



EMERGENCY MANAGEMENT PLAN

2017



Town of Southern Shores

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DIRECTIVE – June, 2017

EMERGENCY MANAGEMENT PLAN

During an emergency, certain Town employees are required to perform responsibilities consistent with their position as defined within the emergency management plan.

The following definitions are provided:

ESSENTIAL PERSONNEL: Are those emergency service professionals and other employees whose presence on-site is necessary for the continuity of Town operations, protection of people & property, and to recover from a disaster. The following are defined as essential personnel and are required to be on-site as directed:

ADMINISTRATION – Town Manager

POLICE – All police personnel as directed by incident command.

FIRE – All fire personnel as directed by incident command.

PUBLIC WORKS – Public Works Director and public works personnel as directed by incident command.

CODE ENFORCEMENT – Town Planner/Code Enforcement Officer and code enforcement personnel as directed by incident command.

ESSENTIAL VEHICLES: Vehicles equipped, maintained, and operated by police, fire, and public works personnel required to be on-site during an emergency or directed by incident command to respond to an emergency situation as determined or directed by incident command, Dare County 911, or the Town Police and Fire Departments.

CRITICAL FUNCTION PERSONNEL: Are those employees who provide functions necessary for the business continuity of the Town and who protect certain town assets as defined within the emergency management plan. These personnel may be required to respond or to relocate with town assets as directed by the Town Manager or his designee.

TOWN CLERK – Emergency duties described in the plan.

FINANCE & PERSONNEL OFFICER – Emergency duties described in the plan.



SOUTHERN SHORES EMERGENCY MANAGEMENT TEAM 2017

The Town of Southern Shores utilizes National Incident Management System (NIMS) and an Incident Command System (ICS) in response to all emergencies regardless of size and complexity. The ICS is composed of paid staff and volunteers – ALL of whom are critically important to the provision of vital services to the public. The Incident Commander is responsible for preparing for all emergencies and coordinating the activities of the Emergency Management Team. The Emergency Management Team is expected to prepare for emergencies and be ready to manage their functional areas before, during and after an emergency.

Emergency Operations Centers (EOC):

Small Incidents (major traffic accidents and nuisance flooding): Town Hall Complex

Major Incidents: Town Hall Complex - contingent staging located at South Fire Station; second floor. Actual access to this EOC location shall be secured utilizing an authorized pass system, with individual entry mutually determined by the Incident Commander, Deputy Incident Commander, and the Fire Chief.

Functional Staging Areas (FSA):

The Incident Commander may designate one or more FSAs to accommodate specific functions for management of the emergency and/or continuation of Town governmental functions. (Examples, general government meetings, volunteer coordination, public relief, etc.)

- 1) Incident Commander – Town Manager: Overall coordination of incident. Provide support, resources and coordination of activities, personnel and resources to prepare for, manage through, and commence restoration relating to any emergency incident. The Police Chief shall serve as Deputy Incident Commander and shall serve as the Incident Commander in the absence or incapacity of the Incident Commander.
 - a. **Administrative Specialist:** Assist Incident Commander as needed with general administration. Coordinates volunteers and assigns as directed by Incident Commander. Work with Vital Records Officer to keep general log of incident. Serve as an EOC call taker. Organize relocation of computers to alternate EOC if needed.
- 2) Public Information – Mayor; **SOLE SOURCE** of information to media and general public; Backed up by Mayor Pro Tem and available Council Members. Administrative support provided by Administrative Specialist.
- 3) Liaisons – Town Council members stay in contact with and act as liaison with outside groups
 - a. **Dare County Control Group** – Mayor; backed up by Mayor Pro Tem and Town Council members. Coordinate with outside agencies, other municipalities, state, etc., coordinates their needs in our jurisdiction; determine what they can do to assist us.
 - b. **Civic and Homeowner Associations & Outside Groups** – Appointed Council Member; backed up by other Council Members. Examples: SSCA, SSBC, CPOA, DWCC, Dare County Tourist Board, Gov't Channel, etc.

4. Damage Assessment – Town Planner/Code Enforcement Officer. Supervise resource arrangements and damage assessment. Provides Incident Command with information on all damage; reports damage to County and other appropriate authorities.
 - a. **Streets, Roads and Bridges** - Town Engineer - assess structural safety of roads, bridges and public buildings, monitor for sanitation problems.
 - b. **Residential and Commercial Damage** – Town Planner/Code Enforcement Officer and Fire Inspector; canvas Town for damage to residential and commercial structures/property and utility systems.
 - c. **Restoration Permits** -Permit Officer; provides administrative support to damage assessment teams. Develops mapping and other information tools/materials for use by Damage Assessment, Public Information and Incident Command.
 - d. **Administrative Support** – Administrative Specialist; provides administrative support to entire damage assessment team. Supervised by Damage Assessment Officer.

5. Law Enforcement - Police Chief; Supervise law enforcement, traffic control and re-entry. Protect community from looting, assist public, and assist in search and rescue.

