

Chapter 10

EMERGENCY SERVICES*

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ARTICLE I. IN GENERAL

Secs. 10-1—10-30. Reserved.

ARTICLE II. 911 TELEPHONE SERVICE

Sec. 10-31. Monthly charge.

There is hereby imposed a monthly 911 charge upon each exchange access facility subscribed to by telephone subscribers whose exchange access lines are in the county. The schedule of such charges is on file and available in the county offices. (Ord. of 9-16-96(1), § 1)

Secs. 10-32—10-60. Reserved.

ARTICLE III. EMERGENCY MEDICAL SERVICES*

DIVISION 1. GENERALLY

Sec. 10-61. 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:

Ambulance means any publicly or privately owned vehicle that is specially designed, constructed or modified and equipped, and is intended to be used for and is maintained or operated for the transportation upon the streets and highways in this state of persons who are sick, injured, wounded or otherwise incapacitated or helpless.

***State law references**—Emergency medical services, G.S. 143-507 et seq.; speed limit as to ambulances, G.S. 20-145; yielding right-of-way to ambulances, G.S. 20-156; approach of ambulances, G.S. 20-157; ambulance service in fire protection districts; G.S. 153A-309; authority of county to franchise ambulance services, G.S. 153A-250; making false ambulance request, G.S. 14-286.1; regulation of ambulance services, G.S. 131E-155 et seq.

Ambulance service means a public or privately owned enterprise that is engaged in the transportation of patients of emergency and nonemergency status to medical facilities.

Approved means approved by the state medical care commission pursuant to the latter's rules and regulations promulgated under G.S. 143B-165.

Backup ambulance service means the system of personnel and equipment meeting the same criteria as ambulance service, but not normally dispatched at first call response.

Committee means the county ambulance advisory committee.

County means the county board of commissioners, or a designated representative.

Dispatcher means a person who is available at all times to receive requests for emergency services, to dispatch emergency services and to advise the Sanford police, county sheriff and emergency medical facilities of any existing or threatened emergencies.

Emergency (emergency transportation service) means the operation of an ambulance in order to provide medical care and transportation of a patient who is in need of immediate medical treatment in order to prevent loss of life or further aggravation of physiological or psychological illness or injury.

Emergency medical technician (EMT) means an individual who has completed the minimum 169-hour program for emergency medical technician certification, and is so certified by the state.

Emergency medical technician and intermediate and paramedic are the individuals responsible for the operation of an ambulance and rendering assistance to the emergency medical technician during the transportation of a patient.

First responder means the first dispatched medical or rescue aid to arrive at the scene and provide emergency medical assistance to stabilize the patient while waiting for further medical aid and/or transport.

Franchise means a permit issued by the county to a person for the operation of an ambulance service.

Franchisee means any person having been issued a franchise by the county for the operation of an ambulance service.

License means any driver's license or permit to operate a motor vehicle issued under or granted by the laws of the state.

Nonemergency transportation services means the operation of an ambulance for any purpose other than an emergency.

Operator means a person in actual physical control of an ambulance which is in motion or which has the engine running.

Owner means any person or entity who owns and operates an ambulance service.

Patient means an individual who is sick, injured, wounded or otherwise incapacitated or helpless.

Person means any individual, firm, partnership, association, corporation or organization of any kind, including any government agency other than the United States.

Rescue means situations where the victim cannot escape an area through the normal exit or under his own power.

(Ord. of 7-6-82, § 1)

Cross reference—Definitions generally, § 1-2.

Editor's note—Changes to the section where made at the direction of the city (fax of Mar. 31, 2009).

Sec. 10-62. Penalties for violation of article.

(a) It shall be a misdemeanor for any person to obtain or receive ambulance service without intending at the time of obtaining or receiving such services to pay, if financially able, the necessary charges. A determination that the recipient of such services has failed to pay for the services rendered for a period of 90 days after a request for payment, and that the recipient is financially able to do so, shall raise a presumption that the recipient of the services did not intend to pay for the services at the time they were obtained or received.

