, Chairman of the Board of Commissioners, or other official title) of (name of jurisdiction), I determined and declared that a State of Emergency existed within (name of jurisdiction)

WHEREAS, I have determined that the conditions constituting a state of emergency no longer exists in the (name of jurisdiction / portion of jurisdiction).

NOW, THEREFORE, I hereby terminate the above referenced declaration of a state of emergency and all the restrictions and orders contained therein [*Note: If necessary to retain state of emergency and some restrictions in some portions of the jurisdiction, list specifically the restrictions that remain in effect within the applicable portions of the jurisdiction*).

This declaration is effective (immediately or date and time).

DECLARED this the (current date) at (time).

(Mayor, Chairman of the Board of Commissioners, or other official title)

ATTEST:

Clerk

(NOTE: Notarization is not required)



PROCLAMATION
STATE OF EMERGENCY

WHEREAS, the Board of Commissioners of the Town of Belville has duly adopted ordinances pursuant to the provisions of N.C. G. S. 14-288.12 to determine and proclaim the existence of a State of Emergency and to impose certain prohibitions and restrictions appropriate to meet the emergency;

NOW, THEREFORE, the Board of Commissioners of the Town of Belville do hereby proclaim:

I

A state of emergency exists with the Town of Belville due to the current location and anticipated track of Hurricane _____. The prohibitions set forth herein are necessary to protect public health and safety in time of emergency.

II

This proclamation of a State of Emergency shall be effective at _____, and shall remain in effect until rescinded by the Mayor and/or the Board of Commissioners.

Seal

Mayor

Clerk



PROCLAMATION
RESTRICTING ACCESS

WHEREAS, the Board of Commissioners of the Town of Belville has duly adopted an ordinance authorizing the Mayor to impose various restrictions after he has determined that such restrictions are necessary as a response to an emergency;

NOW, THEREFORE, I _____, Mayor of the Town of Belville do hereby proclaim:

I

A state of emergency exists within the Town of Belville, _____ and restrictions set forth in this proclamation are necessary in order to maintain an acceptable level of public order, services, and protect of lives, and property during this emergency.

II

Anyone in violating any restrictions imposed by this proclamation or under its authority violates a Towns ordinance and is guilty of a misdemeanor.

III

This proclamation shall take effect (immediately) (date & time)

Seal

Hour - Date

Mayor



PROCLAMATION
EVACUATION ORDER

WHEREAS, the Belville Board of Commissioners have been made aware of the status of the Hurricane Warning for Hurricane _____, and

WHEREAS, this status report indicated that Hurricane _____ should reach landfall between _____ and _____ in the Cape Fear River Region on _____ and,

WHEREAS, the strength and damage potential of Hurricane _____ to the safety of the residents of Belville could be potentially dangerous, and

NOW, THEREFORE, BE IT RESOLVED, that in the interest of public safety of the residents of the Town of Belville, the evacuation of the Town is hereby ordered at _____ on _____, and shall remain in effect until so canceled by the Board of Commissioners. Total traffic restriction for the Town shall begin at _____ on _____.

BY ORDER OF THE BELVILLE BOARD OF COMMISSIONERS ADOPTED IN A CONTINUED EMERGENCY MEETING ON _____.

Seal

Mayor

Clerk



Appendix E – Sample Public Information Releases

News Release

For Release: Immediate

Contact:

Date:

Phone:

TOWN OF BELVILLE UNDER HURRICANE WATCH

TOWN BRACES FOR POSSIBLE HURRICANE

Belville –The National Hurricane Center has issued a Hurricane Watch for Coastal North Carolina including, the Town of Belville. Residents are advised to stay tuned to local radio and television stations for the latest information. The Belville Board of Commissioners requests that all residents, property owners, and boating interests begin to make preparations to secure their property.

In the event the National Hurricane Center upgrades this information to a warning, additional information will be released via radio and television.



Town of Belville Hurricane Preparation Checklists

Preparation Checklist:

- ✓ Is your disaster supply kit ready?
- ✓ Gas up your vehicles
- ✓ Have your evacuation plan ready
- ✓ Secure loose items outside your home
- ✓ Frequently check progress of the storm
- ✓ Check batteries and stock up on canned food, first-aid supplies, drinking water, and medication
- ✓ Store valuables and papers in waterproof containers
- ✓ Secure your boat
- ✓ Inform loved ones where you will be during the storm
- ✓ Ensure your weather radio is in working condition
- ✓ Locate your shelters

Evacuation Shelters:

Primary Locations: North Brunswick High School – 114 Scorpion Drive Leland, NC
 South Brunswick High School – 280 Cougar Road Boiling Spring Lakes, NC
 West Brunswick High School – 550 Whiteville Road Shallotte, NC

Note: This is a co-location where you can seek shelter with your pets.

Secondary Locations: Leland Middle School – 927 Old Fayetteville Road Leland, NC
 Shallotte Middle School – 225 Village Road Shallotte, NC
 South Brunswick Middle School – 100 Cougar Road Boiling Spring Lakes, NC

Special Needs Reception Center Shelter: Brunswick Community College Odell Williamson Auditorium
 50 College Road Bolivia, NC 28422

Basic Emergency Supplies:

Easy-to-carry water containers	Water – 1 gallon/person/day	First aid kit & book
Mosquito repellent and sunscreen	Pre-cooked, non-perishable foods	Portable camp stove or grill with extra propane
Non-electric can opener and waterproof lighter	Paper plates, utensils, cups, paper towels	Aluminum foil, oven mits, trash bags
Baby supplies: formula, bottles, diapers, wipes	Anti-bacterial hand wipes or gel	Blankets or sleeping bags
Battery operated alarm clock, radio and/or TV with extra batteries	Flashlights with extra batteries	Essential medications and copies of the prescriptions
Bar soap, toilet articles	Toilet paper, feminine hygiene supplies	Cash and change
Seasonal change of clothing, including sturdy shoes and work gloves	Cleaning supplies, hand tools, duct tape, rope, etc.	Documents, backup of important files, photo ID
Camera, books, games, cards, etc.	Food, water, leash, and carrier for pets	

Evacuation means severe potential for heavy property loss and distinct life threatening conditions caused by a hurricane event is eminent. Your welfare and safety are at stake! The Town of Belville is in a state of emergency and an evacuation is ordered by civil authority. Stay tuned to all local news media for latest advisories and hurricane updates.



News Release

For Release: Immediate

Contact:

Date:

Phone:

TOWN OF BELVILLE UNDER HURRICANE WARNING

STORM EXPECTED TO HIT NORTH CAROLINA

Belville – The National Hurricane Center has upgraded the Hurricane Watch to a Hurricane Warning. There is a strong possibility that the Town of Belville will receive some of the effects of this hurricane if it continues on the same path and speed as it is now traveling within the next _____ hours.

All residents are advised to board up windows or protect them with storm shutters or tape. Moor boats securely or evacuate them to a safe area. Secure outdoor furniture, building materials, toys, garden tools, garbage cans, sailboats and any other harmful objects that could blow around in high winds. Keep your vehicles fueled and familiarize yourself with the locations of emergency shelters and the best possible routes to them.

Residents should be advised that tornadoes are a possibility with hurricanes, however tornadoes may spawn with short notice. Most injuries from tornadoes are caused by being struck by falling or wind-borne debris. Identify where you will seek cover should a tornado threaten the area.

Town officials are in constant contact with emergency management officials and the weather service and will provide ample warning and time to evacuate should it become necessary.

Stay tuned to your local radio and television stations for any additional information.



News Release

For Release: Immediate

Contact:

Date:

Phone:

TOWN OFFICIALS ORDER AN EVACUATION FOR THE TOWN OF BELVILLE RESIDENTS ARE ENCOURAGED TO SEEK SHELTER INLAND

The National Hurricane Center has upgraded the latest hurricane warning and it now appears that Hurricane _____ will make landfall somewhere between _____ and _____ sometime around _____ am/pm _____ (DATE). The Mayor of the Town of Belville has signed a proclamation declaring a State of Emergency and has ordered the evacuation of the Town of Belville, NC.

All residents are cautioned to stay calm, evacuate their home, and proceed to a safe location. The Emergency Shelters in Brunswick County are as follows:

	Name	Address	City Location
1	North Brunswick High School	114 Scorpion Drive	Leland
2	South Brunswick High School	280 Cougar Rd	Boiling Springs
3	West Brunswick High School	550 Whiteville Rd	Shalotte
4	Leland Middle School	927 Old Fayetteville Rd	Leland
5	Shalotte Middle School	225 Village Rd	Shalotte
6	South Brunswick Middle School	100 Cougar Rd	Boiling Springs Lake

Residents are urged to cut off gas valves, water valves, and turn off the main electrical breaker to their homes and apartments prior to evacuation. Residents should also shut off water valves to their docks and piers. This evacuation should be accomplished by _____ am/pm _____ (DATE). Residents are warned that once the evacuation has been completed all electrical power, water supply and sewage facilities to the Town will be disconnected.



News Release

For Release: Immediate

Contact:

Date:

Phone:

HURRICANE _____ EXPECTED TO HIT NORTH CAROLINA (BELVILLE) DECLARES STATE OF EMERGENCY

Belville – Belville town staff met with Brunswick County Emergency Management at ___ p.m. today and declared a state of emergency for the county. At ___ p.m. the Belville Board of Commissioners met and declared a state of emergency for the town.

The board will meet at ___ p.m. in Town Hall Council Chambers to discuss further storm updates. Currently, the board has placed a voluntary evacuation on the town with the possibility of a mandatory evacuation at ___ a.m. _____ morning, to be completed by ___ a.m. This storm is fast moving and is expected to be over Belville between ___ p.m. and ___ p.m. _____ packing tropical storm force winds between ___ and ___ miles/per hour. Storm surge with this hurricane, at the time of impact, will be between ___ to ___ feet with an expected ___ to ___ inches of rainfall.

The drawbridge will remain in a down position and will be open to traffic up to ___ miles/per hour winds and the Towns electrical power could be cut off when winds are sustained at ___ miles/per hour. Traffic control for people traveling eastbound could possibly begin at ___ a.m.

Residents and visitors who feel they need more time to evacuate should consider doing so at this time. Brunswick County shelters will open at ___ a.m. _____ at:

	Name	Address	City Location
1	North Brunswick High School	114 Scorpion Drive	Leland
2	South Brunswick High School	280 Cougar Rd	Boiling Springs
3	West Brunswick High School	550 Whiteville Rd	Shalotte
4	Leland Middle School	927 Old Fayetteville Rd	Leland
5	Shalotte Middle School	225 Village Rd	Shalotte
6	South Brunswick Middle School	100 Cougar Rd	Boiling Springs Lake



For additional information on shelters and maps of the shelter locations, please go to http://www.brunswickcountync.gov/Portals/0/bcfiles/Shelter_Info.pdf and click on the Emergency Information scroll on the top of the page.

“QUOTE FROM TOWN ADMINISTRATOR,” said Town Administrator _____.

Town decals, contractor and commercial hurricane passes will be available at Town Hall until _____.

Local flooding is possible.

Although intense winds are anticipated with the storm, Public Works Director _____ said that commercial **trash pick-up** will **continue as scheduled** on (Date) _____.

Due to strong winds expected from the storm, (Town Manager’s Name) encourages property owners to secure all loose items outside of their houses.

For more information please visit the Town’s main Web page at <http://townofbelville.com>. The information is in the “**Recent News**” section on the right side of the page.



News Release

For Release: Immediate

Contact:

Date:

Phone:

TOWN OF BELVILLE LIFTS STATE OF EMERGENCY

Belville – After town staff met with Brunswick County Emergency Management and other county officials, the Belville Board of Commissioners met at _____ p.m. and lifted the town’s state of emergency.

The town sustained _____ damage, mostly in the form of _____.

Town Hall will reopen at _____ a.m. _____ morning. However, if you have a work order request, please call (910) 371-2456, leave a message, and someone will return your call.

Power _____ restored to most of the Town, with remaining outages on the _____. End expected to be restored by _____, according to Brunswick Electric officials.

Please use caution when driving at night due to road debris and low-lying power lines.

Thank you for your patience during Hurricane _____.



Appendix F - Contacts

Information for the Town of Belville Employees

Board of Commissioners Contact List/ Employee Contact List

Name	Phone Number	Email Address	Text? Yes/No

Emergency Operations - Brunswick County & Town of Belville

Brunswick County Emergency Operations Center – Verify current phone number and email address for the current hurricane season – include it here, along with any other quick reference phone numbers that the Town will utilize during an event.