6. Fire Suppression and General Public Safety - Fire Chief; Supervise alerting and evacuation of public. Supervise fire suppression and search and rescue. Liaison with emergency medical services. After emergency assist in street clearing for emergency vehicle access. Coordinates for the provision of available lodging and food resources to authorized EOC personnel as needed.

7. Ham Radio Operations – Coordinator of ham radios will be coordinated at EOC and organization of Southern Shores Ham radio operators during emergency, check equipment and recommend improvements.

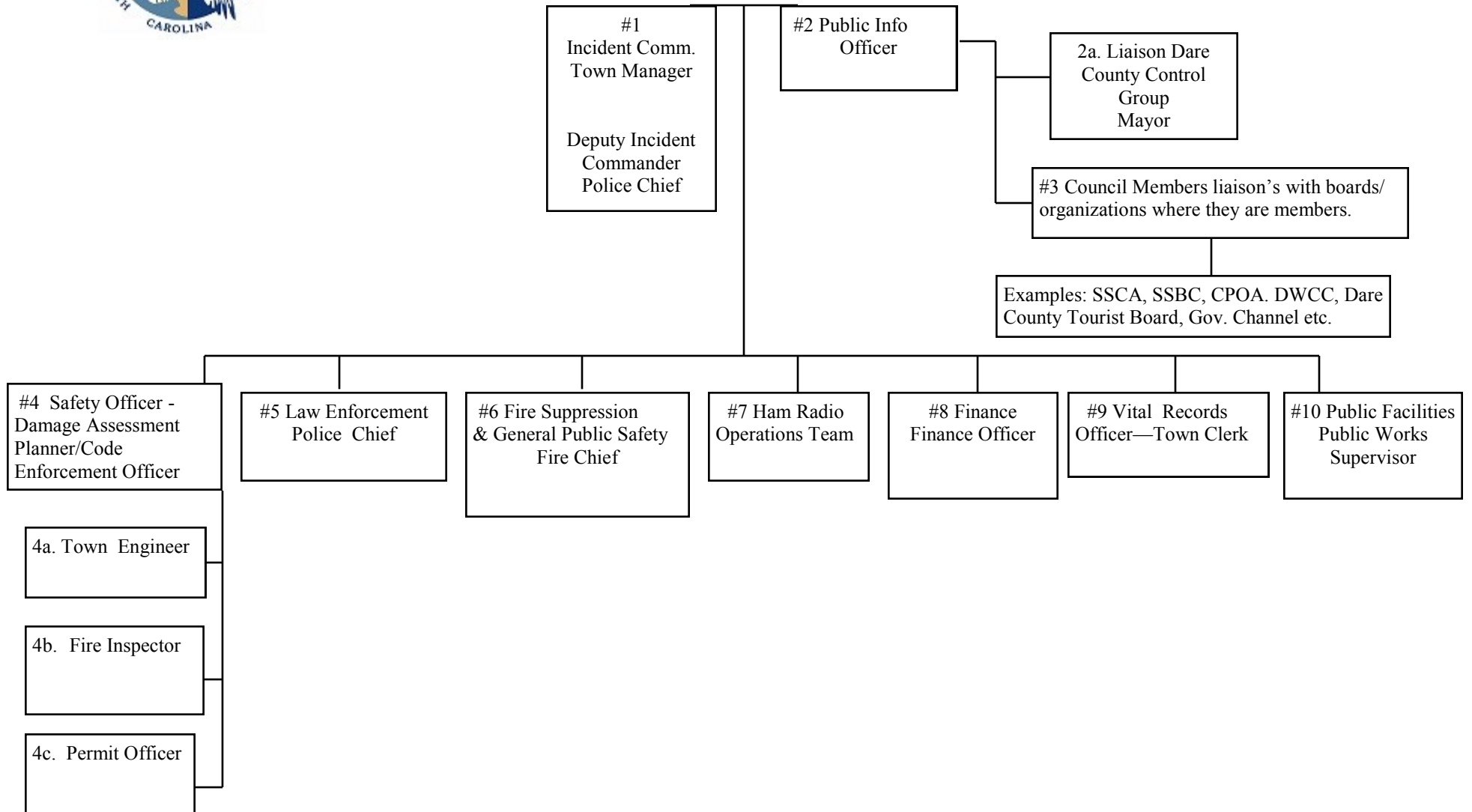
8. Finance – Finance Officer - Collects, maintains and reports on financial transactions, including possible reimbursable expenses. Advises Incident Command on financial resources available; manages banking and treasury functions; Reviews insurance and FEMA rules for possible reimbursement.

9. Vital Records – Town Clerk; Protects vital Town records – both paper and digital media - and contracts. Protects office equipment. Manages meeting arrangements of Town Council and keeps public records. Maintains public records and provides copies as needed. Maintains general historical record of incident.

10. Public Facilities – Public Works Director; Secures municipal facilities pre-storm and post-storm; Works with Damage Assessment Team Leader in assessing public facilities post-storm. Re-opens public facilities and supplies equipment for post-storm activities. Provide support with emphasis on clearing streets and restoring damaged municipal facilities. Maintenance Workers provide backup and support.