(b) Violations of this article, or the terms of any franchise granted under this article, shall be a misdemeanor as provided by G.S. 14-4. Each such violation also shall subject the offender to a civil

penalty in the amount of \$100.00 for each separate breach of the franchise or violation of this article. This civil penalty must be paid within ten days after the hearing on the citation has been held as provided in section 10-94(b). If not so paid, such penalty may be recovered by the county as provided by G.S. 153A-123(c). If the civil penalty is not paid within the ten days, as provided for in this subsection, the county may suspend or revoke the franchise. (Ord. of 7-6-82, §§ 13.1, 13.2)

Sec. 10-63. Inspections to ensure compliance.

The county may inspect a franchisee's records, premises and equipment at any time in order to ensure compliance with this article and any franchise granted under this article. (Ord. of 7-6-82, § 16.1)

Sec. 10-64. Territorial jurisdiction.

The provisions of this article shall apply to all unincorporated areas within the geographic confines of the county, and to such incorporated areas as may, by resolution, permit this article to be applicable within such incorporated areas. (Ord. of 7-6-82, § 15.1)

Sec. 10-65. Amendment or expansion of article.

The board of commissioners may, through appropriate actions, amend or expand this article to include other emergency departments or agencies as deemed necessary. (Ord. of 7-6-82, § 17.1)

Sec. 10-66. Enforcement of article; enforcing agency; duties.

The county ambulance advisory committee shall be the enforcing agency for the regulations contained in this article. Such office will:

- (1) Receive all franchise proposals from potential providers.
- (2) Study each proposal for conformance to this article.
- (3) With the approval of the committee, recommend to the board of commissioners the award of the franchise to the applicants submitting the best proposal.

- (4) Inspect the premises, vehicles, equipment and personnel of the franchise to ensure compliance to this article and perform any other inspections that may be required.
 - (5) With the approval of the committee, recommend the temporary or permanent suspension of a franchise in the event of noncompliance with the franchise terms of this article. Recommend the imposition of misdemeanor or civil penalties as provided therein.
 - (6) Ensure by cooperative agreement with other ambulance services the continued service in a district where an ambulance service franchise has been suspended.
 - (7) Receive monthly reports from ambulance services and consolidate the reports into a quarterly summary for review by the committee and the county.
 - (8) Receive complaints from the public, other enforcing agencies and ambulance services regarding franchise infractions; review the complaint with the committee; and obtain corrective action with the approval of the committee.
 - (9) With the approval of the committee, recommend improvements to the county which will ensure better medical transportation.
 - (10) Maintain all records required by this article and other applicable county regulations.
 - (11) Perform such of the above functions as may be requested by any municipality within the county.
- (Ord. of 7-6-82, § 14.1)

Secs. 10-67—10-90. Reserved.

DIVISION 2. AMBULANCE FRANCHISE

Sec. 10-91. Permits and certificates required; exemptions.

(a) No person either as owner, agent or otherwise shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the business or service of emergency and/or nonemergency transportation of patients within the county unless the person holds a valid permit for

each ambulance used in such business or service issued by the office of emergency medical services of the state department of human resources and has been granted a franchise for the operation of such business or service by the county pursuant to this division.

(b) No person shall drive, attend or permit a vehicle to be operated for ambulance purposes within the county unless he holds a currently valid certificate as an ambulance attendant or emergency medical technician issued by the state, except under emergency circumstances.

(c) No franchise shall be required for:

- (1) Any entity rendering assistance to a franchised ambulance service in the case of a major catastrophe or emergency with which the services franchised by the county are insufficient or unable to cope;
 - (2) Any entity operating from a location or headquarters outside the county in order to transport patients who are picked up beyond the limits of the county, but no such entity shall be used to pick up patients within the county for transporting to locations within the county or other locations unless it is rendering assistance as referred to in subsection (c)(1) of this section;
 - (3) Law enforcement personnel;
 - (4) Ambulance services operating or contracting under the auspices of the Veterans' Administration; and
 - (5) An ambulance service operated by the county.
- (Ord. of 7-6-82, §§ 2.1—2.3)

Sec. 10-92. Application.

