

ORDINANCE NO. 453

AN ORDINANCE TO AMEND ORDINANCE NO. 60, WHICH CREATED THE FAIRFIELD COUNTY EMERGENCY PREPAREDNESS AGENCY AND TO PROVIDE FOR CIVIL DEFENSE AND DISASTER PREPAREDNESS IN FAIRFIELD COUNTY, TO CHANGE THE NAME FROM FAIRFIELD COUNTY EMERGENCY PREPAREDNESS AGENCY TO FAIRFIELD COUNTY EMERGENCY MANAGEMENT DEPARTMENT; TO ADD PARAGRAPH (F), "TECHNOLOGICAL DISASTER", TO SECTION 2 OF THE ORDINANCE; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO

BE IT ENACTED BY THE COUNTY COUNCIL OF THE COUNTY FAIRFIELD STATE OF SOUTH CAROLINA.

**SECTION 1.** It is the intent and purpose of this ordinance to establish an organization, to be known as the Fairfield County Emergency Management Department, that will insure the complete and efficient utilization of all the county facilities to combat disaster from enemy attack or natural disaster. The department will be the coordinating agency for all activity in connection with emergency management: it will be the instrument through which the Fairfield County Council shall exercise its authority under the laws of this state during an attack natural or technological disaster. This ordinance will not relieve any Fairfield County department of the normal responsibilities or authority given to it by general law or local resolution or ordinance, nor will it affect the work of the American Red Cross or other volunteer agencies organized for relief in natural disaster.

**SECTION 2.** As used in this ordinance the terms:

- (a) "**Emergency Management**" shall have a board meaning and shall include preparations against, and relief from, the effects of attack on the county or any part of this state by the forces of any enemy nation, and it shall also include such activity in connection with natural disaster as defined herein. It shall not include any activity that is the responsibility of the military forces of the United States.
- (b) "**Attack**" shall mean a direct assault against the county or any part of this state by forces of a hostile nation, including assault by bombing, chemical or biological warfare, or sabotage.
- (c) "**Natural disaster**" shall mean any condition seriously threatening public health, welfare or security as a result of a severe fire, explosion, flood, tornado, hurricane, earthquake or similar natural or accidental cause and which is beyond the control of public or private agencies ordinarily responsible for the control or relief of such conditions.

- (d) **“Volunteer”** shall mean contributing service, equipment or facilities to the disaster preparedness organizations without remuneration or without formal agreement or contract of hire. While engaged in such services, they shall have the same immunities as persons and employees of the county performing similar duties.
- (e) **“Director”** shall mean the director of the Fairfield County Emergency Management Department.
- (f) **“Technological disaster”** shall mean any condition seriously threatening public health, welfare or security as a result of a hazardous material accident/incident, or a radiological accident/incident.

**SECTION 3.** There is hereby created the office of director of the Fairfield County Emergency Management Department, who shall be responsible for coordinating the day- to- day operations of the agency and coordinating the activities of various county and municipal governments during a period of disaster. The director shall be appointed by the County Administrator. The director shall be empowered and required to coordinate and render assistance to county and city officials in the development of plans for the use of all facilities, equipment, manpower and other resources of the city and county for the purpose of minimizing or preventing damage to persons or property in disaster situations. City and county personnel shall include in such plans the restoration of governmental services and public utilities necessary for the public health, safety and welfare. The director shall further direct the efforts of the county emergency management department in the implementation of the provisions of this ordinance.

**SECTION 4.** All county and city officials and employees of the county, together with those volunteer forces enrolled to aid them during emergency, and persons who may by agreement or operation of law be charged with duties incident to the protection of life and property in the county during times of an emergency shall constitute the Fairfield County Emergency Management Department.

**SECTION 5.** The County Council shall be responsible for meeting the problems and dangers to the county and its residents resulting from disasters of any origin, may issue proclamations and regulations concerning relief and related matters which during an emergency situation shall have the full force and effect of law.

A state of disaster emergency may be declared by the county if it finds an emergency has occurred, or that the threat thereof is imminent, and extraordinary emergency measures are deemed necessary to cope with the existing or anticipated situation. Once declared, the state of emergency shall continue until terminated by proclamation of the county council. All proclamations issued pursuant to this section shall indicate the nature of the emergency, the area(s) affected by the proclamation, the conditions which required the proclamation of the disaster emergency and the conditions under which it will be terminated.