Brunswick County Emergency Management – 910-253-5383 / EMERGENCY.SERVICES@BRUNSWICKCOUNTYNC.GOV

Belville EOC Representative- Primary Point of Contact for Town of Belville Hurricane Management



Media Contacts

STATION	FREQ.	ADDRESS	EMAIL	OFFICE	FAX	NEWS
State Port Pilot		P.O. Box 10548, 144 E Moore St.Southport, NC 28461	circulation@stateportpilot.com pilot@stateportpilot.com jspiers@stateportpilot.com	457-4568 343-2327 249-6190	343-2227 457-9427	
Next Media	WAZO 107.5, WKXB 99.9, WSFM 98.3, WRQR 104.5, WMFD AM 630, WILT 98.7, WLGD 98.7	25 N. Kerr Ave., 28405	brianwhite293@yahoo.com , janett_adams@hotmail.com	791-3088	791-0112	
Sea Comm Media	WUIN 106.7, WBNU 103.7, WLTT 93.7 and 106.3	122 Cinema Dr., 28403	newsroom@sea-comm.com	772-6300	772-6345772-6310	
Star News		P.O. Box 840 Wilmington, 28402	citydesk@starnews.com ; vaughn.hagerty@starnews.com ;	343-2387		
WECT	TV - 6 WSFX (Fox)	322 Shipyard Blvd., 28412	newsroom@wect.com ; dwahl@wect.com ; hanchett@wect.com	791-8070 524-9932	791-9535	791-6681
WGNI	102.7 FM	3233-4 Burnt Mill Rd., 28403	gmail@wgni.com	343-1027	763-0201	763-9977
Wilmington Journal		412 South 7th Street, 28401	wilmjournal@aol.com	762-5502	343-1334	
WWAY	TV – 3	615 N. Front St., 28401	newsroom@wwaytv3.com	762-8581	341-7926	763-0979
WWIL	90.5 FM	201 N. Front St., 28401	church@life905.com	763-2452	763-6578	
Misc Media Contacts	editor@islandgazette.net , editor@theseahawk.org , editor@wilmingtonbiz.net , jkim.zuncich@nhhn.org , mlatino2001@yahoo.com , tmac@mclambcommunications.com , valitaq@carolinabeach.org					



Utilities and Debris Companies

Debris Monitoring Contractor: Johnson Environmental & Disaster Consulting Services

Mr. Barry Johnson

Office: 910.791-9361

Fax: 910.796.9918

E-mail: johnsonb@isaac.net

Electricity (Town Hall): Duke Energy

Phone: 800.419.6356

Alternate: 919.508.5400

Breaker Boxes: need access key; located in Storage Room 15 with Server/ IT on the wall in the back-left hand corner

Electricity (most residents): Brunswick Electric Membership Corporation

Phone: 800-842-5871 (Customer Service)

Report an outage: 800-682-5309

Address: 795 Ocean Hwy W (Hwy17), Supply, NC 28462

Local Tel: 910-754-4391

Water (Town Hall): H2GO

Phone: 910.371.9949

Location: Water shut-off is located out the front door to the right, in the ground, beside the flagpole

Alarm: Hooks Burglar & Fire Alarm Company

Phone: 910.799.8626

Location: Alarm system is located by the back/ employee door near the fire extinguisher; access key is needed

Server/ IT

PC Solutions

Phone: 910.371.5999

Address: 856 Village Rd NE, Leland, NC 28451

Access key is needed; located in storage room 15, with the electrical shut off



Fire: Leland Volunteer Fire/ Rescue Department Station 52

Phone: 910.371.2727

Address: 1379 River Road SE, Leland, NC 28451

Police: Brunswick County Sheriff's Office

Phone: 910.253.2777

Address: 70 Stamp Act Dr NE, Bolivia, NC 28422

HVAC: Piedmont Service Group

Phone: 910.799.3890

Address: 3120 Kitty Hawk Rd #8621, Wilmington, NC 28405

Generator (Natural Gas/ Town Hall): Cape Fear Generators

Phone: 910.763.9103

Address: 2083 Carolina Beach Road, Wilmington, NC 28401

Utility Outage Numbers (Citizens)

ATMC: 910.754.4317

AT&T: 888.757.6500 (residential)

AT&T: 866.620.6900 (business)

Brunswick Electric (BEMC): 800.682.5309

DirecTV: 577.798.6070

Duke Energy: 800.419.6356

H2GO: 910.371.9949

H2GO: 910.367.1537 (after hours WATER emergency)

H2GO: 910.367.2084 (after hours SEWER emergency)

Spectrum: 800.892.4357



Appendix G - Vegetation/ Debris Removal Contact Information

2021 Emergency Contractor (Bel) 24hr Contact Info

Town of Belville

Prime-Phase II - Veg and C&D Debris Removal

Contractor (Primary) State Tree Service, Inc.

<u>Name:</u>	<u>Office</u>	<u>Fax</u>	<u>Cell #1</u>	<u>Cell #2</u>	<u>Home</u>	<u>email</u>
Suzanne Huntley	803-773-1320		843-472-6038	803-491-5154		statetreeservice@gmail.com
Mickey Barnes	803-773-1320		803-491-5154			statetreeservice@gmail.com
Timmy Barnes	803-773-1320		803-491-7559			statetreeservice@gmail.com

Secondary - Phase II - Veg and C&D Debris Removal

Contractor (Secondary) Custom Tree Care, Inc.

<u>Name:</u>	<u>Office</u>	<u>Fax</u>	<u>Cell #1</u>	<u>Cell #2</u>	<u>Home</u>	<u>email</u>
Greg Gathers (Primary Contact)	785-478-9805	785-478-4195	785-221-7550	n/a	n/a	ggathers@customtreecare.com or customtreecare@hotmail.com
Jeremy Britton	785-478-9805	785-478-4195	256-749-4886			jbritton@customtreecare.com
Sean Latzen	785-478-9805	785-478-4195	(785) 764-1526	n/a	n/a	slatzen@customtreecare.com

Debris Monitoring and Disaster Management Services

Johnson Environmental & Disaster Consulting Services

<u>name:</u>	<u>Office</u>	<u>Fax</u>	<u>Cell #1</u>	<u>Cell #2</u>	<u>Home</u>	<u>email</u>
Barry Johnson, Principal	910-791-9361	910-796-9918	910-231-0765	n/a	910-791-9361	mail@johnsonenv.com



EVACUATION

SPECIAL ASSISTANCE LIST

FOR PERSONS WHO MAY BE:
ILL, PHYSICALLY CHALLENGED, OR INCAPACITATED
SO AS TO NEED SPECIAL ASSISTANCE
DURING A HURRICANE EVACUATION

Town Clerk
Town of Belville
63 River Road
Belville, NC 28451

During a hurricane evacuation, I would like to be contacted to assure my safe evacuation.

My street address is: _____

My mailing address is: _____

My phone number is: _____

My reason for requesting special assistance is:

NOTE: YOU WILL BE CONTACTED UPON RECEIPT OF YOUR REQUEST FOR VERIFICATION.

Signed: _____

Print Name: _____

Date: _____



Appendix I - Personnel Accountability Report Form

NOTE: This is a sample personnel accountability report form that should be completed once an emergency evacuation is declared OR conditions make it unsafe for employees to continue working. This form will help ensure that all employees are accounted for and in a safe location. Belville should use a PAR form that works best for their intended purposes.

Employee Name	Cell Number	Location (where employee is sheltering in place)	Back Up Contact (spouse, adult child, neighbor, someone who can locate the employee if emergency)	Back Up Contact Cell Number



Appendix J - Glossary of Terms

All-Hazards	Natural, technological, or human-caused incidents that warrant action to protect life, property, environment, and public health or safety, and to minimize disruptions of school activities. Such incidents require a multi-jurisdictional and multi-functional response and recovery effort. ²
Continuity of Operations Plan (COOP)	An effort within individual executive departments and agencies to ensure that Primary Mission Essential Functions (PMEFs) continue to be performed during a wide range of emergencies, including localized acts of nature, accidents and technological or attack-related emergencies. ³
Assurance Actions	Any non-tangible activity or measure that supports field and administrative emergency operations and, contributes to the protection of Key Assets and community-level essential services. Examples include staffing, training, policies, programs, procedures, rules, or regulations.
Assurance Projects	Equipment or hardware type investments--like a back-up generator—that protect or harden Key Assets and the community-level essential services they provide.
Emergency Operations Center (EOC)	A central command and control facility responsible for carrying out the principles of emergency preparedness and emergency management, or disaster management functions at a strategic level in an emergency and ensuring continuity of operations. For purposes of this plan, the term EOC will refer to the Belville Town Hall.
Emergency Operations Plan (EOP)	The plan that each jurisdiction maintains for responding to various potential hazards.
Emergency Support Functions (ESFs)	Grouping of governmental and certain private sector capabilities into an organizational structure to provide support, resources, program implementation, and services that are most likely needed to save lives, protect property and the environment, restore essential services and critical infrastructure, and help victims and communities return to normal following domestic incidents. ⁴
Energy Disruption	The shortage or curtailment of energy from any threat or hazard.
Energy Infrastructure	Pipelines, power plants, distribution networks, transmission lines, storage tanks, transformers, compressors, and the like.

² <http://training.fema.gov/EMIWeb/emischool/EL361Toolkit/glossary.htm>

³ <http://www.fema.gov/about/org/ncp/coop/index.shtm>

⁴ <http://www.fema.gov/pdf/emergency/nrf/nrf-esf-intro.pdf>



Energy Self-Reliance	The ability of a local government to maintain the operation of its Key Assets, while providing essential services, without the assistance of its normal energy suppliers, for a minimum of 72 hours. Local government energy self-reliance is one means by which energy resiliency can be achieved.
Essential Services	Services a local government provides to assure safety, wellbeing, and security for its citizens.
Federal Emergency Management Agency (FEMA)	The Federal Emergency Management Agency coordinates the Federal government's role in preparing for, preventing, mitigating the effects of, responding to, and recovering from all domestic disasters, whether natural or man-made, including acts of terror.
Funding	Acquiring capital to underwrite projects and actions using public sector authority such as budgeting from the general fund, capital improvement fund, and enterprise funding. Such funding can be from local, state, or national sources and includes grant making.
Hazard	A situation that exists primarily due to circumstances or conditions beyond one's control, influence, knowledge, or negligence. Hazards are typically naturally occurring as opposed to being man-made; the latter are referred to as threats.
Hurricane Staging Levels (Belville Specific)	Specific to the municipality that is represented, hurricane staging levels are a way to inform employees and citizens about the actions that should occur at a point in time. For the Town of Belville, the hurricane staging levels are: Level 3: Potential Threat of a Hurricane Level2: Imminent Threat of a Hurricane Level 1: Evacuation is Ordered
Hurricane Warning	Hurricane conditions are expected within 24 hours
Hurricane Watch	Hurricane conditions are possible within 36 hours
Incident Commander (IC)	The individual in charge of all incident activities including the development of strategies and tactics and the ordering and release of resources.
Interdependency	Interdependency implies a mutual dependency between two or more critical infrastructures such as water and energy; it is a two-way relationship. As energy affects, say, water pumping, so the pumping of water affects the ability to generate energy.
Joint Information Center (JIC)	A facility established to coordinate all incident related public information activities



Key Asset	The facilities, systems, and components owned, managed, or operated by a jurisdiction that provide and maintain local government essential services. Example assets include “911” call centers, airports, emergency shelters, hospitals, first responder facilities, water pumping stations, telecommunications routing systems, and fire and police facilities. A Key Asset can also be a policy or regulation that affects emergency response and other activities that when changed or updated, has a positive effect on preventing or restoring essential services.
Logistics	Providing resources and other services to support incident management.
Mutual Aid Agreement	A signed document between parties (for example, units of local government) that allows for the sharing of services between entities through specific labor and equipment agreements.
Operational Period	The time scheduled for executing a given set of operational actions as specified in an incident action plan.
Preliminary Damage Assessment (PDA)	A Preliminary Damage Assessment (PDA) is the mechanism SLTT governments and FEMA use to determine the impact and magnitude of damage following a disaster and the resulting unmet needs to individuals, businesses, the public sector, and communities. The primary objective of the PDA is to collect information, conduct analysis, and provide situational awareness to state, territorial, or tribal government leaders to determine whether the impacts of a disaster warrant a disaster declaration request under the Stafford Act (42 U.S.C. §§ 5121 et seq.) ⁵
National Incident Management System (NIMS)	Provides a systematic, proactive approach to guiding departments and agencies at all levels of government, nongovernmental organizations, and the private sector to work seamlessly to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, in order to reduce the loss of life and property and harm to the environment. ⁶
National Response Framework (NRF)	Presents the guiding principles that enable all response partners to prepare for and provide a unified national response to disasters and emergencies—from the smallest incident to the largest catastrophe. The <i>NRF</i> establishes a comprehensive, national, all-hazards approach to domestic incident response. ⁷
Re-entry	The return of Town staff and citizens to town limits following an evacuation.