Application for a franchise to operate ambulances in the county shall be made upon such forms as may be prepared or prescribed by the county and shall contain:

- (1) The name and address of the applicant and of the owner of the ambulance;
- (2) The trade or other fictitious names, if any, under which the applicant does business, along with a certified copy of an assumed name certificate stating such name or articles of incorporation stating such name;

- (3) A resume of the training and experience of the applicant in the transportation and care of patients;
- (4) A description and copy of state certification for each ambulance owned and operated by the applicant;
- (5) The location and description of the places from which it is intended to operate;
- (6) Audited financial statement of the applicant as the same pertains to the operations in the county; such financial statement shall be in such form and in such detail as may be required by the county;
- (7) A description of the applicant's capability to provide 24-hour coverage, seven days per week for the district covered by the franchise applied for, and an accurate estimate of the minimum and maximum times for a response to calls within such district; and
- (8) Any information the county shall deem reasonably necessary for a fair determination of the capability of the applicant to provide ambulance service in the county in accordance with the requirements of state laws and the provisions of this division.

(Ord. of 7-6-82, § 3.1)

Sec. 10-93. Granting.

(a) *Districting.* Prior to accepting applications from applicants for the operation of an ambulance service, the board of commissioners may designate specific service areas as franchise districts. Such districts will be established on criteria that includes geographic size, road access, the location of existing medical transportation services, population and response time. The board of county commissioners shall have the authority to redistrict or rearrange existing districts at any time at their discretion.

(b) *Emergency and nonemergency transportation service.* An applicant may apply for a franchise to operate both emergency transportation service and nonemergency transportation service.

(c) *Hearing and investigation of applicant.* Upon receipt of an application for a franchise, the county shall schedule a time and place for hearing the applicant. Within 30 days after hearing, the county

shall cause such investigation as it may deem necessary to be made of the applicant and his proposed operations.

(d) *Conditions for granting.* A franchise may be granted if the county finds that:

- (1) The public convenience and necessity require the proposed ambulance service.
- (2) Each ambulance of the applicant has required equipment, and the premises designated in the application have been certified by the county and state.
- (3) Only duly licensed ambulance attendants and emergency medical technicians are employed in such capacities.

(Ord. of 7-6-82, §§ 4.1—4.4)

Sec. 10-94. Term; civil penalty for violation; suspension, revocation or termination.

(a) The county may issue a franchise under this article to an owner of an ambulance service, to be valid for a term to be determined by the county, provided that either party, at its option, may terminate the franchise upon 60 days' prior written notice to the other party. After a notice of service termination is given, the ambulance service shall reapply for a franchise, if continued service is desired.

(b) If any franchisee shall violate or fail to comply with any provisions of this article, or a franchise issued under this article, the franchisee shall be cited by the county for such violation or failure to comply. The county, after a hearing pursuant to this citation, may impose a civil penalty of \$100.00 for each separate breach of the franchise, as provided in section 10-62 or may suspend or revoke the franchise. If upon such hearing, the county shall find that the franchisee has corrected any deficiencies and has brought his operation into compliance with the provisions of this article, the franchisee shall not be suspended or revoked, but a civil penalty as provided in section 10-62 may be imposed.

(c) Upon suspension, revocation or termination of a franchise granted under this article, such franchised ambulance service immediately shall cease operations. Upon suspension, revocation or termination of a driver's license or attendant's certificate or emergency medical technician certificate, such person shall cease to drive an ambulance or provide

medical care in conjunction with an ambulance service, or attend an ambulance. No person shall employ or permit such individual to drive an ambulance or provide medical care in conjunction with an ambulance service.

(Ord. of 7-6-82, §§ 5.1—5.3)

Sec. 10-95. Standards generally.