In addition to any other powers conferred by law, the county council may, under the provisions of this ordinance:

- (a) Suspend existing laws and regulations prescribing the procedures for conducts of county business if strict compliance with the provision of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency;
- (b) Utilize all available resources of county government as reasonably necessary to cope with a disaster emergency;
- (c) Transfer the direction, personnel or functions of county department and agencies or units thereof for purposes of facilitating or performing emergency services as necessary or desirable;
- (d) Compel performance by elected and appointed county government officials and employees of the duties and functions assigned in the county emergency operations plan;
- (e) Contract, requisition and compensate for goods and services from private sources;
- (f) Advise and recommend evacuation of all or part of the population from any stricken or threatened area within the county if such action is deemed necessary for preservation of life or other disaster mitigation, response or recovery. **(Reference: sec. 4-9-130 (6) of the 1976 Code of Law);**
- (g) Prescribe routes, modes of transportation and destinations in connection with evacuation;
- (h) Control ingress and egress to and from a disaster area, the movement of persons within the area and the occupancy of premises therein;
- (i) Suspend or limit the sale, dispensing or transportation of alcoholic beverage, firearms, explosives and combustibles;
- (j) Make provisions for the availability and use of temporary housing;
- (k) Suspend or limit non-emergency activities and prohibit public assemblies.

#### **SECTION 6.**

- (a) The director shall maintain liaison with the state and federal authorities, and the authorities of other nearby political subdivisions, so as to insure the most effective operation of the emergency plan. He shall be accountable for all disaster funds and property;

(b) His duties shall include, but shall not be limited to, the following;

(1) Development and publication of emergency plans in conformity with state emergency plans for the immediate use of all the facilities, equipment, manpower and other resources of the county for the purpose of minimizing or preventing damage to persons property, and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.

(2) Control any necessary record- keeping for emergency management funds and property which may be available from the federal, state, county and municipal governments.

(3) Submission of annual budget requirements to the state and federal government and to the county council.

(4) Signing such documents as are necessary in the administration of the county emergency management program to include project applications and billing for purchases under project application.

(5) Coordinating the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the county for emergency management purposes.

(6) Through public information programs, educating the civil population as to the actions necessary and required for the protection of their persons and property in case of enemy attack natural or technological disaster.

(7) Conduct simulated exercises and public practice alerts to insure efficient operations of the Emergency Management Department and to familiarize residents of the county with civil defense regulations, procedures and operations.

(8) Coordinating the activity of all other public and private agencies engaged in any civil defense programs.

(9) Negotiating with owners or persons in control of buildings or other property for the use of such buildings or property for civil defense purposes, and designating suitable building as public fallout shelters.

(10) Develop a community shelter plan which will have as its ultimate goal an assigned fallout shelter space for every citizen of the county.

(11) Assume such authority and conduct such activity as may be necessary to promote and execute the emergency operations plan.

## **SECTION 7.**

(a) All employees of departments, commissions, boards, institutions and other agencies of the county, designated as civil emergency forces, shall cooperate with the director in the formulation of the county emergency operations plan and shall comply with the orders of the director when such orders are issued pursuant to the provisions of this ordinance.

(b) All such civil emergency forces shall notify the director of conditions in the county resulting from enemy attack, or natural, or technological disaster and they shall inform the director of any conditions threatening to reach the proportion of a disaster as defined herein. Failure to notify the director, however, shall not prevent the director from exercising any authority assigned to him by this ordinance.

## **SECTION 8.**

(a) The director may at any time appoint or authorize the appointment of volunteer citizens to augment the personnel of a department in time of civil emergency. Such volunteer citizen shall be enrolled as civil emergency volunteer in cooperation with the heads of the county departments affected and they shall be subject to the rules and regulations set forth by the director/coordinator for such volunteer.

(b) The director may appoint volunteer citizens to form the personnel of a civil, emergency service for which the county has no counterpart. He may also appoint volunteer citizens as public shelter managers who, when directed by the director, shall open public shelters and take charge of all stocks of food, water and other supplies and equipment stored in the shelter, admit the public according to the community shelter plan and take whatever control measures necessary for the protection and safety of the occupants.

**SECTION 9.** County and municipal employees assigned to duty as part of the civil emergency service pursuant to the provisions of this ordinance shall retain all rights, privileges and immunities of employees, and shall receive the compensation incident to their employment.

## **SECTION 10.**

(a) This ordinance is an exercise by the county of its governmental functions for the protection of the public peace, health, and safety, and the county or agents and representatives of the county, or any individual, receiver firm, partnership, corporation, association or trustee, or any of the agents thereof in good faith carrying out, or attempting to comply with any order, rule or regulation