⁵ https://www.fema.gov/media-library-data/1590687214063-b945efebdbdc273830ce6d3e4ac75556/PDA_Guide_FactSheet_5_26.pdf

⁶ <http://www.fema.gov/emergency/nims/>

⁷ <http://www.fema.gov/emergency/nrf/>



Resiliency	The ability to respond effectively to an emergency and to recover quickly from damage. A resilient community is not necessarily damage resistant. Rather, it can continue operating despite damage, and to return quickly to normal operations when damage occurs.
Saffir-Simpson Scale	Categorizes hurricanes by intensity on a scale of 1 to 5
Staging Area	Location where resources (personnel, equipment, and supplies) can be placed while awaiting assignment.
Stakeholders	The members of a working group and others that have a stake in the content and outcome of the Hurricane Plan
Town Clerk	The individual responsible for interfacing with the public and the media or with other agencies to disseminate incident related information.
Town Hall	The location where the primary command functions are coordinated and administered.
Town Manager/ Emergency Preparedness Coordinator	The individual responsible for coordinating plan development and training for emergency operations.
Threats	Threats are normally considered a purposeful act with the intent of causing harm. Threats are typically man-made as opposed to naturally occurring which are termed hazards.



Appendix K – General Statute: North Carolina Emergency Management Act

Article 1A.

North Carolina Emergency Management Act.

Part 1. General Provisions.

§ 166A-19. Short title.

This Article may be cited as "North Carolina Emergency Management Act." (1977, c. 848, s. 2; 1979, 2nd Sess., c. 1310, s. 2; 1995, c. 509, s. 120; 2012-12, s. 1(b).)

§ 166A-19.1. Purposes.

The purposes of this Article are to set forth the authority and responsibility of the Governor, State agencies, and local governments in prevention of, preparation for, response to, and recovery from natural or man-made emergencies or hostile military or paramilitary action and to do the following:

- (1) Reduce vulnerability of people and property of this State to damage, injury, and loss of life and property.
- (2) Prepare for prompt and efficient rescue, care, and treatment of threatened or affected persons.
- (3) Provide for the rapid and orderly rehabilitation of persons and restoration of property.
- (4) Provide for cooperation and coordination of activities relating to emergency mitigation, preparedness, response, and recovery among agencies and officials of this State 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. (1959, c. 337, s. 1; 1975, c. 734, s. 1; 1977, c. 848, s. 2; 1995, c. 509, s. 121; 2012-12, s. 1(b).)

§ 166A-19.2. Limitations.

Nothing in this Article shall be construed to do any of the following:

- (1) Interfere with dissemination of news or comment on public affairs; but any communications facility or organization, including, but not limited to, radio and television stations, wire services, and newspapers may be requested to transmit or print public service messages furnishing information or instructions in connection with an emergency, disaster, or war.
- (2) Limit, modify, or abridge the authority of the Governor to declare martial law or exercise any other powers vested in the Governor under the North Carolina Constitution, statutes, or common law of this State independent of, or in conjunction with, any provisions of this Article. (1975, c. 734, s. 2; 1977, c. 848, s. 2; 1995, c. 509, s. 122; 2012-12, s. 1(b).)

§ 166A-19.3. Definitions.

The following definitions apply in this Article:

- (1) Repealed by Session Laws 2015-241, s. 6.19(c), effective July 1, 2015.



- (2) Chair of the board of county commissioners. – The chair of the board of county commissioners or, in case of the chair's absence or disability, the person authorized to act in the chair's stead. Unless the governing body of the county has specified who is to act in lieu of the chair with respect to a particular power or duty set out in this Article, this term shall mean the person generally authorized to act in lieu of the chair.
- (3) Disaster declaration. – A gubernatorial declaration that the impact or anticipated impact of an emergency constitutes a disaster of one of the types enumerated in G.S. 166A-19.21(b).
- (4) Division. – The Division of Emergency Management established in Subpart A of Part 5 of Article 13 of Chapter 143B of the General Statutes.
- (5) Eligible entity. – Any political subdivision. The term also includes an owner or operator of a private nonprofit utility that meets the eligibility criteria set out in this Article.
- (6) Emergency. – 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, terrorism, weather-related, public health, explosion-related, riot-related cause, or technological failure or accident, including, but not limited to, a cyber incident, an explosion, a transportation accident, a radiological accident, or a chemical or other hazardous material incident.
- (7) Emergency area. – The geographical area covered by a state of emergency.
- (8) Emergency management. – Those measures taken by the populace and governments at federal, State, and local levels to minimize the adverse effect of any type emergency, which includes the never-ending preparedness cycle of planning, prevention, mitigation, warning, movement, shelter, emergency assistance, and recovery.
- (9) Emergency management agency. – A State or local governmental agency charged with coordination of all emergency management activities for its jurisdiction.
- (10) Hazard risk management. – The systematic application of policies, practices, and resources to the identification, assessment, and control of risk associated with hazards affecting human health and safety and property. Hazard, risk, and cost-benefit analysis are used to support development of risk reduction options, program objectives, and prioritization of issues and resources.
- (11) Mayor. – The mayor or other chief executive official of a municipality or, in case of that person's absence or disability, the person authorized to act in that person's stead. Unless the governing body of the municipality has specified who is to act in lieu of the mayor with respect to a particular power or duty set out in this Article, the term shall mean the person generally authorized to act in lieu of the mayor.
- (12) Political subdivision. – Counties and incorporated cities, towns, and villages.
- (13) Preliminary damage assessment. – The initial estimate prepared by State, local, or federal emergency management workers used to determine the severity and magnitude of damage caused by an emergency.
- (14) Private nonprofit utility. – A utility that would be eligible for federal public assistance disaster funds pursuant to 44 C.F.R. Part 206.
- (15) Secretary. – The Secretary of the Department of Public Safety.
- (16) Stafford Act. – The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288, 88 Stat. 143, codified generally at 42 U.S.C. § 5121, et seq., as amended.
- (17) State Acquisition and Relocation Fund. – State funding for supplemental grants to homeowners participating in a federal Hazard Mitigation Grant Program Acquisition and Relocation Program. These grants are used to acquire safe, decent, and sanitary housing by paying the difference



between the cost of the home acquired under the federal Hazard Mitigation Grant Program Acquisition and Relocation Program and the cost of a comparable home located outside the 100-year floodplain.

(17a) State Emergency Response and Disaster Relief Fund. – The fund established in G.S. 166A-19.42.

(18) State Emergency Response Team. – The representative group of State agency personnel designated to carry out the emergency management support functions identified in the North Carolina Emergency Operations Plan. The State Emergency Response Team leader shall be the Director of the Division, who shall have authority to manage the Team pursuant to G.S. 166A-19.12(1), as delegated by the Governor. The Team shall consist of the following State agencies:

- a. Department of Public Safety.
- b. Department of Transportation.
- c. Department of Health and Human Services.
- d. Department of Environmental Quality.
- e. Department of Agriculture and Consumer Services.
- f. Any other agency identified in the North Carolina Emergency Operations Plan.

(19) State of emergency. – A finding and declaration by any of the following authorities that an emergency exists:

- a. The Governor, acting under the authority of G.S. 166A-19.20.
- b. The General Assembly, acting under the authority of G.S. 166A-19.20.
- c. The governing body of a municipality or the mayor of a municipality, acting under the authority of G.S. 166A-19.22.
- d. The governing body of a county or the chair of the board of commissioners of a county, acting under the authority of G.S. 166A-19.22. (1951, c. 1016, s. 2; 1953, c. 1099, s. 1; 1955, c. 387, s. 1; 1975, c. 734, ss. 4-6, 14; 1977, c. 848, s. 2; 1979, 2nd Sess., c. 1310, s. 2; 1995, c. 509, s. 123; 2001-214, s. 1; 2006-66, ss. 6.5(c), (d); 2009-193, ss. 1, 2; 2009-397, s. 2; 2012-12, s. 1(b); 2012-90, s. 10; 2015-241, ss. 6.19(c), 14.30(u); 2016-87, s. 5.)

§ 166A-19.4: Reserved for future codification purposes.

§ 166A-19.5: Reserved for future codification purposes.

§ 166A-19.6: Reserved for future codification purposes.

§ 166A-19.7: Reserved for future codification purposes.



§ 166A-19.8: Reserved for future codification purposes.

§ 166A-19.9: Reserved for future codification purposes.

Part 2. State Emergency Management.

§ 166A-19.10. Powers of the Governor.

(a) State Emergency Management Program. – The State Emergency Management Program includes all aspects of preparations for, response to, recovery from, and mitigation against war or peacetime emergencies.

(b) Powers of the Governor. – The Governor is authorized and empowered to do the following:

- (1) To exercise general direction and control of the State Emergency Management Program and to be responsible for carrying out the provisions of this Article, other than those provisions that confer powers and duties exclusively on local governments.
- (2) To make, amend, or rescind the necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor herein, with due consideration of the policies of the federal government.
- (3) To delegate any authority vested in the Governor under this Article and to provide for the subdelegation of any such authority.
- (4) To cooperate and coordinate with the President and the heads of the departments and agencies of the federal government, and with other appropriate federal officers and agencies, and with the officers and agencies of other states and local units of government in matters pertaining to the emergency management of the State and nation.
- (5) To enter into agreements with the American National Red Cross, Salvation Army, Mennonite Disaster Service, and other disaster relief organizations.
- (6) To make, amend, or rescind mutual aid agreements in accordance with G.S. 166A-19.72.
- (7) To utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the State and of the political subdivisions thereof. The officers and personnel of all such departments, offices, and agencies are required to cooperate with and extend such services and facilities to the Governor upon request. This authority shall extend to a state of emergency declared pursuant to G.S. 166A-19.20, to the imminent threat of an emergency that will likely require an emergency to be declared pursuant to G.S. 166A-19.20, or to emergency management planning and training purposes.
- (8) To agree, when required to obtain federal assistance in debris removal, that the State will indemnify the federal government against any claim arising from the removal of the debris.
- (9) To sell, lend, lease, give, transfer, or deliver materials or perform services for emergency purposes on such terms and conditions as may be prescribed by any existing law, and to account to the State Treasurer for any funds received for such property.
- (10) In an emergency, or when requested by the governing body of a political subdivision in the State, to assume operational control over all or any part of the emergency management functions within this State. (1951, c. 1016, ss. 3, 9; 1953, c. 1099, s. 3; 1955, c. 387, ss. 2, 3, 5; 1957, c. 950, s. 5; 1975, c. 734, ss. 9, 10, 14, 16; 1977, c. 848, s. 2; 1979, 2nd Sess., c. 1310, s. 2; 1995, c. 509, s. 124; 2001-214, s. 2; 2002-179, s. 12; 2009-192, s. 1; 2009-193, s. 3; 2009-196, s. 1; 2009-225, s. 1; 2011-145, s. 19.1(g); 2012-12, s. 1(b).)



§ 166A-19.11. Powers of the Secretary of Public Safety.

The Secretary shall be responsible to the Governor for State emergency management activities. The Secretary shall have the following powers and duties as delegated by the Governor: (1) To activate the State and local plans applicable to the areas in question and to authorize and direct the deployment and use of any personnel and forces to which the plan or plans apply, and the use or distribution of any supplies, equipment, materials, and facilities available pursuant to this Article or any other provision of law.

- (2) To adopt the rules to implement those provisions of this Article that deal with matters other than those that are exclusively local.
- (3) To develop a system to produce a preliminary damage assessment from which the Secretary will recommend the appropriate level of disaster declaration to the Governor. The system shall, at a minimum, consider whether the damage involved and its effects are of such a severity and magnitude as to be beyond the response capabilities of the local government or political subdivision.
- (4) Additional authority, duties, and responsibilities as may be prescribed by the Governor. The Secretary may subdelegate his authority to the appropriate member of the Secretary's department. (1951, c. 1016, ss. 3, 9; 1953, c. 1099, s. 3; 1955, c. 387, ss. 2, 3, 5; 1957, c. 950, s. 5; 1975, c. 734, ss. 9, 10, 14, 16; 1977, c. 848, s. 2; 1979, 2nd Sess., c. 1310, s. 2; 1995, c. 509, s. 124; 2001-214, s. 2; 2002-179, s. 12; 2009-192, s. 1; 2009-193, s. 3; 2009-196, s. 1; 2009-225, s. 1; 2011-145, s. 19.1(g); 2012-12, s. 1(b).)

§ 166A-19.12. Powers of the Division of Emergency Management.

The Division of Emergency Management shall have the following powers and duties as delegated by the Governor and Secretary of Public Safety:

- (1) Coordination of the activities of all State agencies for emergency management within the State, including planning, organizing, staffing, equipping, training, testing, and activating and managing the State Emergency Response Team and emergency management programs.
- (2) Preparation and maintenance of State plans for emergencies. The State plans or any parts thereof may be incorporated into department regulations and into executive orders of the Governor.
- (3) Coordination with the State Health Director to amend or revise the North Carolina Emergency Operations Plan regarding public health matters. At a minimum, the revisions to the Plan shall provide for the following:
 - a. The epidemiologic investigation of a known or suspected threat caused by nuclear, biological, or chemical agents.
 - b. The examination and testing of persons and animals that may have been exposed to a nuclear, biological, or chemical agent.
 - c. The procurement and allocation of immunizing agents and prophylactic antibiotics.
 - d. The allocation of the Strategic National Stockpile.
 - e. The appropriate conditions for quarantine and isolation in order to prevent further transmission of disease.
 - f. Immunization procedures.
 - g. The issuance of guidelines for prophylaxis and treatment of exposed and affected persons.