(a) Each franchised ambulance service shall comply at all times with the requirements of this article, the franchise granted under this article, and all applicable state and local laws relating to health, sanitation, safety, equipment and ambulance design, and all other laws and ordinances.

(b) Prior approval of the county shall be required where ownership or control of more than ten percent of the right of control of the franchisee is acquired by a person or group of persons acting in concert, none of whom own or control ten percent or more of such right of control, singularly or collectively, at the date of the franchise. By its acceptance of the franchise, the franchisee specifically agrees that any such acquisition, occurring without prior approval of the county, shall constitute a violation of the franchise by the franchisee and shall be cause for termination at the option of the county.

(c) Any change of ownership of a franchised ambulance service without the approval of the county shall terminate the franchise and shall require a new application and a new franchise and conformance with all the requirements of this article as upon original franchising.

(d) No franchise may be sold, assigned, mortgaged or otherwise transferred without the approval of the county and a finding of conformance with all requirements of this article as upon original franchising. Each franchised ambulance service, its equipment and the premises designated in the application, and all records relating to its maintenance and operation, as such, shall be open to inspection by the state, the county or their designated representatives.

(e) No official entry made upon a franchise may be defaced, removed or obliterated.

(Ord. of 7-6-82, §§ 6.1—6.5)

Sec. 10-96. Standards for drivers and attendants.

Standards for drivers and attendants, as developed by the state medical care commission as requirements for certification of ambulance attendants and emergency medical technicians, pursuant to G.S. 131E-155 et seq. and G.S. 143-507 et seq., and shall be applied and such standards are incorporated in this section by reference.

(Ord. of 7-6-82, § 7.1)

Editor's note—Changes to the section where made at the direction of the city (fax of Mar. 31, 2009).

Sec. 10-97. Standards for vehicles and equipment.

Vehicle and equipment standards as developed by the state medical care commission, pursuant to G.S. 143-507 et seq., and shall be applied and such standards are incorporated in this section by reference.

(Ord. of 7-6-82, § 8.1)

Sec. 10-98. Standards for communication.

(a) Each ambulance must be equipped with a two-way VHF radio, licensed by the Federal Communications Commission, which must be in operative condition at all times. Two-way radio system and frequencies, if any required by the office of emergency medical services.

(b) Each ambulance service shall provide the county a copy of the Federal Communications Commission license authorizing the use of the communication equipment owned and operated by that service.

(c) Each base of operations must have at least one telephone line. Telephone numbers must be registered with each law enforcement agency and communications center in the county.

(Ord. of 7-6-82, §§ 9.1—9.3)

Editor's note—Changes to the section where made at the direction of the city (fax of Mar. 31, 2009).

Sec. 10-99. Insurance.

No ambulance franchise shall be issued under this article, nor shall such franchise be valid after issuance, nor shall any ambulance be operated in

the county unless there is at all times in force and effect insurance coverage, issued by an insurance company licensed to do business in the state, for each and every ambulance owned and/or operated by or for the ambulance service providing for the payment of damages as follows:

- (1) In the sum of \$300,000.00 insurance and/or bond for injury to or death of individuals in accidents resulting from any cause for which the owner of the vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or his agent; and
- (2) In the sum of \$50,000.00 for the loss of or damage to the property of another, including personal property, under like circumstances, in sums as may be required by the state or as approved by the county.

(Ord. of 7-6-82, § 10.1)

Sec. 10-100. Recordkeeping.

Each franchisee shall maintain the following records:

- (1) *Record of dispatch.* The record of dispatch shall show the time the call was received, the time the ambulance was dispatched, the time the ambulance arrived on the scene, the time the ambulance arrived at the destination, and the time the ambulance was in service.
- (2) *Trip record.* The trip record shall state all information required in subsection (1) of this section in addition to the patient's address and telephone number, the condition of the patient, the type of medical assistance administered before reaching the hospital, total trip miles, and the name of the attendant and driver. All records are kept electronically. Patient can receive a copy through the medical records department with the hospital.
- (3) *Daily report log.* All multiple patient records are kept electronically.
- (4) *Daily vehicle checklist and inspection report.* The daily vehicle checklist and inspection report shall list the contents and a de-

scription of operations for each vehicle, signed by the individual verifying vehicle operations and equipment.

