

AN ORDINANCE

TO AMEND AND UPDATE THE EMERGENCY MANAGEMENT ORDINANCES FOR GREENVILLE COUNTY.

WHEREAS, emergency management in times of attack or disaster is a vital function of County government in the coordination and response to maintain the public health, safety and general welfare of its citizens and property; and

WHEREAS, County Council finds that there is a need to update the ordinances that outline the duties and authority of Greenville County Emergency Management to provide for a comprehensive and effective utilization of all County facilities and services to combat disaster from enemy attack, and natural or man-made disasters.

NOW, THEREFORE, BE IT ORDAINED BY THE GREENVILLE COUNTY COUNCIL:

Section 1. Amendment. Chapter 6 of the Greenville County Code of Ordinances is hereby amended as follows:

“Article I – Purpose and Definitions

A. Purpose.

It is the intent and purpose of this chapter to recognize the department and organization known as Greenville County Emergency Management (“GCEM”) to ensure the complete and efficient utilization of all County facilities and services to combat disaster from enemy attack, and man-made or natural disasters. GCEM will be the coordinating agency for all activity in connection with emergencies; and it will be the instrument through which the County Council shall exercise its authority under the laws of the State during hazards affecting this County or any part of the state. This chapter will not relieve any Greenville County department of the normal responsibilities or authority given to it by general law or local resolution or ordinance.

B. Definitions.

The following words, terms and phrases as used in this chapter shall have the following meanings:

Hazards shall mean natural and man-made disasters; and an enemy attack against the County, or any part of the state, by forces of a hostile nation, including terrorist assaults of bombing, chemical or biological warfare, or sabotage.

Deputy Director shall mean Deputy Director of Greenville County Emergency Management.

Director shall mean the Director of Greenville County Emergency Management.

Emergency management shall have a broad meaning and shall include preparations against, and relief from, the effects of attack on the County, or any part of the state, by the forces of any enemy nation, terrorism and it shall also include such activity in connection with natural disaster as defined herein. It shall not include any activity that is responsibility of the military forces of the United States.

Municipal shall mean any city or town with jurisdiction inside of Greenville County and shall also include any special purpose or tax district operating public services within Greenville County.

Natural disaster shall mean any condition seriously threatening public health, welfare or security as result of a winter storm, 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 relief of such conditions.

State of emergency shall exist when declared by the Governor of the State of South Carolina.

Volunteer shall mean persons or companies contributing service, equipment or facilities to the emergency management 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.

Article II – Greenville County Emergency Management

A. Greenville County Emergency Management Established.

There is hereby established an agency known as Greenville County Emergency Management whose Director shall be responsible for directing the day-to-day operations of the agency and coordinating the activities of various County and municipal governments during a period of disaster. The Greenville County Administrator shall appoint the Director who shall be approved by County Council. The Director shall be empowered and required to coordinate and render assistance to County and municipal officials in the development of plans for the use of all facilities, equipment, manpower and other resources of the County and municipalities for the purpose of minimizing or preventing damage to persons or property in disaster situations. County and municipal 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 agency in the implementation of the provisions of this chapter.

The Deputy Director will assist the Director with the efforts of the emergency management program. The Deputy Director will assume operational responsibilities in the absence of the Director.

B. Composition During Disaster.

All County and municipal officials and employees of the County, together with those volunteer forces enrolled to aid them during a disaster 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 disaster shall constitute Greenville County Emergency Management.

C. Director.

(1) General liaison.

The Director shall maintain liaison with the state and federal authorities, and the authorities of other nearby political subdivisions, and private sector entities so as to ensure the most effective operation of the Emergency Plan.

(2) Director duties.

The Director's duties shall include, but not be limited to, the following:

- (a) Development and publication of the County Emergency Operations Plan and other necessary 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 or property and protecting and restoring to usefulness governmental services and public utilities necessary for public health, safety, and welfare. The County Emergency Operations Plan will be submitted annually to state emergency management for review.
- (b) Control any necessary record keeping for emergency management funds and property, which may be made available from federal, state, County, and municipal governments.
- (c) Submission of annual budget requirements to the state and federal government and to County council. Submit applications for grants and other funding to support emergency management.
- (d) Signing such documents as are necessary in the administration of the County emergency management program to include project application and billing for purchases under project applications.
- (e) Through public information programs, educating the general public to the actions necessary and required for the protection of their persons and property in case of enemy attack, or natural disaster.
- (f) Conducting simulated exercises and alerts to ensure efficient operations of the emergency management agency and to familiarize County personnel and residents of the County with emergency management regulations, procedures and operations.
- (g) Coordinating the activity of all other public and private agencies engaged in any emergency management programs.

(h) Coordinate in conjunction with emergency welfare services and the Red Cross in the development of emergency shelter plans and evacuation shelters for the citizens of the County, and also provide shelter assistance to other areas of the state during disasters or storms.