- (4) Establishment of a voluntary model registry for use by political subdivisions in identifying functionally and medically fragile persons in need of assistance during an emergency. All records, data, information, correspondence, and communications relating to the registration of persons with special needs or of functionally and medically fragile persons obtained pursuant to this subdivision are confidential and are not a public record pursuant to G.S. 132-1 or any other applicable statute, except that this information shall be available to emergency response agencies, as determined by the local emergency management director. This information shall be used only for the purposes set forth in this subdivision.
- (5) Promulgation of standards and requirements for local plans and programs consistent with federal and State laws and regulations, determination of eligibility for State financial assistance provided for in G.S. 166A-19.15, and provision of technical assistance to local governments. Standards and requirements for local plans and programs promulgated under this subdivision shall be reviewed by the Division at least biennially and updated as necessary.
- (6) Development and presentation of training programs, including the Emergency Management Certification Program established under Article 5 of this Chapter, and public information programs to insure the furnishing of adequately trained personnel and an informed public in time of need.
- (7) Making of such studies and surveys of the resources in this State as may be necessary to ascertain the capabilities of the State for emergency management, maintaining data on these resources, and planning for the most efficient use thereof.
- (8) Coordination of the use of any private facilities, services, and property.
- (9) Preparation for issuance by the Governor of executive orders, declarations, and regulations as necessary or appropriate.
- (10) Cooperation and maintenance of liaison with the other states, the federal government, and any public or private agency or entity in achieving any purpose of this Article and in implementing programs for emergency or war prevention, preparation, response, and recovery.
- (11) Making recommendations, as appropriate, for zoning, building, and other land-use controls, and safety measures for securing mobile homes or other nonpermanent or semipermanent works designed to protect against or mitigate the effects of an emergency.
- (12) Coordination of the use of existing means of communications and supplementing communications resources and integrating them into a comprehensive State or State-federal telecommunications or other communications system or network.
- (13) Administration of federal and State grant funds provided for emergency management purposes, including those funds provided for planning and preparedness activities by emergency management agencies.
- (14) Serving as the lead State agency for the coordination of information and resources for hazard risk management, which shall include the following responsibilities:
 - a. Coordinating with other State agencies and county governments in conducting hazard risk analysis. To the extent another State agency has primary responsibility for the adoption of hazard mitigation standards, those standards shall be applied in conducting a hazard risk analysis.
 - b. Establishing and maintaining a hazard risk management information system and tools to display natural hazards and vulnerabilities and conducting risk assessment.
 - c. Acquiring and leveraging all natural hazard data generated or maintained by State agencies and county governments.



- d. Acquiring and leveraging all vulnerability data generated or maintained by State agencies and county governments.
 - e. Maintaining a clearinghouse for methodologies and metrics for calculating and communicating hazard probability and loss estimation.
- (15) Utilizing and maintaining technology that enables efficient and effective communication and management of resources between political subdivisions, State agencies, and other governmental entities involved in emergency management activities.
 - (16) Establishing and operating a 24-hour Operations Center to serve as a single point of contact for local governments to report the occurrence of emergency and disaster events and to coordinate local and State response assets. The Division shall record all telephone calls to the 24-hour Operations Center emergency hotline and shall maintain the recording of each telephone call for at least one year.
 - (17) Developing, maintaining, and implementing plans for response to any emergency occurring at a fixed nuclear power generating facility located in or near the borders of the State of North Carolina.
 - (18) Maintaining the State Emergency Operations Center as the facility to house the State Emergency Response Team whenever it is activated for disaster response.
 - (19) Serving as the agency responsible for the management of intrastate and interstate mutual aid planning, implementation, and resource procurement necessary for supporting emergency response and recovery.
 - (20) Coordination with the Commissioner of Agriculture, or the Commissioner's designee, to amend or revise the North Carolina Emergency Operations Plan regarding agricultural matters. At a minimum, the revisions to the Plan shall provide for the following:
 - a. The examination and testing of animals that may have been exposed to a nuclear, biological, or chemical agent.
 - b. The appropriate conditions for quarantine and isolation of animals in order to prevent further transmission of disease.
 - (21) Maintenance of an effective statewide urban search and rescue program.
 - (22) Serving as the lead State agency for the implementation and maintenance of the statewide School Risk and Response Management System (SRRMS) under G.S. 115C-105.49A.
 - (23) Coordination with the State Chief Information Officer and the Adjutant General to manage statewide response to cybersecurity incidents and significant cybersecurity incidents as defined by G.S. 143B-1320. This includes, but is not limited to:
 - a. Development and promulgation of necessary policies, plans, and procedures for cybersecurity and critical infrastructure protection; and
 - b. Annual review, update, and testing of cybersecurity incident response plans and procedures. (1951, c. 1016, ss. 3, 9; 1953, c. 1099, s. 3; 1955, c. 387, ss. 2, 3, 5; 1957, c. 950, s. 5; 1975, c. 734, ss. 9, 10, 14, 16; 1977, c. 848, s. 2; 1979, 2nd Sess., c. 1310, s. 2; 1995, c. 509, s. 124; 2001-214, s. 2; 2002-179, s. 12; 2009-192, s. 1; 2009-193, s. 3; 2009-196, s. 1; 2009-225, s. 1; 2011-145, s. 19.1(g); 2012-12, s. 1(b); 2012-90, ss. 11, 12; 2014-27, s. 3; 2014-122, s. 6(c); 2015-241, s. 8.26(j); 2019-200, s. 6(b).)
 - c.

§ 66A-19.13: Reserved for future codification purposes.



§ 66A-19.14: Reserved for future codification purposes.

Part 3. Local Emergency Management.

§ 166A-19.15. County and municipal emergency management.

(a) Governing Body of Counties Responsible for Emergency Management. – The governing body of each county is responsible for emergency management within the geographical limits of such county. All emergency management efforts within the county will be coordinated by the county, including activities of the municipalities within the county.

(b) Counties May Establish and Maintain Emergency Management Agencies. – The governing body of each county is hereby authorized to establish and maintain an emergency management agency for the purposes contained in G.S. 166A-19.1. The governing body of each county which establishes an emergency management agency pursuant to this authorization shall appoint a coordinator who will have a direct responsibility for the organization, administration, and operation of the county program and will be subject to the direction and guidance of such governing body. In the event that any county fails to establish an emergency management agency, and the Governor, in the Governor's discretion, determines that a need exists for such an emergency management agency, then the Governor is hereby empowered to establish an emergency management agency within that county.

(c) Municipalities May Establish and Maintain Emergency Management Agencies. – All incorporated municipalities are authorized to establish and maintain emergency management agencies subject to coordination by the county.

(d) Joint Agencies Authorized. – Counties and incorporated municipalities are authorized to form joint emergency management agencies composed of a county and one or more municipalities within the county's borders, between two or more counties, or between two or more counties and one or more municipalities within the borders of those counties.

(e) Local Appropriations Authorized. – Each county and incorporated municipality in this State is authorized to make appropriations for the purposes of this Article and to fund them by levy of property taxes pursuant to G.S. 153A-149 and G.S. 160A-209 and by the allocation of other revenues, use of which is not otherwise restricted by law.

(f) Additional Powers. – In carrying out the provisions of this Article each political subdivision is authorized to do the following:

- (1) To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management purposes and to provide for the health and safety of persons and property, including emergency assistance, consistent with this Article.
- (2) To direct and coordinate the development of emergency management plans and programs in accordance with the policies and standards set by the Division, consistent with federal and State laws and regulations.
- (3) To assign and make available all available resources for emergency management purposes for service within or outside of the physical limits of the subdivision.
- (4) To delegate powers in a local state of emergency declared pursuant to G.S. 166A-19.22.
- (5) To coordinate the voluntary registration of functionally and medically fragile persons in need of assistance during an emergency either through a registry established by this subdivision or by the State. All records, data, information, correspondence, and communications relating to the registration of persons with special needs or of functionally and medically fragile persons obtained pursuant to this subdivision are confidential and are not a public record pursuant to G.S. 132-1 or any other applicable statute, except that this information shall be available to emergency response



agencies, as determined by the local emergency management director. This information shall be used only for the purposes set forth in this subdivision.

(g) County Eligibility for State and Federal Financial Assistance. – Each county which establishes an emergency management agency pursuant to State standards and which meets requirements for local plans and programs may be eligible to receive State and federal financial assistance, including State and federal funding appropriated for emergency management planning and preparedness, and for the maintenance and operation of a county emergency management program. Such financial assistance is subject to an appropriation being made for this purpose. Where the appropriation does not allocate appropriated funds among counties, the amount allocated to each county shall be determined annually by the Division. The size of this allocation shall be based in part on the degree to which local plans and programs meet State standards and requirements promulgated by the Division, including those relating to professional competencies of local emergency management personnel. However, in making an allocation determination, the Division shall, where appropriate, take into account the fact that a particular county may lack sufficient resources to meet the standards and requirements promulgated by the Division. (1951, c. 1016, s. 6; 1953, c. 1099, s. 4; 1957, c. 950, s. 2; 1959, c. 337, s. 5; 1973, c. 620, s. 9; 1975, c. 734, ss. 12, 14, 16; 1977, c. 848, s. 2; 1979, 2nd Sess., c. 1310, s. 2; 1995, c. 509, ss. 126, 127; 2009-196, s. 2; 2009-225, s. 2; 2012-12, s. 1(b).)

§ 166A-19.16: Reserved for future codification purposes.

§ 166A-19.17: Reserved for future codification purposes.

§ 166A-19.18: Reserved for future codification purposes.

§ 166A-19.19: Reserved for future codification purposes.

Part 4. Declarations of State of Emergency.

§ 166A-19.20. Gubernatorial or legislative declaration of state of emergency.

(a) Declaration. – A state of emergency may be declared by the Governor or by a resolution of the General Assembly, if either of these finds that an emergency exists.

(b) Emergency Area. – An executive order or resolution declaring a state of emergency shall include a definition of the area constituting the emergency area.

(c) Expiration of States of Emergency. – A state of emergency declared pursuant to this section shall expire when it is rescinded by the authority that issued it.

(d) Exercise of Powers Not Contingent on Declaration of Disaster Type. – Once a state of emergency has been declared pursuant to this section, the fact that a declaration of disaster type has not been issued shall not preclude the exercise of powers otherwise conferred during a state of emergency. (1951, c. 1016, s. 4; 1955, c. 387, s. 4; 1959, c. 284, s. 2; c. 337, s. 4; 1975, c. 734, ss. 11, 14; 1977, c. 848, s. 2; 1979, 2nd Sess., c. 1310, s. 2; 1993, c. 321, s. 181(a); 1995, c. 509, s. 125; 2001-214, s. 3; 2011-145, s. 19.1(g); 2011-183, s. 127(c); 2012-12, s. 1(b).)

§ 166A-19.21. Gubernatorial disaster declaration.



(a) Preliminary Damage Assessment. – When a state of emergency is declared pursuant to G.S. 166A-19.20, the Secretary shall provide the Governor and the General Assembly with a preliminary damage assessment as soon as the assessment is available.

(b) Declaration of Disaster. – Upon receipt of a preliminary damage assessment, the Governor is authorized to issue a disaster declaration declaring the impact or anticipated impact of the emergency to constitute a disaster of one of the following types:

- (1) Type I disaster. – A Type I disaster may be declared by the Governor prior to, and independently of, any action taken by the Small Business Administration, the Federal Emergency Management Agency, or any other federal agency, if all of the following criteria are met:
 - a. A local state of emergency has been declared pursuant to G.S. 166A-19.22 and a written copy of the declaration has been forwarded to the Governor.
 - b. The preliminary damage assessment meets or exceeds the criteria established for the Small Business Administration Disaster Loan Program pursuant to 13 C.F.R. Part 123 or meets or exceeds the State infrastructure criteria set out in G.S. 166A-19.41(b)(2)a.
 - c. A major disaster declaration by the President of the United States pursuant to the Stafford Act has not been declared.
- (2) Type II disaster. – A Type II disaster may be declared if the President of the United States has issued a major disaster declaration pursuant to the Stafford Act. The Governor may request federal disaster assistance under the Stafford Act without making a Type II disaster declaration.
- (3) Type III disaster. – A Type III disaster may be declared if the President of the United States has issued a major disaster declaration under the Stafford Act and either of the following is true:
 - a. The preliminary damage assessment indicates that the extent of damage is reasonably expected to meet the threshold established for an increased federal share of disaster assistance under applicable federal law and regulations.
 - b. The preliminary damage assessment prompts the Governor to call a special session of the General Assembly to establish programs to meet the unmet needs of individuals, businesses, or political subdivisions affected by the emergency.