(Ord. of 7-6-82, § 11.1)

Editor's note—Changes to the section where made at the direction of the city (fax of Mar. 31, 2009).

Sec. 10-101. Rates and charges.

(a) Each franchisee shall submit a schedule of rates to the county for approval, and shall not charge more nor less than the approved rates without specific approval by the county.

(b) No ambulance service shall attempt to collect rates on emergency calls until the patient has reached the point of destination, has received medical attention and is in a condition deemed by the physician fit to consult with the ambulance service, but such service may attempt to collect rates with the family or guardian of the patient once the patient is in the process of receiving medical attention.

(c) On nonemergency calls, or calls where a person requires transportation to a nonemergency facility, attempts to collect payment can be made before the ambulance begins its trip.

(Ord. of 7-6-82, §§ 12.1—12.3)

Secs. 10-102—10-130. Reserved.

ARTICLE IV. EMERGENCY MANAGEMENT*

DIVISON 1. STATE OF EMERGENCY

Sec. 10-131. Territorial applicability.

This article is applicable to any part of Lee County which is not within the corporate limits of any city or town.

(Ord. of 10-6-2008(1), Pt. 1, § 1)

***Editor's note**—Ord. of 10-6-2008(1) §§ 1—24, did not specifically amend the Code; hence, inclusion herein as Art. IV was at the discretion of the editor. See also the Code Comparative Table.

Cross reference—Administration, ch. 2.

Sec. 10-132. Public proclamation of emergency.

(a) A state of emergency shall be deemed to exist when ever 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 the event of any existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the county or any part thereof, or threatening damages to or destruction of property, the chairperson of the board of commissioners is hereby authorized and empowered under G.S. 14-288.13 and 166A-8 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 county, to place in effect any or all of the restrictions hereinafter authorized.

(c) The chairperson is hereby authorized and empowered to limit by the proclamation the application of all or any part of such restriction to any area specifically designated or described within the county and to specific hours of the day or night; and to exempt from all or any part of such restriction, while acting in the line of and within the scope of their respective duties, law enforcement officers, firefighters and public employees, rescue squad members, first responders as defined by the medical director for the emergency medical services provided for Lee County and/or the North Carolina State Office of Emergency Medical Services, 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 operating 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 people within the county.

(Ord. of 10-6-2008(1), Pt. 1, § 2)

Sec. 10-133. Proclamation imposing prohibitions and restrictions.

(a) The chairperson of the board of commissioners by proclamation may impose the prohibitions and restrictions specified in sections 10-134 through 10-

139 in the manner described in those sections. The chairperson may impose as many of those specified prohibitions and restrictions as he finds necessary, because of an emergency, to maintain an acceptable level of public order and services, and to protect lives, safety, and property. The chairperson shall recite his findings in the proclamation.

(b) The proclamation shall be in writing. The chairperson 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 county courthouse. The chairperson shall send reports of the substance of the proclamation to the mass communications media which serves the affected area. The chairperson shall retain a text of the proclamation and furnish upon request certified copies of it.

(Ord. of 10-6-2008(1), Pt. 1, § 3)

Sec. 10-134. Evacuation.

The chairperson may direct and compel the evacuation of all or part of the population of the county, to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress of a disaster area, the movement of persons within the area, and the occupancy of premises therein. Details of the evacuation may be set forth or amended in a subsequent proclamation which shall be well publicized.