TOWN OF SOUTHERN SHORES EMERGENCY MANAGEMENT TEAM ORGANIZATION CHART



EMERGENCY MANAGEMENT PLAN

SCOPE OF OPERATIONS

Introduction

The primary purpose of the Emergency Management Plan for the Town of Southern Shores, in any emergency, is to prepare for those first hours immediately after the emergency when the Town must largely care for itself until we re-connect to the outside world.

Specific Goals

1. Preserve law and order.
2. Provide fire response.
3. Locate and rescue those in danger.
4. Provide first aid to those in dire need.
5. Evaluate and preserve structural safety immediately after the emergency.
6. Document carefully, and in required ways, to obtain state and federal funds.

CRITICAL ASSUMPTIONS FOR THE TOWN OF SOUTHERN SHORES

1. All residents will not evacuate despite warnings.
2. Roads will be impassable. Power and phone service will be down, eliminating contact with and assistance from outside of Southern Shores for 24 to 72 hours, (perhaps longer) after the storm. Water may be turned off.
3. Immediate “pre” and “post” emergency management will likely have to come from within the town boundaries, or immediately contiguous to those boundaries.
4. All requests for assistance from within the town, whether emergency, urgent, or necessary in priority, will in all likelihood be responded to by available resources within the town. These requests could entail need for law enforcement, fire suppression, rescue, medical assistance, and help with structural repair, etc.
5. Routine provisions, like shelter, food, water, sanitary necessities, and minor first aid care and supplies will become a town concern.
6. Small staff will be over taxed and some staff and council members will be unavailable.
7. Because of small staff and elected officials who may be out of town during a major storm, few people will have to do the job of many and may have to be augmented by additional volunteers.

Summary

We must plan our activities well in advance of the emergency, and implement all actions necessary to carry out the plan as soon as possible. This Scope of Operations serves as a checklist to assist those who are charged with hands-on provision of services during extraordinary times.

The Scope of Operations addresses everything from securing Town Buildings to preparing an emergency package of vital records to take away from Town Hall so that, in the event Town Hall is demolished, operations can be set up elsewhere on a minimal basis.

Telephone directory has been compiled for critical contact to be made during the emergency; a rally point may be designated for critical staff who may have evacuated prior to the storm for their return to assist after the storm.

Agreements have been made with providers for critical supplies (if needed). Arrangements for certain heavy equipment may be made for movement into Town after an event. Diesel fuel and gasoline supplies and pumping capability have been arranged. Agreements with different vendors have been made to have access to their businesses and services.

The EOC has necessary equipment and food to provide shelter for our emergency team. The Code Enforcement Department will head up damage assessment, and start the mitigation plan after the storm has passed.

We will hold a plan review at least once annually and follow-up evaluations will take place after any storm generating significant damage.

SCOPE OF OPERATIONS - HURRICANE

Scenario: Under ideal circumstances, tracking begins days before landfall of a major storm in Southern Shores. Landfall meaning the arrival of winds at speeds of 34 knots, or 40 miles per hour or more. The National Hurricane center will attempt to issue evacuation recommendations 72 hours prior to landing.

ACTIVE RESPONSE BEGINS AT:

48-72 hours to landfall (OR when the county EMC is operational).

- Southern Shores Emergency Management Team meets to review activity schedules. (See EM Team and organization chart)
- Town Personnel field-test radios, flashlights, generators, and distribute first aid kits.
- Town passes logged and distributed.
- Supply resources alerted; agreements may be activated.
- Town Planner/Code Enforcement Officer canvasses town for unsecured construction debris.
- Mayor contacts council members.
- Make preparations to control traffic to allow only residents and property owners onto Southern Shores' streets.
- Conduct evacuation when Dare County orders.

24 hours to landfall.

- Town EOC is activated.
- Mayor notifies county EMC that town is on standby.
- Resource suppliers are contacted to verify access to supplies and equipment.
- All vehicle gas tanks are topped off.
- Prepare emergency data pack to take from office to out of area. Increase cash on hand.
- Prepare town offices internally.
- Activate control of Town web site at contingent staging location-if needed.
- Council watch schedule established.
- Review status of staging area, contracted services, and goods.

- Activate call sheet and track whereabouts and plans of council and town staff. Remind them of out of area rally points if personal plans are to evacuate.

12 hours to landfall and landfall.

- Evaluate need to issue proclamations for Municipal State of Emergency.
- Warning to visitors and residents to seek safe shelter.

*****LANDFALL*****

2 to 4 hours AFTER landfall.

- The Team meets at EOC
- Critical staff assembles at EOC.
- Activate damage assessment team; conduct initial survey, and develop review plan.
- Submit initial situation/damage report to county.
- Fire and police (as possible) and contractors begin immediate street clearing and search and rescue operations.
- Engineer to inspect bridges.
- Staff compiles tracking reports for missing persons, damage expenditure and other pertinent record keeping.
- Initiate public information program. Re-evaluate need for proclamations for municipal State of Emergency.

4 to 6 hours after landfall.

- The Team meets every 2 hours as necessary to evaluate damage, make assignments, and adjust decisions.
- Continue damage assessment field work, prepare reports.
- Evaluate sanitation, safety situation needs.
- Assess critical supplies: grocery, pharmacy, hardware, etc.
- Activate debris location. Debris to be picked up according to sectors already established

6 to 8 hours after landfall.