(c) Expiration of Disaster Declarations. –

- (1) Expiration of Type I disaster declarations. – A Type I disaster declaration shall expire 60 days after its issuance unless renewed by the Governor or the General Assembly. Such renewals may be made in increments of 30 days each, not to exceed a total of 120 days from the date of first issuance. The Joint Legislative Commission on Governmental Operations shall be notified prior to the issuance of any renewal of a Type I disaster declaration.
- (2) Expiration of Type II disaster declarations. – A Type II disaster declaration shall expire twelve months after its issuance unless renewed by the Governor or the General Assembly. Such renewals may be made in increments of three months each. A Type II disaster declaration and any renewals of that declaration shall not exceed a total of 24 months. The Joint Legislative Commission on Governmental Operations shall be notified prior to the issuance of any renewal of a Type II disaster declaration.
- (3) Expiration of Type III disaster declarations. – A Type III disaster declaration shall expire 24 months after its issuance unless renewed by the General Assembly.
- (4) Expiration of disaster declarations declared prior to July 1, 2001. – Any state of disaster declared or proclaimed before July 1, 2001, irrespective of type, shall terminate by a declaration of the Governor or resolution of the General Assembly. A declaration or resolution declaring or



terminating a state of disaster shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent or impede, promptly filed with the Secretary, the Secretary of State, and the clerks of superior court in the area to which it applies.

(d) Effect of Disaster Declaration Expiration. – Expiration of a Type II or III disaster declaration shall not affect the State's obligations under federal-State agreements entered into prior to the expiration of the disaster declaration. (1951, c. 1016, s. 4; 1955, c. 387, s. 4; 1959, c. 284, s. 2; c. 337, s. 4; 1975, c. 734, ss. 11, 14; 1977, c. 848, s. 2; 1979, 2nd Sess., c. 1310, s. 2; 1993, c. 321, s. 181(a); 1995, c. 509, s. 125; 2001-214, s. 3; 2011-145, s. 19.1(g); 2011-183, s. 127(c); 2012-12, s. 1(b); 2012-90, ss. 7, 8.)

§ 166A-19.22. Municipal or county declaration of state of emergency.

(a) Declaration. – A state of emergency may be declared by the governing body of a municipality or county, if either of these finds that an emergency exists. Authority to declare a state of emergency under this section may also be delegated by ordinance to the mayor of a municipality or to the chair of the board of county commissioners of a county.

(b) Emergency Area. – The emergency area shall be determined in accordance with the following:

- (1) Unless another subdivision of this subsection is applicable, the emergency area shall not exceed the area over which the municipality or county has jurisdiction to enact general police-power ordinances. The governing body declaring the state of emergency may declare that the emergency area includes part or all of the governing body's jurisdiction. Unless the governing body declaring the state of emergency provides otherwise, the emergency area includes this entire jurisdiction, subject to the limitations contained in the other subdivisions in this subsection.
- (2) The emergency area of a state of emergency declared by a county shall not include any area within the corporate limits of any municipality, or within any area of the county over which a municipality has jurisdiction to enact general police-power ordinances, unless the municipality's governing body or mayor consents to or requests the state of emergency's application. Such an extension may be with respect to one or more of the prohibitions and restrictions imposed in that county pursuant to the authority granted in G.S. 166A-19.31 and need not be with respect to all prohibitions and restrictions authorized by that section.
- (3) The board of commissioners or chair of the board of commissioners of any county who has been requested to do so by a mayor may by declaration extend the emergency area of a state of emergency declared by a municipality to any area within the county in which the board or chair determines it to be necessary to assist in the controlling of the emergency within the municipality. The extension may be with respect to one or more of the prohibitions and restrictions imposed in that mayor's municipality pursuant to the authority granted in G.S. 166A-19.31 and need not be with respect to all prohibitions and restrictions authorized by that section. Extension of the emergency area pursuant to this subdivision shall be subject to the following additional limitations:
 - a. The extension of the emergency area shall not include any area within the corporate limits of a municipality, or within any area of the county over which a municipality has jurisdiction to enact general police-power ordinances, unless the mayor or governing body of that other municipality consents to its application.
 - b. A chair of a board of county commissioners extending the emergency area under the authority of this subdivision shall take reasonable steps to give notice of its terms to those likely to be affected.



- c. The chair of the board of commissioners shall declare the termination of any prohibitions and restrictions extended pursuant to this subdivision upon the earlier of the following:
 - 1. The chair's determination that they are no longer necessary.
 - 2. The determination of the board of county commissioners that they are no longer necessary.
 - 3. The termination of the prohibitions and restrictions within the municipality.
- d. The powers authorized under this subdivision may be exercised whether or not the county has enacted ordinances under the authority of G.S. 166A-19.31. Exercise of this authority shall not preclude the imposition of prohibitions and restrictions under any ordinances enacted by the county under the authority of G.S. 166A-19.31.

(c) Expiration of States of Emergency. – Unless an ordinance adopted pursuant to G.S. 166A-19.31 provides otherwise, a state of emergency declared pursuant to this section shall expire when it is terminated by the official or governing body that declared it.

(d) Effect of Declaration. – The declaration of a state of emergency pursuant to this section shall activate the local ordinances authorized in G.S. 166A-19.31 and any and all applicable local plans, mutual assistance compacts, and agreements and shall also authorize the furnishing of assistance thereunder. (Former G.S. 14-288.13: 1969, c. 869, s. 1; 1993, c. 539, s. 195; 1994, Ex. Sess., c. 24, s. 14(c). Former G.S. 14-288.14: 1969, c. 869, s. 1; 1993, c. 539, s. 196; 1994, Ex. Sess., c. 14, s. 7; c. 24, s. 14(c). Former G.S. 166A-8: 1951, c. 1016, s. 6; 1953, c. 1099, s. 4; 1957, c. 950, s. 2; 1959, c. 337, s. 5; 1973, c. 620, s. 9; 1975, c. 734, ss. 12, 14, 16; 1977, c. 848, s. 2; 2012-12, s. 1(b).)

§ 166A-19.23. Excessive pricing prohibitions.

A declaration issued pursuant to this Article shall trigger the prohibitions against excessive pricing during states of disaster, states of emergency, or abnormal market disruptions pursuant to G.S. 75-37 and G.S. 75-38. (2012-12, s. 1(b).)

§ 166A-19.24: Reserved for future codification purposes.

§ 166A-19.25: Reserved for future codification purposes.

§ 166A-19.26: Reserved for future codification purposes.

§ 166A-19.27: Reserved for future codification purposes.

§ 166A-19.28: Reserved for future codification purposes.

§ 166A-19.29: Reserved for future codification purposes.



Part 5. Additional Powers During States of Emergency.

§ 166A-19.30. Additional powers of the Governor during state of emergency.

(a) In addition to any other powers conferred upon the Governor by law, during a gubernatorially or legislatively declared state of emergency, the Governor shall have the following powers:

- (1) To utilize all available State resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of State agencies or units thereof for the purpose of performing or facilitating emergency services.
- (2) To take such action and give such directions to State and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Article and with the orders, rules, and regulations made pursuant thereto.
- (3) To take steps to assure that measures, including the installation of public utilities, are taken when necessary to qualify for temporary housing assistance from the federal government when that assistance is required to protect the public health, welfare, and safety.
- (4) Subject to the provisions of the State Constitution to relieve any public official having administrative responsibilities under this Article of such responsibilities for willful failure to obey an order, rule, or regulation adopted pursuant to this Article.
- (5) Through issuance of an executive order to waive requirements for an environmental document or permit issued under Articles 1, 4, and 7 of Chapter 113A of the General Statutes for the repair, protection, safety enhancement, or replacement of a component of the State highway system that provides the sole road access to an incorporated municipality or an unincorporated inhabited area bordering the Atlantic Ocean or any coastal sound where bridge or road conditions as a result of the events leading to the declaration of the state of emergency pose a substantial risk to public health, safety, or welfare. The executive order shall list the duration of the waiver and the activities to which the waiver applies. For purposes of this subdivision, "coastal sound" shall have the definition set forth in G.S. 113A-103, and "replacement" shall not be interpreted to exclude a replacement that increases size or capacity or that is located in a different location than the component that is replaced.

(b) During a gubernatorially or legislatively declared state of emergency, with the concurrence of the Council of State, the Governor has the following powers:

- (1) To direct and compel the evacuation of all or part of the population from any stricken or threatened area within the State, to prescribe routes, modes of transportation, and destinations in connection with evacuation; and to control ingress and egress of an emergency area, the movement of persons within the area, and the occupancy of premises therein.
- (2) To establish a system of economic controls over all resources, materials, and services to include food, clothing, shelter, fuel, rents, and wages, including the administration and enforcement of any rationing, price freezing, or similar federal order or regulation.
- (3) To regulate and control the flow of vehicular and pedestrian traffic, the congregation of persons in public places or buildings, lights and noises of all kinds, and the maintenance, extension, and operation of public utility and transportation services and facilities.
- (4) To waive a provision of any regulation or ordinance of a State agency or a political subdivision which restricts the immediate relief of human suffering.
- (5) To perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population.



- (6) To appoint or remove an executive head of any State agency or institution, the executive head of which is regularly selected by a State board or commission. a. Such an acting executive head will serve during the following:
1. The physical or mental incapacity of the regular office holder, as determined by the Governor after such inquiry as the Governor deems appropriate.
 2. The continued absence of the regular holder of the office.
 3. A vacancy in the office pending selection of a new executive head.
- b. An acting executive head of a State agency or institution appointed in accordance with this subdivision may perform any act and exercise any power which a regularly selected holder of such office could lawfully perform and exercise.
- c. All powers granted to an acting executive head of a State agency or institution under this section shall expire immediately:
1. Upon the termination of the incapacity as determined by the Governor of the officer in whose stead the Governor acts;
 2. Upon the return of the officer in whose stead the Governor acts; or
 3. Upon the selection and qualification of a person to serve for the unexpired term, or the selection of an acting executive head of the agency or institution by the board or commission authorized to make such selection, and the person's qualification.
- (7) To procure, by purchase, condemnation, seizure, or by other means to construct, lease, transport, store, maintain, renovate, or distribute materials and facilities for emergency management without regard to the limitation of any existing law.

(c) In addition to any other powers conferred upon the Governor by law, during a gubernatorially or legislatively declared state of emergency, if the Governor determines that local control of the emergency is insufficient to assure adequate protection for lives and property because (i) needed control cannot be imposed locally because local authorities responsible for preservation of the public peace have not enacted appropriate ordinances or issued appropriate declarations as authorized by G.S. 166A-19.31; (ii) local authorities have not taken implementing steps under such ordinances or declarations, if enacted or declared, for effectual control of the emergency that has arisen; (iii) the area in which the emergency exists has spread across local jurisdictional boundaries, and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; or (iv) the scale of the emergency is so great that it exceeds the capability of local authorities to cope with it, the Governor has the following powers:

- (1) To impose by declaration prohibitions and restrictions in the emergency area. These prohibitions and restrictions may, in the Governor's discretion, as appropriate to deal with the emergency, impose any of the types of prohibitions and restrictions enumerated in G.S. 166A-19.31(b), and may amend or rescind any prohibitions and restrictions imposed by local authorities. Prohibitions and restrictions imposed pursuant to this subdivision shall take effect in accordance with the provisions of G.S. 166A-19.31(d) and shall expire upon the earliest occurrence of either of the following: (i) the prohibition or restriction is terminated by the Governor or (ii) the state of emergency is terminated.
- (2) Give to all participating State and local agencies and officers such directions as may be necessary to assure coordination among them. These directions may include the designation of the officer or agency responsible for directing and controlling the participation of all public agencies and officers in the emergency. The Governor may make this designation in any manner which, in the Governor's discretion, seems most likely to be effective. Any law enforcement officer participating in the control of a state of emergency in which the Governor is exercising control under this section shall



have the same power and authority as a sheriff throughout the territory to which the law enforcement officer is assigned.

(d) Violation. – Any person who violates any provision of a declaration or executive order issued pursuant to this section shall be guilty of a Class 2 misdemeanor in accordance with G.S. 14-288.20A. (Former G.S. 14-288.15: 1969, c. 869, s. 1; 1993, c. 539, s. 197; 1994, Ex. Sess., c. 24, s. 14(c). Former G.S. 166A-6: 1951, c. 1016, s. 4; 1955, c. 387, s. 4; 1959, c. 284, s. 2; c. 337, s. 4; 1975, c. 734, ss. 11, 14; 1977, c. 848, s. 2; 1979, 2nd Sess., c. 1310, s. 2; 1993, c. 321, s. 181(a); 1995, c. 509, s. 125; 2001-214, s. 3; 2011-145, s. 19.1(g); 2011-183, s. 127(c); 2012-90, s. 1; 2012-12, s. 1(b); 2014-100, s. 14.7(i).)

§ 166A-19.31. Power of municipalities and counties to enact ordinances to deal with states of emergency.

(a) Authority to Enact Prohibitions and Restrictions. – The governing body of any municipality or county may enact ordinances designed to permit the imposition of prohibitions and restrictions within the emergency area during a state of emergency declared pursuant to G.S. 166A-19.22. Authority to impose by declaration prohibitions and restrictions under this section, and to impose those prohibitions and restrictions at a particular time as appropriate, may be delegated by ordinance to the mayor of a municipality or to the chair of the board of county commissioners of a county.