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

(j) Coordinate with local health department and medical facilities to insure plans and shelters are available for evacuees with access and functional needs.

Article III – State Of Emergency

A. Emergency Declarations.

(1) In the event of an emergency threatening or endangering the lives, safety, health and welfare of the people of Greenville County, a local State of Emergency may be declared by County Council, in consultation with the County Administrator and Greenville County Emergency Management. Once declared, the local State of Emergency shall continue until terminated by the County Administrator or County Council. Upon a declaration of a local State of Emergency, County Council may issue proclamations and regulations concerning disaster relief and related matters which, during an emergency situation, shall have the full force and effect the law.

(2) A State of Emergency may be declared by the Governor of the State of South Carolina if he finds a disaster 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 Governor of South Carolina. Upon a declaration of a State of Emergency by the Governor of the State of South Carolina, the County Council may issue proclamations and regulations concerning disaster relief and related matters which, during an emergency situation, shall have the full force and effect the law.

(3) In addition to any other powers conferred by law, when a local State of Emergency has been declared by County Council or a State of Emergency has been declared by the Governor of the State of South Carolina, the County Administrator, in cooperation with the State Emergency Management Agency, may, under the provisions of this chapter, authorize the following:

(a) Utilize all available resources of County government as reasonably necessary to cope with the emergency;

(b) Transfer the direction, personnel or functions of County departments and agencies or units thereof for purpose of facilitation or performing emergency services as necessary or desirable;

- (c) Contract, requisition, and compensate for goods and services from private sources;
- (d) Warn or direct evacuation of all or portions 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;
- (e) Prescribe routes, modes of transportation and destinations in connection with evacuation;
- (f) Control ingress and egress to and from a disaster area, the movement of persons within the area and the occupancy of premises threatened;
- (g) Make provisions for the availability and use of temporary housing;

(4) In addition to any other powers conferred by law, when a local State of Emergency has been declared by County Council, or a State of Emergency has been declared by the Governor of the State of South Carolina, County Council, in cooperation with the County Administrator and the State Emergency Management Agency may under the provisions of this chapter authorize the following:

- (a) Compel performances by elected and appointed County government officials and employees of the duties and functions assigned in the County Emergency Operations Plan;
- (b) Suspend existing laws and regulations prescribing the procedures for conduct of County business if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with any emergency.
- (c) Coordinate sales and transportation of items or equipment that may be considered harmful to the population during certain emergency conditions;
- (d) Suspend or limit non-emergency activities and prohibit of public assemblies.

B. Cooperation with Director.

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 the ordinance.

C. Notification of emergency conditions.

All such civil emergency forces shall notify the Director of conditions in the County resulting from enemy attack or natural disaster, and they shall inform the Director of any conditions threatening to reach the proportions of a disaster as defined herein. Failure to notify the Director,

however, shall not prevent the Director from exercising any authority assigned to him or her by this chapter.

D. Appointment of volunteers.

The Director may at any time appoint or authorize the appointment of volunteer citizens to augment the personnel of department in time of any emergency. Such volunteer citizens shall be enrolled as emergency volunteers 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 for such volunteers and Greenville County Government. The Director may appoint volunteer citizens to form the personnel of civil emergency services for which the County has no counterpart. The civil emergency services personnel would be utilized to augment evacuation shelter operators, assist with food deliveries and other services that citizens would be qualified for use.

E. Compensation and benefits.

County and municipal employees assigned to duty as a part of the civil emergency forces pursuant to the provisions of this chapter shall retain all rights, privileges, and immunities of employees, and shall receive the compensation incident to their employment.

Article IV – Responsibility and Penalties

A. Liability of personnel.

This chapter 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 to 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 not be liable for any damage sustained to persons or property as result of such activity.

B. Liability of persons granting use of facilities by County.

Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the County the right to inspect, designate and use whole or part or parts of such real estate or premises for the purposes of sheltering persons during actual, impending or threatening natural or man-made emergency or during an authorized emergency practice exercise, shall not be civilly liable for the death of, or injury, any person on or about such real estate or premises under such license, privilege, or other permission.

C. Violation and penalty.

It shall be unlawful for any person to violate any of the provision of this chapter or the regulations issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency management organization in the enforcement of the provisions of the ordinance or any regulation issued thereunder. Penalty for violations to any

provisions of this ordinance shall be a civil fine in an amount not to exceed \$200.00 per violation.”

D. Appeal Process.

If an individual believes the violation of penalty is not justified, he/she may appeal the decision to County Council.

Section 2. Repeal. Ordinances Nos. 1326 and 1835 are hereby repealed.

Section 3. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section 4. Effective Date. This ordinance shall become effective upon adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2021

Willis H. Meadows, Chairman
County Council

ATTEST:

Regina McCaskill
Clerk to Council

Joseph M. Kernell
County Administrator