- Activate mitigation ordinance.

KEY LOCATIONS

Emergency Operations Center (EOC)
Town Hall Complex

Functional Staging Areas (FSA) to be determined by IC

Rally Points (for critical staff and council)
To be determined by County

Debris Sites
Duck Woods County Club

Holding Area (for donated goods)
Marketplace

TOWN OF SOUTHERN SHORES
EMERGENCY
COMMUNICATION

EMC and Essential Personnel:

800 MHz radios (base and portable)
Ham radios
Cell phones

Chapter 12 - EMERGENCY MANAGEMENT
FOOTNOTE(S):

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Federal law reference—Emergency Planning and Community Right to Know Act of 1986, 42 USC 11011—11050; comprehensive emergency response plans, 42 USC 11003; Federal preparedness assistance funding for state and local governments dependent upon compliance with National Incident Management System, HSPD-5 [Homeland Security Presidential Directive 5, Management of Domestic Incidents].

State Law reference— Riots and civil disorders, G.S. 14-288.1—14.288.20; authority of town to enact ordinances dealing with state of emergency, G.S. 14-228.12; municipalities authority to maintain emergency management agencies subject to coordination by county, G.S. 166A-7(b); local emergency authorizations, G.S. 166A-8. ([Back](#))

ARTICLE I. - IN GENERAL

Sec. 12-1. - Short title.

This chapter shall be known and may be cited and referred to as the "Emergency Management Ordinance for the Town of Southern Shores."

(Code 1988, § 12-1; Ord. No. 01-06-011, pt. III, 6-5-2001)

Sec. 12-2. - Intent and purpose.

- (a) It is the intent and purpose of this chapter to establish an office that will ensure the complete and efficient utilization of all of the town's resources to combat disaster resulting from disasters.
- (b) The town emergency management team will be the coordinating agency for all activity in connection with emergency management within the municipality. It will be the instrument through which the town council may exercise the authority and discharge the responsibilities vested in them during disaster emergencies.
- (c) This chapter will not relieve any town department of the moral responsibilities or authority given to it in the town Charter or by local ordinances, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

(Code 1988, § 12-2; Ord. No. 01-06-011, pt. III, 6-5-2001)

Sec. 12-3. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Disaster includes, but is not limited to, extraordinary fire, flood, storm, epidemic, accident, chemical spill or other impending or actual calamity endangering, or threatening to endanger, health, life or property of constituted government.

Emergency management means the basic government function of maintaining the public peace, health and safety during an emergency. This term shall include plans and preparations for protection and relief, recovery and rehabilitation from effects of a disaster.

Emergency management forces means the employees, equipment and facilities of all town departments, boards, councils, institutions and commissions; and in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.

Emergency management volunteer means any person duly registered, identified and appointed by the town manager and assigned to participate in the emergency management activity.

Regulations shall include plans, programs and other emergency procedures deemed essential to emergency management.

Volunteer means contributing a service, equipment or facilities to the emergency management team without remuneration.

(Code 1988, § 12-3; Ord. No. 01-06-011, pt. III, 6-5-2001)

Sec. 12-4. - Organization and appointments.

- (a) The organization shall consist of the following:

- (1) An agency of emergency management within the administrative department of the town government under the direction of the town council. The head of the emergency management team shall be the town manager, and such assistants and other employees, as are deemed necessary for the proper functioning of the team, will be appointed or contracted.

- (2) The employees and resources of all town departments, boards, institutions, and councils shall participate in the emergency management activities. Duties assigned to a town department shall be the same as, or similar to, the normal duties of the department, where possible.
- (3) Volunteer and contracted personnel and agencies offering service to, and accepted by, the town.
- (b) The town council shall designate and appoint a deputy town manager to assume the emergency duties of the town manager in the event of his absence or inability to act.

(Code 1988, § 12-4; Ord. No. 01-06-011, pt. III, 6-5-2001)

Sec. 12-5. - Day-to-day duties and responsibilities of the town manager.

The town manager shall be responsible to the town council in regard to all phases of emergency management activity. The town manager shall be responsible for the planning, coordination and operation of the emergency management activities in the town. He shall maintain liaison with the county authorities and the authorities of nearby political subdivisions so as to ensure the most effective operation of the emergency management plan. The town manager's duties shall include, but not be limited to, the following:

- (1) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the town for emergency management purposes.
- (2) Development and coordination of plans for the immediate use of all facilities, equipment, manpower and other resources of the town for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety, and welfare.
- (3) Negotiating and concluding agreements or contracts, with owners or persons in control of buildings or other property and resources, for the use of such buildings or other property and resources for the emergency management purposes, and designating suitable buildings as public shelters of last resort.
- (4) Through public informational programs, educating the populace as to actions necessary and required for the protection of their persons and property in case of disaster, either impending or present.
- (5) Conducting public practice alerts within the town alone or in connection with countywide alerts, to ensure the efficient operation of the emergency management forces of the town and to familiarize town residents with emergency management regulations, procedures and operations.
- (6) Coordinating the activity of all other public and private agencies of the town engaged in any emergency management activities.