(b) Type of Prohibitions and Restrictions Authorized. – The ordinances authorized by this section may permit prohibitions and restrictions:

- (1) Of movements of people in public places, including any of the following:
 - a. Imposing a curfew.
 - b. Directing and compelling the voluntary or mandatory evacuation of all or part of the population from any stricken or threatened area within the governing body's jurisdiction.
 - c. Prescribing routes, modes of transportation, and destinations in connection with evacuation.
 - d. Controlling ingress and egress of an emergency area, and the movement of persons within that area.
 - e. Providing for the closure, within the emergency area, of streets, roads, highways, bridges, public vehicular areas, or other areas ordinarily used for vehicular travel, except to the movement of emergency responders and other persons necessary for recovery from the emergency. In addition to any other notice or dissemination of information, notification of any closure of a road or public vehicular area under the authority of this sub-subdivision shall be given to the Department of Transportation as soon as practicable. The ordinance may designate the sheriff to exercise the authority granted by this sub-subdivision. G.S. 166A-19.70(c) and (d) shall apply to this sub-subdivision.
- (2) Of the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate.
- (3) Upon the possession, transportation, sale, purchase, and consumption of alcoholic beverages.
- (4) Upon the possession, transportation, sale, purchase, storage, and use of gasoline, and dangerous weapons and substances, except that this subdivision does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used in this subdivision, the term "dangerous weapons and substances" has the same meaning as it does under G.S. 14-288.1. As used in this subdivision, the term "firearm" has the same meaning as it does under G.S. 14-409.39(2).
- (5) Upon other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.



The ordinances authorized by this section need not require or provide for the imposition of all of the types of prohibitions or restrictions, or any particular prohibition or restriction, authorized by this section during an emergency but may instead authorize the official or officials who impose those prohibitions or restrictions to determine and impose the prohibitions or restrictions deemed necessary or suitable to a particular state of emergency.

(c) When Ordinances Take Effect. – Notwithstanding any other provision of law, whether general or special, relating to the promulgation or publication of ordinances by any municipality or county, upon the declaration of a state of emergency by the mayor or chair of the board of county commissioners within the municipality or the county, any ordinance enacted under the authority of this section shall take effect immediately unless the ordinance sets a later time. If the effect of this section is to cause an ordinance to go into effect sooner than it otherwise could under the law applicable to the municipality or county, the mayor or chair of the board of county commissioners, as the case may be, shall take steps to cause reports of the substance of the ordinance to be disseminated in a fashion that its substance will likely be communicated to the public in general, or to those who may be particularly affected by the ordinance if it does not affect the public generally. As soon as practicable thereafter, appropriate distribution or publication of the full text of any such ordinance shall be made.

(d) When Prohibitions and Restrictions Take Effect. – All prohibitions and restrictions imposed by declaration pursuant to ordinances adopted under this section shall take effect in the emergency area immediately upon publication of the declaration unless the declaration sets a later time. For the purpose of requiring compliance, publication may consist of reports of the substance of the prohibitions and restrictions in the mass communications media serving the emergency area or other effective methods of disseminating the necessary information quickly. As soon as practicable, however, appropriate distribution of the full text of any declaration shall be made. This subsection shall not be governed by the provisions of G.S. 1-597.

(e) Expiration of Prohibitions and Restrictions. – Prohibitions and restrictions imposed pursuant to this section shall expire upon the earliest occurrence of any of the following:

- (1) The prohibition or restriction is terminated by the official or entity that imposed the prohibition or restriction.
- (2) The state of emergency terminates.

(f) Intent to Supplement Other Authority. – This section is intended to supplement and confirm the powers conferred by G.S. 153A-121(a), G.S. 160A-174(a), and all other general and local laws authorizing municipalities and counties to enact ordinances for the protection of the public health and safety in times of riot or other grave civil disturbance or emergency.

(g) Previously Enacted Ordinances Remain in Effect. – Any ordinance of a type authorized by this section promulgated prior to October 1, 2012, if otherwise valid, continue in full force and effect without reenactment.

(h) Violation. – Any person who violates any provision of an ordinance or a declaration enacted or declared pursuant to this section shall be guilty of a Class 2 misdemeanor in accordance with G.S. 14-288.20A. (Former G.S. 14-288.12: 1969, c. 869, s. 1; 1981, c. 412, s. 4(4); c. 747, s. 66; 1989, c. 770, s. 2; 1993, c. 539, s. 194; 1994, Ex. Sess., c. 24, s. 14(c); 2009-146, s. 1. Former

G.S. 14-288.13: 1969, c. 869, s. 1; 1993, c. 539, s. 195; 1994, Ex. Sess., c. 24, s. 14(c). Former

G.S. 14-288.16: 1969, c. 869, s. 1. Former G.S. 14-288.17: 1969, c. 869, s. 1. 2012-12, s. 1(b); 2019-89, s. 1.)

§ 166A-19.32: Reserved for future codification purposes.



§ 166A-19.33: Reserved for future codification purposes.

§ 166A-19.34: Reserved for future codification purposes.

§ 166A-19.35: Reserved for future codification purposes.

§ 166A-19.36: Reserved for future codification purposes.

§ 166A-19.37: Reserved for future codification purposes.

§ 166A-19.38: Reserved for future codification purposes.

§ 166A-19.39: Reserved for future codification purposes.

Part 6. Funding of Emergency Preparedness and Response.

§ 166A-19.40. Use of contingency and emergency funds.

(a) Use of Contingency and Emergency Funds. – The Governor may use contingency and emergency funds:

- (1) As necessary and appropriate to provide relief and assistance from the effects of an emergency.
- (2) As necessary and appropriate for National Guard training in preparation for emergencies with the concurrence of the Council of State.

(b) Repealed by Session Laws 2015-241, s. 6.19(a), effective July 1, 2015.

(c) Use of Other Funds. – The Governor may reallocate such other funds as may reasonably be available within the appropriations of the various departments when all of the following conditions are satisfied:

- (1) The severity and magnitude of the emergency so requires.
- (2) Contingency and emergency funds are insufficient or inappropriate.
- (3) A state of emergency has been declared pursuant to G.S. 166A-19.20(a).
- (4) Funds in the State Emergency Response and Disaster Relief Fund are insufficient. (Former G.S. 166A-5: 1951, c. 1016, ss. 3, 9; 1953, c. 1099, s. 3; 1955, c. 387, ss. 2, 3, 5; 1957, c. 950, s. 5; 1975, c. 734, ss. 9, 10, 14, 16; 1977, c. 848, s. 2; 1979, 2nd Sess., c. 1310, s. 2; 1995, c. 509, s. 124; 2001-214, s. 2; 2002-179, s. 12; 2009-192, s. 1; 2009-193, s. 3; 2009-196, s. 1; 2009-225, s. 1; 2011-145, s. 19.1(g). Former G.S. 166A-6: 1951, c. 1016, s. 4; 1955, c. 387, s. 4; 1959, c. 284, s. 2; c. 337, s. 4; 1975, c. 734, ss. 11, 14; 1977, c. 848, s. 2; 1979, 2nd Sess., c. 1310, s. 2; 1993, c. 321, s. 181(a); 1995, c. 509, s. 125; 2001-214, s. 3; 2011-145, s. 19.1(g); 2011-183, s. 127(c); 2012-12, s. 1(b); 2015-241, s. 6.19(a).)

§ 166A-19.41. State emergency assistance funds.



(a) Governor May Make Funds Available for Emergency Assistance. – In the event of a gubernatorially or legislatively declared state of emergency, the Governor may make State funds available for emergency assistance as authorized by this section. Any State funds made available by the Governor for emergency assistance may be administered through State emergency assistance programs which may be established by the Governor upon the declaration of a state of emergency. It is the intent of the General Assembly in authorizing the Governor to make State funds available for emergency assistance and in authorizing the Governor to establish State emergency assistance programs to provide State assistance for recovery from those emergencies for which federal assistance under the Stafford Act is either not available or does not adequately meet the needs of the citizens of the State in the emergency area.

(b) Emergency Assistance in a Type I Disaster. – In the event that a Type I disaster is declared, the Governor may make State funds available for emergency assistance in the emergency area in the form of individual assistance and public assistance as provided in this subsection. (1) Individual assistance. – State emergency assistance in the form of grants to individuals and families may be made available when damage meets or exceeds the criteria set out in 13 C.F.R. Part 123 for the Small Business Administration Disaster Loan Program. Individual assistance grants shall include benefits comparable to those provided by the Stafford Act and may be provided for the following:

- a. Provision of temporary housing and rental assistance.
- b. Repair or replacement of dwellings. Grants for repair or replacement of housing may include amounts necessary to locate the individual or family in safe, decent, and sanitary housing.
- c. Replacement of personal property (including clothing, tools, and equipment).
- d. Repair or replacement of privately owned vehicles.
- e. Medical or dental expenses.
- f. Funeral or burial expenses resulting from the emergency.
- g. Funding for the cost of the first year's flood insurance premium to meet the requirements of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. § 4001, et seq.

(2) Public assistance. – State emergency assistance in the form of public assistance grants may be made available to eligible entities located within the emergency area on the following terms and conditions:

- a. Eligible entities shall meet the following qualifications:
 1. The eligible entity suffers a minimum of ten thousand dollars (\$10,000) in uninsurable losses.
 2. The eligible entity suffers uninsurable losses in an amount equal to or exceeding one percent (1%) of the annual operating budget.
 3. For a state of emergency declared pursuant to G.S. 166A-19.20(a) after the deadline established by the Federal Emergency Management Agency pursuant to the Disaster Mitigation Act of 2002, P.L. 106-390, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act.
 4. For a state of emergency declared pursuant to G.S. 166A-19.20(a), after August 1, 2002, the eligible entity shall be participating in the National Flood Insurance Program in order to receive public assistance for flooding damage.
- b. Eligible entities shall be required to provide non-State matching funds equal to twenty-five percent (25%) of the eligible costs of the public assistance grant.



- c. An eligible entity that receives a public assistance grant pursuant to this subsection may use the grant for the following purposes only:
 - 1. Debris clearance.
 - 2. Emergency protective measures.
 - 3. Roads and bridges.
 - 4. Crisis counseling.
 - 5. Assistance with public transportation needs.

(c) Emergency Assistance in a Type II Disaster. – If a Type II disaster is declared, the Governor may make State funds available for emergency assistance in the emergency area in the form of the following types of grants:

- (1) State Acquisition and Relocation Funds.
- (2) Supplemental repair and replacement housing grants available to individuals or families in an amount necessary to locate the individual or family in safe, decent, and sanitary housing, not to exceed twenty-five thousand dollars (\$25,000) per family.

(d) Emergency Assistance in a Type III Disaster. – If a Type III disaster is declared, the Governor may make State funds available for emergency assistance in the emergency area in the form of the following types of grants:

- (1) State Acquisition and Relocation Funds.
- (2) Supplemental repair and replacement housing grants available to individuals or families in an amount necessary to locate the individual or family in safe, decent, and sanitary housing, not to exceed twenty-five thousand dollars (\$25,000) per family.
- (3) Any programs authorized by the General Assembly. (2001-214, s. 4; 2001-487, s. 98; 2002-24, s. 1; 2002-159, s. 57.5; 2006-66, s. 6.5(a); 2012-12, s. 1(b).)

§ 166A-19.42. State Emergency Response and Disaster Relief Fund.

(a) Account Established. – There is established a State Emergency Response and Disaster Relief Fund as a reserve in the General Fund. Any funds appropriated to the Fund shall remain available for expenditure as provided by this section, unless directed otherwise by the General Assembly.

(b) Use of Funds. – The Governor may spend funds from the Fund for the following purposes:

- (1) To cover the start-up costs of State Emergency Response Team operations for an emergency that poses an imminent threat of a Type I, Type II, or Type III disaster.
- (2) To cover the cost of first responders to a Type I, Type II, or Type III disaster and any related supplies and equipment needed by first responders that are not provided for under subdivision (1) of this subsection.
- (3) To provide relief and assistance in accordance with G.S. 166A-19.41 from the effects of an emergency.

(c) Reporting Requirement. – The Governor shall report to the Joint Legislative Commission on Governmental Operations and to the Chairs of the Appropriations Committees of the Senate and House of Representatives on any expenditures from the State Emergency Response and Disaster Relief Fund no later than 30 days after making the expenditure. The report shall include a description of the emergency and type of action taken. (2006-66, s. 6.5(b); 2012-12, s. 1(b); 2015-241, s. 6.19(b).)

§ 166A-19.43: Reserved for future codification purposes.



§ 166A-19.44: Reserved for future codification purposes.

§ 166A-19.45: Reserved for future codification purposes.

§ 166A-19.46: Reserved for future codification purposes.

§ 166A-19.47: Reserved for future codification purposes.

§ 166A-19.48: Reserved for future codification purposes.

§ 166A-19.49: Reserved for future codification purposes.

§ 166A-19.50: Reserved for future codification purposes.

§ 166A-19.51: Reserved for future codification purposes.

§ 166A-19.52: Reserved for future codification purposes.

§ 166A-19.53: Reserved for future codification purposes.

§ 166A-19.54: Reserved for future codification purposes.