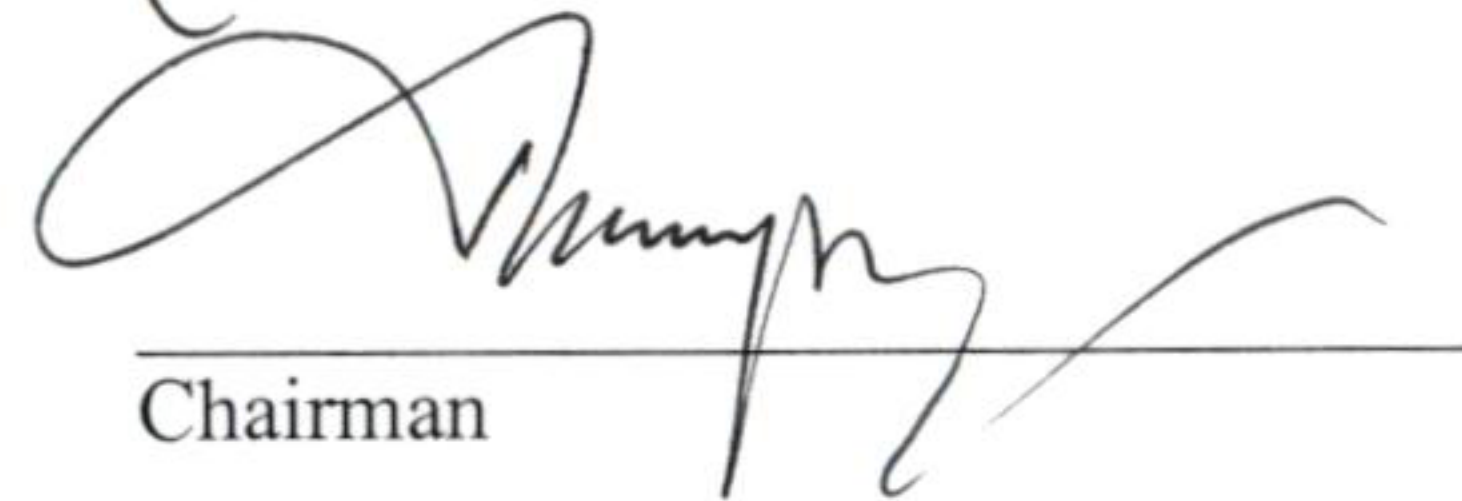
promulgated pursuant to the provisions of the ordinance shall not be liable for any damage sustained to persons or property as a result of such activity.

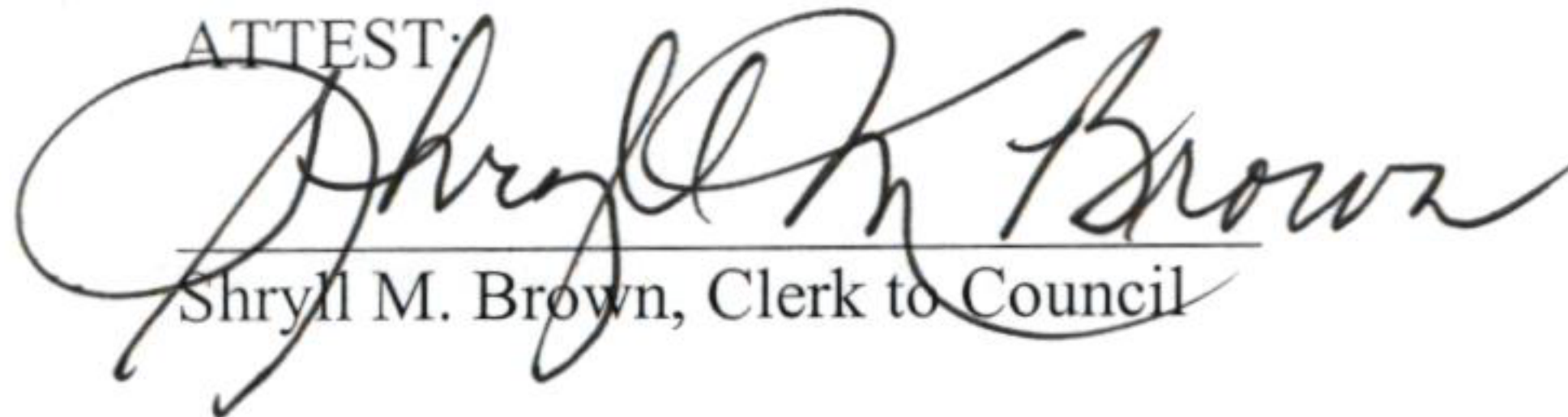
(b) Any person owning or controlling real state or other premises who voluntarily and without compensation grants the county the right to inspect, designate and use the whole or any part(s) of such real estate or premises for the purpose of sheltering persons during an actual, impending or threatened enemy attack, natural, or technological disaster or during an authorized civil emergency practice exercise, shall not be civilly liable for the death of, or injury to, any person located on or about such real estate or premises under such license, privilege, or other permission, or for loss of, damage to, the property of such person.

**SECTION 11.** It shall be unlawful for any person to violate any of the provisions of this ordinance or the regulations issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the civil emergency organization in the enforcement of the provisions of this ordinance or any regulation issued thereunder.

**SECTION 12.** This ordinance shall take effect upon approval by the council.

ADOPTED THIS 10<sup>th</sup> DAY OF March, 2003, BY ORDER  
OF THE FAIRFIELD COUNTY COUNCIL.

  
Chairman

ATTEST:  
  
Shryll M. Brown, Clerk to Council

First Reading:	<u>January 27, 2003</u>
Second Reading:	<u>February 10, 2003</u>
Public Hearing:	<u>March 10, 2003</u>
Third Reading:	<u>March 10, 2003</u>