(Code 1988, § 12-5; Ord. No. 01-06-011, pt. III, 6-5-2001)

Sec. 12-6. - Emergency management plan.

- (a) The town manager shall prescribe in the emergency plans those positions within the comprehensive emergency management plans that shall be adopted and maintained by resolution of the town council. In the preparation of these plans, as it pertains to municipal organization, it is intended that the services, equipment and facilities, and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by these plans, and to maintain their portions of the plans in a current state of readiness at all times. These plans shall have the effect of law whenever a disaster has been proclaimed.
- (b) The town manager shall prescribe in the emergency plans those positions within the disaster organization, in addition to his own, for which lines of succession are necessary. In each instance the responsible person will designate, and keep on file with the town manager, a current list of persons as successors to his position. The list will be in order of succession and will as nearly as possible designate the persons best capable of carrying out all assigned duties and functions.
- (c) Each service chief and department head assigned responsibility in the plans shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned employees or volunteers. Each chief shall formulate the standard operating procedure to implement the plans for his service.
- (d) Amendments to these plans shall be submitted to the town manager. If approved, the town manager will then submit the amendments to the town council with his recommendation for their approval. Such amendments shall take effect from the date of approval.
- (e) When a required competency or skill for a disaster function is not available within government, the town manager is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also include the granting of authority for the persons so assigned to carry out such duties prior to, during, and after the occurrence of a disaster. Such services from persons outside of government may be accepted by local

government on a volunteer or contracted basis. Such citizens shall be enrolled as emergency management volunteers or contracted personnel.

(Code 1988, § 12-6; Ord. No. 01-06-011, pt. III, 6-5-2001)

Sec. 12-7. - No municipal or private liability.

- (a) This chapter is an exercise by the town of its governmental functions for the protection of the public peace, health, and safety, and neither the town nor agents and representatives of same, or any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to persons or property as the result of said activity.
- (b) Any person owning or controlling real estate or other premises, who voluntarily and without compensation grants the town the right to inspect, designate and use the whole or any part of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice disaster situation, shall not be civilly liable for the death of, or injury to, any persons on or about such real estate or premises under such license, privilege or other permission; or for loss of, or damage to, the property of such person.

(Code 1988, § 12-7; Ord. No. 01-06-011, pt. III, 6-5-2001)

Sec. 12-8. - Implementation.

Upon proclamation of a state of emergency, the comprehensive emergency management plans shall be implemented immediately, to the extent determined by the mayor and town council.

(Code 1988, § 12-8; Ord. No. 01-06-011, pt. III, 6-5-2001)

Secs. 12-9—12-34. - Reserved.

ARTICLE II. - STATE OF EMERGENCY

Sec. 12-35. - Declaration; restrictions authorized.

- (a) A state of emergency shall be deemed to exist whenever, during times of public crisis, disaster, rioting, catastrophe or similar public emergency, for any reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety or property, or whenever the occurrence of any such condition is imminent.
- (b) In an existing or threatened state of emergency, endangering the lives, safety, health and welfare of the people within the town or any part thereof, or threatening damage to or destruction of property, the mayor is hereby authorized and empowered under G.S. 14-288.12 to issue a public proclamation declaring to all persons the existence of such a state of emergency, and in order to more effectively protect the lives and property of people within the town, to place in effect any or all of the restrictions hereinafter authorized. Nothing herein shall limit the authority of the town when such authority has been otherwise granted or inferred by law.
- (c) The mayor is hereby authorized and empowered to limit, by proclamation, the application of all or any part of such restrictions to any area specifically designated or described within the town, and to specify hours of the day or night, and to exempt from all or any part of such restrictions, while acting in the line of and within the scope of their respective duties, law enforcement officers, firefighters and other public employees, rescue squad members, doctors, nurses, employees of hospitals and other medical facilities, on-duty military personnel, whether state or federal, on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit, and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the town.

(Code 1988, § 12-13; Ord. No. 01-06-011, pt. IV, 6-5-2001; Ord. No. 04-09-01, art. III, 9-7-2004)

Sec. 12-36. - Proclamation imposing prohibitions and restrictions.

- (a) The mayor, by proclamation, may impose the prohibitions and restrictions specified in sections 12-37 through 12-42 in the manner described in those sections. The mayor may impose as many of those specified prohibitions and restrictions as he finds are necessary, because of an emergency, to maintain an acceptable level of public order and services, and to protect lives, safety, and property. The mayor shall recite his findings in the proclamation.
- (b) The proclamation shall be in writing. The mayor shall take reasonable steps to give notice of the terms of the proclamation to those affected by it and shall post a copy of it in the town hall. The mayor shall retain a text of the proclamation and furnish, upon request, certified copies of it for use as evidence.

(Code 1988, § 12-14; Ord. No. 01-06-011, pt. IV, 6-5-2001)

Sec. 12-37. - Curfew.