§ 166A-19.55: Reserved for future codification purposes.

§ 166A-19.56: Reserved for future codification purposes.

§ 166A-19.57: Reserved for future codification purposes.

§ 166A-19.58: Reserved for future codification purposes.



§ 166A-19.59: Reserved for future codification purposes.

Part 7. Immunity and Liability.

§ 166A-19.60. Immunity and exemption.

(a) Generally. – All functions hereunder and all other activities relating to emergency management as provided for in this Chapter or elsewhere in the General Statutes are hereby declared to be governmental functions. Neither the State nor any political subdivision thereof, nor, except in cases of willful misconduct, gross negligence, or bad faith, any emergency management worker, firm, partnership, association, or corporation complying with or reasonably attempting to comply with this Article or any order, rule, or regulation promulgated pursuant to the provisions of this Article or pursuant to any ordinance relating to any emergency management measures enacted by any political subdivision of the State, shall be liable for the death of or injury to persons, or for damage to property as a result of any such activity.

(b) Immunity. – The immunity provided to firms, partnerships, associations, or corporations, under subsection (a) of this section, is subject to all of the following conditions:

- (1) The immunity applies only when the firm, partnership, association, or corporation is acting without compensation or with compensation limited to no more than actual expenses and one of the following applies:
 - a. Emergency management services are provided at any place in this State during a state of emergency declared by the Governor or General Assembly pursuant to this Article, and the services are provided under the direction and control of the Secretary pursuant to G.S. 166A-19.10, 166A-19.11, 166A-19.12, 166A-19.20, 166A-19.30, and 143B-602, or the Governor.
 - b. Emergency management services are provided during a state of emergency declared pursuant to G.S. 166A-19.22, and the services are provided under the direction and control of the governing body of a municipality or county under G.S. 166A-19.31, or the chair of a board of county commissioners under G.S. 166A-19.22(b)(3).
 - c. The firm, partnership, association, or corporation is engaged in planning, preparation, training, or exercises with the Division, the
Division of Public Health, or the governing body of each county or
municipality under G.S. 166A-19.15 related to the performance of emergency
management services or measures.
- (2) The immunity shall not apply to any firm, partnership, association, or corporation, or to any employee or agent thereof, whose act or omission caused in whole or in part the actual or imminent emergency or whose act or omission necessitated emergency management measures.
- (3) To the extent that any firm, partnership, association, or corporation has liability insurance, that firm, partnership, association, or corporation shall be deemed to have waived the immunity to the extent of the indemnification by insurance for its negligence. An insurer shall not under a contract of insurance exclude from liability coverage the acts or omissions of a firm, partnership, association, or corporation for which the firm, partnership, association, or corporation would only be liable to the extent indemnified by insurance as provided by this subdivision.



(c) No Effect on Benefits. – The rights of any person to receive benefits to which the person would otherwise be entitled under this Article or under the Workers' Compensation Law or under any pension law and the right of any such person to receive any benefits or compensation under any act of Congress shall not be affected by performance of emergency management functions.

(d) License Requirements Suspended. – Any requirement for a license to practice any professional, mechanical, or other skill shall not apply to any authorized emergency management worker who shall, in the course of performing the worker's duties as such, practice such professional, mechanical, or other skill during a state of emergency.

(e) Definition of Emergency Management Worker. – As used in this section, the term "emergency management worker" shall include any full or part-time paid, volunteer, or auxiliary employee of this State or other states, territories, possessions, or the District of Columbia, of the federal government or any neighboring country or of any political subdivision thereof, or of any agency or organization performing emergency management services at any place in this State, subject to the order or control of or pursuant to a request of the State government or any political subdivision thereof. The term "emergency management worker" under this section shall also include any health care worker performing health care services as a member of a hospital-based or county-based State Medical Assistance Team designated by the North Carolina Office of Emergency Medical Services and any person performing emergency health care services under G.S. 90-12.2.

(f) Powers of Individuals Operating Pursuant to Mutual Aid Agreements. – Any emergency management worker, as defined in this section, performing emergency management services at any place in this State pursuant to agreements, compacts, or arrangements for mutual aid and assistance to which the State or a political subdivision thereof is a party, shall possess the same powers, duties, immunities, and privileges the person would ordinarily possess if performing duties in the State, or political subdivision thereof, in which normally employed or rendering services. (1957, c. 950, s. 4; 1975, c. 734, s. 14; 1977, c. 848, s. 2; 1979, c. 714, s. 2; 1979, 2nd Sess., c. 1310, s. 2; 1995, c. 509, ss. 130, 131; 2002-179, s. 20(b); 2006-81, s. 1; 2008-200, s. 1; 2009-146, s. 2; 2011-145, s. 19.1(g), (hhh); 2012-12, s. 1(b).)

§ 166A-19.61. No private liability.

Any person, firm, or corporation, together with any successors in interest, if any, owning or controlling real or personal property who, voluntarily or involuntarily, knowingly or unknowingly, with or without compensation, grants a license or privilege or otherwise permits or allows the designation or use of the whole or any part or parts of such real or personal property for the purpose of activities or functions relating to emergency management as provided for in this Chapter or elsewhere in the General Statutes shall not be civilly liable for the death of or injury to any person or the loss of or damage to the property of any persons where such death, injury, loss, or damage resulted from, through, or because of the use of the said real or personal property for any of the above purposes, provided that the use of said property is subject to the order or control of or pursuant to a request of the State government or any political subdivision thereof. (1957, c. 950, s. 3; 1977, c. 848, s. 2; 2012-12, s. 1(b); 2012-90, s. 9.)

§ 166A-19.62. Civil liability of persons who willfully ignore a warning in an emergency.

In an emergency, a person who willfully ignores a warning regarding personal safety issued by a federal, State, or local law enforcement agency, emergency management agency, or other governmental agency responsible for emergency management under this Article is civilly liable for the cost of a rescue effort to any governmental agency or nonprofit agency cooperating with a governmental agency conducting a rescue on the endangered person's behalf if all of the following are true:



- (1) The person ignores the warning and (i) engages in an activity or course of action that a reasonable person would not pursue or (ii) fails to take a course of action that a reasonable person would pursue.
- (2) As a result of ignoring the warning, the person places himself or herself or another in danger.
- (3) A governmental rescue effort is undertaken on the endangered person's behalf. (1997-232, s. 1; 2012-12, s. 1(b).)

§ 166A-19.63: Reserved for future codification purposes.

§ 166A-19.64: Reserved for future codification purposes.

§ 166A-19.65: Reserved for future codification purposes.

§ 166A-19.66: Reserved for future codification purposes.

§ 166A-19.67: Reserved for future codification purposes.

§ 166A-19.68: Reserved for future codification purposes.

§ 166A-19.69: Reserved for future codification purposes.

Part 8.

Miscellaneous Provisions.

§ 166A-19.70. Ensuring availability of emergency supplies and utility services; protection of livestock, poultry, and agricultural crops.

(a) Executive Order. – In addition to any other powers conferred on the Governor by law, whenever a curfew has been imposed, the Governor may declare by executive order that the health, safety, or economic well-being of persons or property in this State require that persons transporting essentials in commerce to the curfew area, or assisting in ensuring their availability, and persons assisting in restoring utility services, be allowed to enter or remain in areas from which they would otherwise be excluded for the limited purpose of delivering the essentials, assisting in ensuring their availability, or assisting in restoring utility services.

(b) Maximum Hours of Service Waiver. – As part of an executive order issued pursuant to subsection (a) of this section, or independently of such an order, the Governor may declare by executive order that the health, safety, or economic well-being of persons or property in this State require that the maximum hours of service prescribed by the



Department of Public Safety pursuant to G.S. 20-381 and similar rules be waived for persons transporting essentials or assisting in the restoration of utility services.

(c) Certification System. – The Secretary shall develop a system pursuant to which a person who transports essentials in commerce, or assists in ensuring their availability, and persons who assist in the restoring of utility services can be certified as such. The certification system shall allow for both pre-emergency declaration and post-emergency declaration certification with renewable precertification. The Secretary shall only allow those who routinely transport or distribute essentials or assist in the restoring of utility services to be certified. A certification of the employer shall constitute a certification of the employer's employees. The Secretary shall create an easily recognizable indicium of certification in order to assist local officials' efforts to determine which persons have received certification by the system established under this subsection.

(d) Presence in Curfew Area Permitted. – Notwithstanding the existence of any curfew, a person who is certified pursuant to the system established under subsection (c) of this section shall be allowed to enter or remain in the curfew area for the limited purpose of delivering or assisting in the distribution of essentials or assisting in the restoration of utility services and shall be allowed to provide service that exceeds otherwise applicable hours of service maximums, to the extent authorized by an executive order executed pursuant to subsection (a) of this section. Nothing in this section prohibits law enforcement or other local officials from specifying the permissible route of ingress or egress for persons with certifications.

(e) Abnormal Market Disruptions with Respect to Petroleum. – If the Governor declares the existence of an abnormal market disruption with respect to petroleum pursuant to G.S. 75-38(f), the Governor shall contemporaneously seek all applicable waivers under the federal Clean Air Act, 42 U.S.C. § 7401, et seq., and any other applicable federal law to facilitate the transportation of fuel within this State in order to address or prevent a fuel supply emergency in this State. Waiver requests shall be directed to the appropriate federal agencies and shall seek waivers of the following:

- (1) The Reformulated Gasoline requirements throughout the State.
- (2) The Federal and State Implementation Plan summertime gasoline requirements (low RVP) throughout the State.
- (3) Any other waiver that will, if obtained, facilitate the transportation of fuel within this State.

(f) Definitions. – The following definitions apply in this section:

- (1) Curfew. – Any restriction on ingress and egress to the emergency area of a state of emergency or any restriction on the movement of persons within such an area.
- (2) Curfew area. – The area that is subject to a curfew.
- (3) Essentials. – Any goods that are consumed or used as a direct result of an emergency or which are consumed or used to preserve, protect, or sustain life, health, safety, or economic well-being of persons or their property. The Secretary shall determine what goods constitute essentials for purposes of this section.

(g) Upon the recommendation of the Commissioner of Agriculture it shall be lawful for the Governor, by an executive order issued pursuant to G.S. 166A-19.20 or independently of such an order, to direct the Department of Public Safety to temporarily suspend weighing, pursuant to G.S. 20-118.1, those vehicles used to transport livestock, poultry, or crops from designated counties in an emergency area as defined in G.S. 166A-19.3(7), or counties designated by the Governor in an executive order issued independently of an order pursuant to G.S. 166A-19.20, if there exists an imminent threat of severe economic loss of livestock or poultry or widespread or severe damage to crops ready to be harvested. The Department of Public Safety shall develop procedures to carry out the provisions of this subsection. This subsection shall not be construed to permit the gross weight of any vehicle or combination in excess of the safe load carrying capacity established by the Department of Transportation on any bridge pursuant to G.S. 136-72, or to permit the operation of a vehicle when a law enforcement officer has probable cause to believe the vehicle is creating an imminent hazard to public safety. A suspension authorized pursuant to the provisions of this



subsection shall end when the Governor determines the threat of widespread or severe loss or damage in the designated counties has passed. (2001-214, s. 4; 2001-487, s. 98; 2002-24, s. 1; 2002-159, s. 57.5; 2006-66, s. 6.5(a); 2012-12, s. 1(b); 2013-230, s. 1; 2018-114, s. 7.)

§ 166A-19.70A. Facilitate critical infrastructure disaster relief.

(a) Purpose. – The State finds that it is appropriate to exclude nonresident businesses and nonresident employees who temporarily come to this State at the request of a critical infrastructure company solely to perform disaster-related work during a disaster response period from the following tax and regulatory requirements:

- (1) Corporate and individual income tax, as provided under G.S. 105-130.1 and G.S. 105-153.2.
- (2) Franchise tax, as provided under G.S. 105-114.
- (3) Unemployment tax, as provided under G.S. 96-1(b)(12).
- (4) Certificate of Authority from the Secretary of State to transact business in this State, as provided under G.S. 55-15-01(d) and G.S. 57D-1-24(d).

(b) Definitions. – In addition to the definitions in G.S. 166A-19.3, the following definitions apply in this section:

- (1) Corporation. – Defined in G.S. 105-130.2.
- (2) Critical infrastructure. – Property and equipment owned or used by a critical infrastructure company for utility or communications transmission services provided to the public in the State. Examples of critical infrastructure include communications networks, electric generation, transmission and distribution systems, natural gas transmission and distribution systems, water pipelines, and related support facilities. Related support facilities may include buildings, offices, lines, poles, pipes, structures, and equipment.
- (3) Critical infrastructure company. – One of the following:
 - a. A registered public communications provider.
 - b. A registered public utility.
- (4) Disaster-related work. – Repairing, renovating, installing, building, or performing services on critical infrastructure that has been damaged, impaired, or destroyed as a result of a disaster or emergency in an area covered by the disaster declaration.
- (5) Disaster response period. – A period that begins 10 days prior to the first day of a disaster declaration and expires on the earlier of the following:
 - a. Sixty days following the expiration of the disaster declaration, as provided under G.S. 166A-19.21(c).
 - b. One hundred eighty days following the issuance of the disaster declaration.
- (6) Employee. – Defined in G.S. 105-163.1.
- (7) Nonresident business. – An entity that has not been required to file an income or franchise tax return with the State for three years prior to the disaster response period, other than those arising from the performance of disaster-related work during a tax year prior to the enactment of this section, and that meets one or more of the following conditions:
 - a. Is a nonresident entity.
 - b. Is a nonresident individual who owns an unincorporated business as a sole proprietor.
- (8) Nonresident employee. – A nonresident individual who is one of the following:
 - a. An employee of a nonresident business.
 - b. An employee of a critical infrastructure company who is temporarily in this State to perform disaster-related work during a disaster response period.
- (9) Nonresident entity. – Defined in G.S. 105-163.1.
- (10) Nonresident individual. – Defined in G.S. 105-153.3.