(Ord. of 10-6-2008(1), Pt. 1, § 4)

Sec. 10-135. 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 or areas and the period during each 24-hour day to which the curfew applies. The chairperson may exempt from some or all of the curfew restrictions class of people whose exemption the chairperson finds necessary or the preservation of the public health, safety, and welfare. The proclamation shall state the exempted 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 chairperson by proclamation removes the curfew.

(Ord. of 10-6-2008(1), Pt. 1, § 5)

Sec. 10-136. Restrictions on alcoholic beverages.

The proclamation may prohibit the possession or consumption of any alcoholic beverage; including beer, wine, and spirituous liquor other than on one's own premises, and may prohibit transfer, transportation, sale or purchases of any alcoholic beverage within the area of the county described in the proclamation. The prohibition, if imposed, may apply to transfers of alcoholic beverages by employees of alcoholic beverage control stores as well as by anyone else within the geographical area described. (Ord. of 10-6-2008(1), Pt. 1, § 6)

Sec. 10-137. Restrictions on dangerous weapons and substances.

(a) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

Dangerous weapon or substance.

- (1) Any deadly weapon, ammunition, explosive, incendiary device, radioactive material or device as defined in G.S. 14-288.8(c)(5), gasoline, or other instrument or substance designed for a use that carries a 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 or substance will be so used.
- (3) Any part or ingredient in any instrument or substance included above when the circumstances indicate a probability that such a part or ingredient will be so used.

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

(c) If imposed, the restrictions shall apply throughout the jurisdiction of the county or such part thereof as designated in the proclamation. (Ord. of 10-6-2008(1), Pt. 1, § 7)

Sec. 10-138. Restrictions on access to areas.

(a) The proclamation may prohibit obtaining access or attempting to obtain access to any areas, 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 sheriff and his subordinates or other law enforcement officers when directed in the proclamation to do so by the chairperson. When acting under his authority, the sheriff and his subordinates may restrict or deny access to any area, street, highway or location within the unincorporated area of the county 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. (Ord. of 10-6-2008(1), Pt. 1, § 8)

Sec. 10-139. Other restrictions and prohibitions.

The proclamation 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; and
- (3) 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.

(Ord. of 10-6-2008(1), Pt. 1, § 9)

Sec. 10-140. Termination of emergency; removal of restrictions or prohibitions.

The chairperson shall by proclamation terminate the entire declaration of emergency or remove any of the prohibitions and restrictions when the emergency no longer requires them, or when directed to do so by the board of commissioners. (Ord. of 10-6-2008(1), Pt. 1, § 10)

Sec. 10-141. Superceding and amendatory proclamations.

The chairperson in his/her discretion may invoke the restrictions authorized by this article in separate proclamations, and may amend any proclamation by means of a superseding proclamation in accordance with the procedures set forth in section 10-133. (Ord. of 10-6-2008(1), Pt. 1, § 11)

Sec. 10-142. Termination of proclamation.

Any proclamation issued under this article shall expire five days after its last imposition unless sooner terminated in writing under the same procedures set forth in section 10-133. (Ord. of 10-6-2008(1), Pt. 1, § 12)

Sec. 10-143. Disability of chairperson.

In case of the absence or disability, or inability to communicate with the chairperson, the vice-chairperson of the board of commissioners, or such other commissioner as may be designated by the board of commissioners, shall have and exercise all of the powers herein given the chairperson. If neither the chairperson nor vice-chairperson may be contacted, then the line of succession shall be by the first letter of the last name of the remaining commissioners in alphabetical descending order for the purpose of this article only. If no commissioner is reachable, then authority for powers herein is delegated to the county manager. (Ord. of 10-6-2008(1), Pt. 1, § 13)

Secs. 10-144—10-163. Reserved.

DIVISION 2. EMERGENCY MANAGEMENT AGENCY

Sec. 10-164. Short title.

This article shall be known and may be cited and referred to as the "Emergency Management Ordinance for the County of Lee". (Ord. of 10-6-2008(1), Pt. 2, § 14)

Sec. 10-165. Intent and purpose.