- (a) The proclamation may impose a curfew prohibiting, in certain areas and during certain periods, the appearance in public of anyone who is not a member of an exempted class. The proclamation shall specify the geographical area and the period during each 24 hours to which the curfew applies. The mayor may exempt from some or all of the curfew

restrictions classes of people whose exemption the mayor finds necessary for the preservation of the public health, safety and welfare. The proclamation shall state the exempt classes and the restrictions from which each is exempted.

- (b) Unless otherwise specified in the proclamation, the curfew shall apply during the specified period each day until the mayor, by proclamation, removes the curfew.

(Code 1988, § 12-15; Ord. No. 01-06-011, pt. IV, 6-5-2001)

Sec. 12-38. - Restrictions on possession, consumption or transfer of intoxicating liquor.

The proclamation pursuant to this article may prohibit the possession or consumption of any intoxicating liquor, including beer and wine, other than on one's own premises, and may prohibit the transfer, transportation, sale or purchase of any intoxicating liquor within the area of the town described in this proclamation. The prohibition, if imposed, may apply to transfers of intoxicating liquor by employees of alcoholic beverage control stores as well as by anyone else within the geographical area described.

(Code 1988, § 12-16; Ord. No. 01-06-011, pt. IV, 6-5-2001)

Sec. 12-39. - Restrictions on possession, transportation and transfer of dangerous weapons and substances.

- (a) The proclamation pursuant to this article may prohibit the transportation or possession off one's own premises, or the sale or purchase of, any dangerous weapon or substance. The mayor may exempt, from some or all of the restrictions, classes of people whose possession, transfer or transportation of certain dangerous weapons or substances is necessary to the preservation of the public health, safety or welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

- (b) As used in this section, the term "dangerous weapon or substance" means:

- (1) Any deadly weapon, ammunition, incendiary device, explosive, gasoline or other instrument or substance designed for a use that carries threat of serious bodily injury or destruction of property;
- (2) Any other instrument or substance that is capable of being used to inflict serious bodily injury or destruction of property, when the circumstances indicate that there is some probability that such instrument will be so destructively used;
- (3) Any part or ingredient in any instrument or substance included in subsections (b)(1) and (2) of this section.

- (c) If imposed, the restrictions shall apply throughout the jurisdiction of the town or such part thereof designated in the proclamation.

(Code 1988, § 12-17; Ord. No. 01-06-011, pt. IV, 6-5-2001)

Sec. 12-40. - Restriction on access to areas.

- (a) The proclamation, pursuant to this article, may prohibit obtaining access, or attempting to obtain access, to any area, designated in the manner described in this section, in violation of any order, clearly posted notice, or barricade, indicating that access is denied or restricted.

- (b) Areas to which access is denied or restricted shall be designated by the town manager. When acting under this authority, the town may restrict or deny access to any area, street, highway or location within the town if that restriction, or denial of access or use, is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.

(Code 1988, § 12-18; Ord. No. 01-06-011, pt. IV, 6-5-2001; Ord. No. 04-09-01, art. IV, 9-7-2004)

Sec. 12-41. - Evacuation of areas.

The proclamation, pursuant to this article or any amendment thereto, may require the emergency evacuation of any area. The proclamation shall state the geographic boundaries of the area to be evacuated and, upon issuance of the proclamation, the town manager shall take all necessary action to remove all persons from the area and to deny access to the area, as set out in section 12-40.

(Code 1988, § 12-19; Ord. No. 01-06-011, pt. IV, 6-5-2001; Ord. No. 04-09-01, art. V, 9-7-2004)

Sec. 12-42. - Prohibitions and restrictions generally.

The proclamation, pursuant to this article, may prohibit or restrict:

- (1) Movements of people in public places;
- (2) The operation of offices, business establishments and other places to or from which people may travel or at which they may congregate;
- (3) Price gouging, defined as the sale of goods in excess of the manufacturer's suggested retail price or at a price above the pre-emergency level, unless the merchant can document purchase of the goods at increased cost. Any restrictions imposed under this subsection shall extend for a period of 90 days following the date of the declaration of the state of emergency unless sooner terminated by proclamation or resolution.

- (4) 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, within the area designated in the proclamation.

(Code 1988, § 12-20; Ord. No. 01-06-011, pt. IV, 6-5-2001)

Sec. 12-43. - Amendments of the proclamation.

The mayor may amend or extend the proclamation under this article, from time to time, making such modifications as he would have been authorized to include in the original proclamation. The proclamation shall expire five days after its last imposition unless sooner terminated.

(Code 1988, § 12-21; Ord. No. 01-06-011, pt. IV, 6-5-2001)

Sec. 12-44. - Removal of prohibitions and restrictions.

The mayor shall, by proclamation, remove the prohibitions and restrictions under this article as the emergency no longer requires them, or when directed to do so by the town council.

(Code 1988, § 12-22; Ord. No. 01-06-011, pt. IV, 6-5-2001)

Sec. 12-45. - Separate and superseding proclamations.

The mayor, in his discretion, may invoke the restrictions authorized by this article in separate proclamations, and may amend any proclamation by means of a superseding proclamation.

(Code 1988, § 12-23; Ord. No. 01-06-011, pt. IV, 6-5-2001)

Sec. 12-46. - Absence or disability of mayor.