- (11) Registered public communications provider. – A corporation doing business in this State prior to the disaster declaration that provides the transmission to the public of one or more of the following:
 - a. Broadband.
 - b. Mobile telecommunications.
 - c. Telecommunications.
 - d. Wireless Internet access.
- (12) Registered public utility. – A corporation doing business in this State prior to the disaster declaration that is subject to the control of one or more of the following entities:
 - a. North Carolina Utilities Commission.
 - b. North Carolina Rural Electrification Authority.
 - c. Federal Communications Commission.
 - d. Federal Energy Regulatory Commission.

(c) Critical Infrastructure Company Notification. – A critical infrastructure company must provide notification to the Department of Revenue within 90 days of the expiration of the disaster response period. The notification must be in the form and manner required by the Department. The notification must include the following:

- (1) A list of all nonresident businesses who performed disaster-related work in this State during a disaster response period at the request of the critical infrastructure company.
- (2) A list of nonresident employees who performed disaster-related work in this State for the critical infrastructure company during a disaster response period. The notification must include the amount of compensation paid to the nonresident employee performing disaster-related work in this State.

(d) Nonresident Business Notification. – A nonresident business must provide notification to the Department of Revenue within 90 days of the date the nonresident business concludes its disaster-related work in the State. The notification must be in the form and manner required by the Department. The notification must include a list of nonresident employees who performed disaster-related work in this State during a disaster response period, along with the amount of compensation paid to the nonresident employee performing disaster-related work in this State. Failure to submit a timely notification forfeits the relief provided by this section for the nonresident business.

(e) Limitation. – The intent of this section is to provide relief to nonresident businesses and nonresident employees who would not otherwise be subject to this State's tax and regulatory requirements if they had not performed disaster-related work during the disaster response period. The relief provided under this section does not apply to any tax year that is part of the disaster response period if the nonresident business or nonresident employee continues to perform disaster-related work following the end of the disaster response period. The relief provided under this section does not apply to a tax year that is part of the disaster response period if the nonresident business or nonresident employee is required to file an income tax return for that tax year with the Department of Revenue for reasons other than the performance of disaster-related work. (2019-187, s. 1(a).)

§ 166A-19.71. Accept services, gifts, grants, and loans.

Whenever the federal government or any agency or officer thereof or of any person, firm, or corporation shall offer to the State, or through the State to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for emergency management purposes, the State acting through the Governor, or such political subdivision, acting with the consent of the Governor and through its governing body, may accept such offer. Upon such acceptance the Governor of the State or governing body of such political subdivision may



authorize any officer of the State or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the State or of such political subdivision, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. (1951, c. 1016, s. 8; 1973, c. 803, s. 45; 1975, c. 19, s. 72; c. 734, ss. 13, 14; 1977, c. 848, s. 2; 1979, 2nd Sess., c. 1310, s. 2; 2012-12, s. 1(b).)

§ 166A-19.72. Establishment of mutual aid agreements.

(a) Governor Authorized to Enter Agreements with Other States and Federal Government. – The Governor may establish mutual aid agreements with other states and with the federal government provided that any special agreements so negotiated are within the Governor's authority.

(b) Governor Authorized to Enter Agreements with Political Subdivisions. – The Governor may establish mutual aid agreements with political subdivisions in the State with the concurrence of the subdivision's governing body.

(c) Political Subdivisions Authorized to Enter Agreements with Other Political Subdivisions. – The chief executive of each political subdivision, with the concurrence of the subdivision's governing body, may develop mutual aid agreements for reciprocal emergency management aid and assistance. Such agreements shall be consistent with the State emergency management program and plans.

(d) Political Subdivisions Authorized to Enter Agreements with Political Subdivisions in Other States. – The chief executive officer of each political subdivision, with the concurrence of the governing body and subject to the approval of the Governor, may enter into mutual aid agreements with local chief executive officers in other states for reciprocal emergency management aid and assistance. These agreements shall be consistent with the State emergency management program and plans.

(e) Terms of Agreements. – Mutual aid agreements may include, but are not limited to, the furnishing or exchange of such supplies, equipment, facilities, personnel, and services as may be needed; the reimbursement of costs and expenses for equipment, supplies, personnel, and similar items; and on such terms and conditions as deemed necessary. (1951, c. 1016, s. 7; 1975, c. 734, ss. 14, 16; 1977, c. 848, s. 2; 1979, 2nd Sess., c. 1310, s. 2; 2009-194, s. 1; 2012-12, s. 1(b).)

§ 166A-19.73. Compensation.

(a) Extent of Compensation. – Compensation for services or for the taking or use of property shall be only to the extent that legal obligations of individual citizens are exceeded in a particular case and then only to the extent that the claimant has not been deemed to have volunteered his services or property without compensation.

(b) Limitation; Basis of Compensation. – Compensation for property shall be only if the property was commandeered, seized, taken, condemned, or otherwise used in coping with an emergency and this action was ordered by the Governor. The State shall make compensation for the property so seized, taken, or condemned on the following basis:

- (1) In case property is taken for temporary use, the Governor, within 30 days of the taking, shall fix the amount of compensation to be paid for such damage or failure to return. Whenever the Governor shall deem it advisable for the State to take title to property taken under this section, the Governor shall forthwith cause the owner of such property to be notified thereof in writing by registered mail, postage prepaid, or by the best means available, and forthwith cause to be filed a copy of said notice with the Secretary of State.
- (2) If the person entitled to receive the amounts so determined by the Governor as just compensation is unwilling to accept the same as full and complete compensation for such property or the use thereof, the person shall be paid seventy-five percent (75%) of such amount and shall be entitled to recover from the State of North Carolina in an action brought in the superior court in the county



of residence of claimant, or in Wake County, in the same manner as other condemnation claims are brought, within three years after the date of the Governor's award. (1977, c. 848, s. 2; 2012-12, s. 1(b).)

§ 166A-19.74. Nondiscrimination in emergency management.

State and local governmental bodies and other organizations and personnel who carry out emergency management functions under the provisions of this Article are required to do so in an equitable and impartial manner. Such State and local governmental bodies, organizations, and personnel shall not discriminate on the grounds of race, color, religion, nationality, sex, age, or economic status in the distribution of supplies, the processing of applications, and other relief and assistance activities. (1975, c. 734, s. 3; 1977, c. 848, s. 2; 1979, 2nd Sess., c. 1310, s. 2; 1995, c. 509, s. 128; 2012-12, s. 1(b).)

§ 166A-19.75. Emergency management personnel.

(a) Limitation. – No person shall be employed or associated in any capacity in any emergency management agency established under this Article if that person does or has done any of the following:

- (1) Advocates or has advocated a change by force or violence in the constitutional form of the Government of the United States or in this State.
- (2) Advocates or has advocated the overthrow of any government in the United States by force or violence.
- (3) Has been convicted of any subversive act against the United States.
- (4) Is under indictment or information charging any subversive act against the United States.
- (5) Has ever been a member of the Communist Party.

(b) Oath. – Each person who is appointed to serve in any emergency management agency shall, before entering upon the person's duties, take a written oath before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of North Carolina, against all enemies, foreign and domestic; and that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I ever knowingly been, a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such time as I am a member of the State Emergency Management Agency I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence, so help me God."

(c) No Violation of Dual Office Holding Prohibition. – No position created by or pursuant to this Article shall be deemed an office within the meaning of Section 9 of Article 6 of the North Carolina Constitution. (1951, c. 1016, s. 10; 1975, c. 734, ss. 14, 16; 1977, c. 848, s. 2; 1979, 2nd Sess., c. 1310, s. 2; 1995, c. 509, s. 129; 2012-12, s. 1(b).)

§ 166A-19.76. Leave options for voluntary firefighters, rescue squad workers, and emergency medical service personnel called into service.

(a) Leave Without Pay. – A member of a volunteer fire department, rescue squad, or emergency medical services agency called into service of the State after a declaration of a state of emergency by the Governor or by the General



Assembly, or upon the activation of the State Emergency Response Team in response to an emergency, shall have the right to take leave without pay from his or her civilian employment. No member of a volunteer fire department, rescue squad, or emergency medical services agency shall be forced to use or exhaust his or her vacation or other accrued leave from his or her civilian employment for a period of active service. The choice of leave shall be solely within the discretion of the member.

(b) Request in Writing Required. – For the volunteer member to be entitled to take leave without pay pursuant to this section, his or her services shall be requested in writing by the Director of the Division or by the head of a local emergency management agency. The request shall be directed to the Chief of the member's volunteer fire department, rescue squad, or emergency medical services agency, and a copy shall be provided to the member's employer. This section shall not apply to those members whose services have been certified by their employer to the Director of the Division, or to the head of a local emergency management agency, as essential to the employer's own ongoing emergency relief activities.

(c) Definition of an Emergency Requiring Activation of the State Emergency Response Team. – For purposes of this section, an emergency requiring the activation of the State Emergency Response Team means an emergency at Activation Level 2 or greater according to the North Carolina State Emergency Operations Plan of November 2002. Activation Level 2 requires the State Emergency Operations Center to be fully activated with 24-hour staffing from all State Emergency Response Team members.

(d) Enforcement. – The Commissioner of Labor shall enforce the provisions of this section pursuant to Chapter 95 of the General Statutes. (2003-103, s. 1; 2012-12, s. 1(b).)

§ 166A-19.77. North Carolina Forest Service designated as emergency response agency.

The North Carolina Forest Service of the Department of Agriculture and Consumer Services is designated an emergency response agency of the State of North Carolina for purposes of the following:

- (1) Supporting the North Carolina Forest Service in responding to all-risk incidents.
- (2) Receipt of any applicable State or federal funding.
- (3) Training of other State and local agencies in emergency management.
- (4) Any other emergency response roles for which the North Carolina Forest Service has special training or qualifications. (2005-128, s. 1; 2011-145, ss. 13.25(ww), 19.1(g); 2012-12, s. 1(b); 2013-155, s. 24.)

§ 166A-19.77A. Agricultural Emergency Response Teams authorized.

The Department of Agriculture and Consumer Services is designated as an emergency response agency for purposes of the following:

- (1) Deploying Agricultural Emergency Response Teams, as that term is defined in G.S. 106-1042, to respond to agriculture-related incidents.
- (2) Receipt of any applicable State or federal funding.
- (3) Training of other State and local agencies in agricultural emergency response.
- (4) Any other emergency response roles for which Agricultural Emergency Response Teams have special training or qualifications. (2016-113, s. 2(b).)

§ 166A-19.78. Governor's power to order evacuation of public building.



When it is determined by the Governor that a great public crisis, disaster, riot, catastrophe, or any other similar public emergency exists, or the occurrence of any such condition is imminent, and, in the Governor's opinion it is necessary to evacuate any building owned or controlled by any department, agency, institution, school, college, board, division, commission, or subdivision of the State in order to maintain public order and safety or to afford adequate protection for lives or property, the Governor is hereby authorized to issue an order of evacuation directing all persons within the building to leave the building and its premises forthwith. The order shall be delivered to any law enforcement officer or officer of the National Guard, and such officer shall, by a suitable public address system, read the order to the occupants of the building and demand that the occupants forthwith evacuate said building within the time specified in the Governor's order. (1969, c. 1129; 1993, c. 539, s. 198; 1994, Ex. Sess., c. 24, s. 14(c); 2009-281, s. 1; 2012-12, s. 1(b).)

§ 166A-19.79. Severability.

If any provision of this Article or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are severable. (1977, c. 848, s. 2; 1995, c. 509, s. 132; 2012-12, s. 1(b).)



References

- FEMA. (2020, 05). *COVID 19 Pandemic Operational Guidance for the 2020 Hurricane Season*. Retrieved from FEMA:
<https://www.fema.gov/media-library/assets/documents/188203>
- FEMA. (2020, 05 08). *Preliminary Damage Assessment Guide 2020 Summary of Changes*. Retrieved from FEMA:
https://www.fema.gov/media-library-data/1590687214063-b945efebebd3273830ce6d3e4ac75556/PDA_Guide_FactSheet_5_26.pdf
- FEMA. (2020, 06 25). *Preliminary Damage Assessments*. Retrieved from <https://www.fema.gov/preliminary-damage-assessments>