(a) It is the intent and purpose of this article to establish an office that will insure the complete and efficient utilization of all of the county's resources to combat disaster resulting from enemy or terrorist actions or other disasters as defined herein.

(b) The office of emergency management will be the coordinating agency for all activity in connection with emergency management/homeland security. It will be the instrument through which the board of commissioners may exercise the authority and discharge the responsibilities vested in them during emergencies.

(c) This article will not relieve any county department of the moral responsibilities or authority given to it by local ordinances, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies. (Ord. of 10-6-2008(1), Pt. 2, § 15)

Sec. 10-166. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Attack means direct or indirect assault against the county, its government, its environs, or of the nation, by the forces of a hostile nation or the agents thereof, including assault by bombing, conventional or nuclear, chemical or biological warfare, terrorism or sabotage.

Coordinator means the coordinator of the emergency management agency, appointed as prescribed in this article, and may also be identified as a "director".

Community emergency response team means volunteer organization of trained citizens that care for their families and neighbors before, during, and after emergencies that have successfully completed a CERT course officially recognized by the emergency management organization and serve on an emergency management recognized CERT team. May serve as volunteer support for the emergency management organization upon approval from the emergency management coordinator.

Disaster includes but is not limited to actual or threatened enemy attack, sabotage, 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 functions of maintaining the public peace,

health and safety before, during and after an emergency. This term shall include plans and preparations for protection and relief, recovery and rehabilitation from effects of an attack by the forces of enemy nations or the agents thereof, individuals or groups of individuals who intend to act negatively against persons or property of county residents to coerce or influence social or political objectives, or a disaster as defined therein. This term also incorporates the duties and responsibilities of a local homeland security entity as part of a protect and prevent mission for terrorist activity. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States.

Emergency management forces means the employees, equipment and facilities of all county 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 coordinator of the emergency management agency and assigned to participate in the emergency management activity, including community emergency response team volunteers.

Incident command system means the standardized, on-scene, all-hazard incident management concept as established and implemented as part of the National Incident Management System (NIMS) established by the United States government. ICS is based upon a flexible, scalable response organization providing a common framework within which people can work together effectively.

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

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

(Ord. of 10-6-2008(1), Pt. 2, § 16)

Sec. 10-167. Organization and appointments.

(a) The organization shall consist of the following:

- (1) An agency of emergency management/homeland security of the county govern-

ment under the direction of the board of commissioners with routine management provided by the county manager. The agency head of the emergency management agency shall be known as the director and serve as coordinator, and such assistants and other employees as are deemed necessary for the proper functioning of the agency will be appointed to implement the responsibilities under the definition of this article.

- (2) The employees and resources of all county departments, boards, institutions, and councils shall participate in the emergency management activities through the direction of the office of emergency management. Duties assigned to county departments shall be the same as or similar to the normal duties of the department, where possible.

- (3) Volunteer personnel and agencies offering service to, and accepted by the county.

(b) The board of commissioners, through the county manager, shall appoint a coordinator of the emergency management agency/homeland security who shall be a person well versed and trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of danger from enemy, terrorist action, or disaster as defined in this article.

(c) The coordinator shall designate and appoint deputy coordinators to assume the emergency duties of the coordinator in the event of his absence or inability to act.

(Ord. of 10-6-2008(1), Pt. 2, § 17)

Sec. 10-168. Duties and responsibilities of the coordinator.

(a) The coordinator shall be responsible to the board of commissioners in regard to all phases of emergency management/homeland security activity. The coordinator shall be responsible for the planning, coordination and operation of the emergency management activities in the county. The coordinator shall maintain liaison with the state and federal authorities and the authorities of nearby political subdivisions so as to insure the most effective operation and implementation of the emergency management plans.