In case of the absence or disability of the mayor, the mayor pro tempore shall have and exercise all of the powers given the mayor in this article. In case of the absence or disability of the mayor pro tempore, such other person as may be designated by the town council shall have and exercise all of the powers given the mayor in this article.

(Code 1988, § 12-24; Ord. No. 01-06-011, pt. IV, 6-5-2001; Ord. No. 04-09-01, art. VI, 9-7-2004)

Secs. 12-47—12-65. - Reserved.

ARTICLE III. - HURRICANE AND STORM RECONSTRUCTION AND REDEVELOPMENT

Sec. 12-66. - Intent.

Following a damaging storm and enactment of a building moratorium, it is the intent of the town to allow rebuilding and reconstruction in an orderly manner. The town will control the issuance of building permits to manage the location, timing and sequence of reconstruction and repair. It is further the intent of this article that the town establish, prior to the storm, a special reconstruction task force which will oversee the recovery and reconstruction process and serve as an advisory body to the town council on recovery/reconstruction issues. A main responsibility of this body will be to identify opportunities to mitigate future storm damages through the management of reconstruction. To further the intent of this article, the town will make every effort to develop its capacity to identify and coordinate various post-storm reconstruction resources, while at the same time ensuring maximum local control over the reconstruction process.

(Code 1988, § 12-29; Ord. of 9-3-1991, pt. I, § 12.1-1; Ord. No. 01-06-011, pt. II, 6-5-2001)

Sec. 12-67. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Destroyed structure means a structure that is a total loss or damaged to such an extent that repairs are not technically or economically feasible, i.e., 50 percent or more of the replacement cost of the entire structure at the time of damage or destruction.

Incipient inlet means an ocean-to-sound inlet which has been formed, or an inlet in the first stages of formation, or an inlet which has opened and is now closed as a result of a severe storm event.

Local damage assessment team means a damage assessment team, required by the state division of emergency management, whose function is to assess losses to property immediately after a storm. The assessment is used to determine if the area can qualify for federal or state disaster assistance.

Major damaged structure means a structure that can be made habitable with extensive repairs. Damage may include foundation, roof structure and major structural components. The indicator for this category is if the cost to repair is greater than ten percent and less than 50 percent of the replacement cost of the entire structure at the time of damage.

Minor damaged structure means a structure that can be made habitable in a short period of time with minimal repairs. Damage may include doors, windows, floors, furnaces, water heaters and other minor structural damage. An indicator for this category is if the cost to repair is ten percent or less of the replacement cost of the entire structure at the time of damage.

Storm event means any natural weather event causing damage and destruction of property. (A storm event shall include, but not be limited to, hurricanes, northeasters, tornadoes, lightning, waterspouts, rain, and ice or snow storms.)

Sec. 12-68. - Hurricane and storm reconstruction.

- (a) *Determination of damage.* A primary task of the local damage assessment team is to identify structures which, as a result of the storm event, have been damaged. The local damage assessment team will recommend to the building inspector those structures which have been destroyed, received major damage or received minor damage. The building inspector will then inspect the damaged structures and place each structure in one of the categories defined in section 12-67.
- (b) *Declaration of a building moratorium.* The initial post-storm reconstruction moratorium shall be declared in effect upon the occurrence of one or more of the following findings:
 - (1) The town is struck by a hurricane of force equal to or greater than four on the Saffir-Simpson scale, as determined by the National Weather Service.
 - (2) The town is declared a disaster area by either the governor of the state or the President of the United States.
 - (3) 25 or more structures have received major damage or have been destroyed, as determined by the building inspector.
 - (4) Upon the finding by the mayor, or in the absence of the mayor, the mayor pro tem, of the existence of a state of emergency, in accordance with G.S. 14-288, as amended, the mayor, or the mayor pro tem, as the case may be, shall declare the initial building moratorium, pursuant to G.S. 160A-174, where the mayor finds a moratorium is necessary for the protection of lives, safety and property, or due to the inability of the town to maintain acceptable levels of public order and services. The mayor may, based upon the above finding, extend the initial moratorium until such time as the state of emergency no longer exists.
- (c) *Moratoriums.*
 - (1) *Initial building moratorium.* Upon the declaration of a building moratorium, the initial post-storm moratorium shall be in effect for a minimum period of 48 hours. No building permits shall be issued during this time period. After expiration of this initial moratorium, the following moratoria shall then apply:
 - a. *Destroyed structure moratorium.* No building permit shall be issued within 30 days following the expiration of the initial moratorium for the replacement of any structure which has been destroyed. All replacement building shall be subject to meeting the requirements of chapter 36, article XVI, all applicable sections pertaining to zoning, and all applicable town codes, prior to the issuance of a building permit.
 - b. *Major damaged structure moratorium.* No building permit for repairs of a major damaged structure shall be issued for at least seven days following the expiration of the initial moratorium. All repairs to a major damaged structure shall meet the requirements of chapter 36, article XVI, all applicable sections pertaining to zoning, and all applicable town codes, prior to the issuance of a building permit.
 - c. *Minor damaged structure moratorium.* Permits for the repair of minor damaged structures may be issued following the expiration of the initial moratorium. All repairs to minor damaged structures shall meet the requirements of chapter 36, article XVI, all applicable sections pertaining to zoning, and all applicable town codes, prior to the issuance of a building permit.
 - d. *Outstanding building permits moratorium.* All building permits which were issued prior to the storm event shall be revoked and shall not be reissued for a minimum period of 30 days following the expiration of the initial moratorium, unless upon finding by the building inspector, on a case-by-case basis, that sufficient inspection capability is available to adequately inspect the structures, should construction begin or resume. All permits issued prior to the storm event must meet the additional requirements of article XVI of chapter 36 before construction can resume. Applications for building permits revoked under this section shall be reissued at no charge.
 - e. *Site plan review.* Site plans which have been submitted to the town prior to the storm event shall not be reviewed by the staff, planning board or town council for a period of 30 days following the expiration of the initial moratorium. All submittal dates and review periods shall be adjusted accordingly to reflect the time period covered by this 30-day moratorium.
 - f. *New site plans, zoning requests and subdivision plats.* No new site plans, zoning requests or subdivision plats shall be accepted by the town for a period of 30 days following the expiration of the initial moratorium. All submittal dates and review periods shall be adjusted accordingly to reflect the time period covered by this 30-day moratorium.
 - (2) *Duration of moratorium.* All moratoriums, other than the initial moratorium as enacted in subsection (b)(4) of this section, shall be in effect for the length of time described above and may be cancelled or extended by the mayor or resolution by the town council.

- (d) *Emergency repairs.* While a moratorium is in effect, no construction or reconstruction activity may be undertaken, excepting only minor interior repairs and emergency repairs necessary to prevent injury or loss of life or imminent collapse or other substantial additional damage to the structure. For illustrative purposes only, items that constitute minor repairs may include temporary roof repairs to avoid further water damage, minor repairs to steps and the temporary shoring up of a structure to avoid imminent collapse.

(Code 1988, § 12-31; Ord. of 9-3-1991, pt. I, § 12.1-3; Ord. No. 01-06-011, pt. II, 6-5-2001)

Sec. 12-69. - Reconstruction task force.

- (a) *Activation.* The reconstruction task force shall be activated upon the declaration of the initial building moratorium. The task force shall be responsible for advising the town council on a wide range of post-storm reconstruction issues.
- (b) *Responsibilities.*
- (1) The reconstruction task force shall have the responsibilities outlined in this subsection. A primary function of the task force is to receive and review damage reports and other analyses of post-storm circumstances and to compare these circumstances with mitigation opportunities identified prior to the storm, to discern appropriate areas for post-storm change and innovation. Where needed, the reconstruction task force can review, in a more specific fashion, alternative mechanisms for bringing these changes about and recommend the coordination of internal and external resources for achieving these ends.
- (2) In addition to the responsibilities in subsection (b)(1) of this section, the reconstruction task force shall:
- a. Review the nature of damages, identify and evaluate alternate program approaches for repairs and reconstruction, and formulate recommendations for handling community recovery.
 - b. Recommend rezoning changes in areas of damage.
 - c. Set a calendar of milestones for reconstruction tasks in conjunction with the town council.
 - d. Initiate requests for repairs to critical utilities and facilities.
 - e. Recommend the expiration or extension of a moratorium for major and minor repairs.
 - f. Recommend the lifting or extension of a moratorium for the outstanding building moratorium.
 - g. Evaluate hazards and the effectiveness of mitigation policies and recommend the amendment of policies, if necessary.
 - h. Initiate recommendations for negotiations for relocations and acquisitions of property.
 - i. Participate in federal hazard mitigation planning.
- The task force shall recommend any changes in zoning, subdivision regulations, setback, density, elevation requirements, building codes, or any other ordinances which it deems necessary or advisable to prevent recurrence of coastal storm damage.
- (3) The reconstruction task force may also undertake a similar process for nonmitigative local objectives and opportunities. The task force may recommend for the town council consideration the following specific opportunities:
- a. Enhancement of local recreational and open space opportunities; enhancement of public access to estuarine and ocean beaches.
 - b. Enhancement and restoration of local natural ecosystems.
 - c. Reduction of traffic congestion, noise and other transportation-related problems.
 - d. Enhancement of the longterm economic vitality of the local commercial and industrial base.
 - e. Other goals which further the stated goals and policies of the town.
- (c) *Composition of the reconstruction task force.* The reconstruction task force will be composed of the following individuals reflecting a broad-based representation of community interest and shall be appointed annually by the town council:
- (1) Two elected officials.
 - (2) Town manager.
 - (3) Two planning board members.
 - (4) One board of adjustment member.
 - (5) One representative each from Southern Shores Civic Association (SSCA) and Chicahauk Civic Association.

- (6) Building inspector.
- (7) Police chief or his representative.
- (8) Fire chief or his representative.
- (9) One representative from either the realty or the construction community.

(Code 1988, § 12-32; Ord. of 9-3-1991, pt. I, § 12.1-4; Ord. No. 01-06-011, pt. II, 6-5-2001)