(b) The coordinator'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 county for emergency management purposes.
- (2) Development and coordination of plans for the immediate use of all facilities, equipment, manpower and other resources of the county for the purpose of minimizing or preventing damage to persons and property; and protecting the restoring to usefulness governmental services and public utilities necessary for the public health, safety, and welfare.
- (3) Negotiating and concluding agreements with owners or persons in control of buildings or other real property, emergency supplies and commodities, equipment and mechanized vehicles, and employers of personnel with specialized training and skills for emergency management purposes.
- (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 enemy attack, terrorism, or disaster as defined herein, either impending or present.
- (5) Conducting public practice alerts and exercises to insure the efficient operation of the emergency management forces and to familiarize residents with emergency management regulations, procedures and operations.
- (6) Compel and coordinating the activity of all other public and private agencies engaged in any emergency management activities within the county and its municipalities.

(Ord. of 10-6-2008(1), Pt. 2, § 18)

Sec. 10-169. Emergency management plans.

(a) Comprehensive emergency management plans shall be adopted and maintained by resolution of the board of commissioners. In the preparations of these as it pertains to county organization, it is intended that the services, equipment and facilities and personnel of 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 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, as defined in this article, has been proclaimed.

(b) The coordinator 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 coordinator a current list of three persons as successors to his position. The list will be in order of succession and will as nearly as possible designate persons best capable of carrying out all assigned duties and functions. The successor listed shall be considered having the same authorities as the responsible person when serving in the applicable role.

(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 and where needed volunteers. Each chief shall formulate the standing operating procedure to implement the plans for his service.

(d) Amendments to these plans shall be submitted to the coordinator. If approved, the coordinator will then submit the amendments to the board of commissioner with his recommendation for their approval. Such amendments shall take effect 30 days from the date of approval.

(e) When a required competency or skill for a disaster function is not available within government, the coordinator is authorized to seek assistance from person(s) 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 basis. Such citizens shall be enrolled as emergency management volunteers.

(f) The emergency management coordinator shall have the authority to establish community emergency response teams (CERT), and amateur radio emergency services (ARES) teams, establish training and certification requirements for members, determine the operating parameters of the members, and authorize members to operate outside of their assigned areas for the purposes of providing support to the emergency management organization. The emergency management coordinator or designee may appoint coordinator(s) for proper organization and administration of this program.

(g) All emergency management plans and operations shall comply with the National Incident Management System as implemented by the appropriate body of the United States government and all emergency management forces shall utilize the NIMS complaint Incident Command System when engaging in activities as prescribed by this article. (Ord. of 10-6-2008(1), Pt. 2, § 19)

Sec. 10-170. No municipal or private liability.

(a) This article is an exercise by the county of its governmental functions for the protection of the public peace, health, and safety, and neither the county 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 article shall be liable for any damage sustained to persons or property as the result of said activity.

(b) Any persons owning or controlling real estate or other premises who voluntarily and with compensation grants the county the right to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice disaster situation shall 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. (Ord. of 10-6-2008(1), Pt. 2, § 20)

Sec. 10-171. Conflicting rules and regulations.

At all times when the orders, rules and regulations made and promulgated pursuant to this article shall

be in effect, they shall supercede all existing ordinances, orders, rules and regulations insofar as the later may be inconsistent therewith. (Ord. of 10-6-2008(1), Pt. 2, § 21)

Sec. 10-172. Violations.

It shall be a misdemeanor for any person to violate any of the provisions of this article or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency management organization as herein defined in the enforcement of the provisions of this article or any plan issued thereunder. (Ord. of 10-6-2008(1), Pt. 2, § 22)

Sec. 10-173. Penalty.

Any person violating any prohibition or restriction imposed by a proclamation authorized by this chapter shall be guilty of a class 3 misdemeanor. (Ord. of 10-6-2008(1), Pt. 2, § 23)

Sec. 10-174. Conflict of laws.

If any portion of this article or the enforcement thereof is found to be preempted by state or federal law, such preemption shall not operate to invalidate the rest of the article and the same shall remain in full force and effect. All ordinances or parts of ordinances in conflict with this article are hereby repealed. (Ord. of 10-6-2008(1), Pt. 2, § 24)