



EMERGENCY MANAGEMENT PLAN

2021



Town of Southern Shores

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DIRECTIVE – June 2021

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

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):

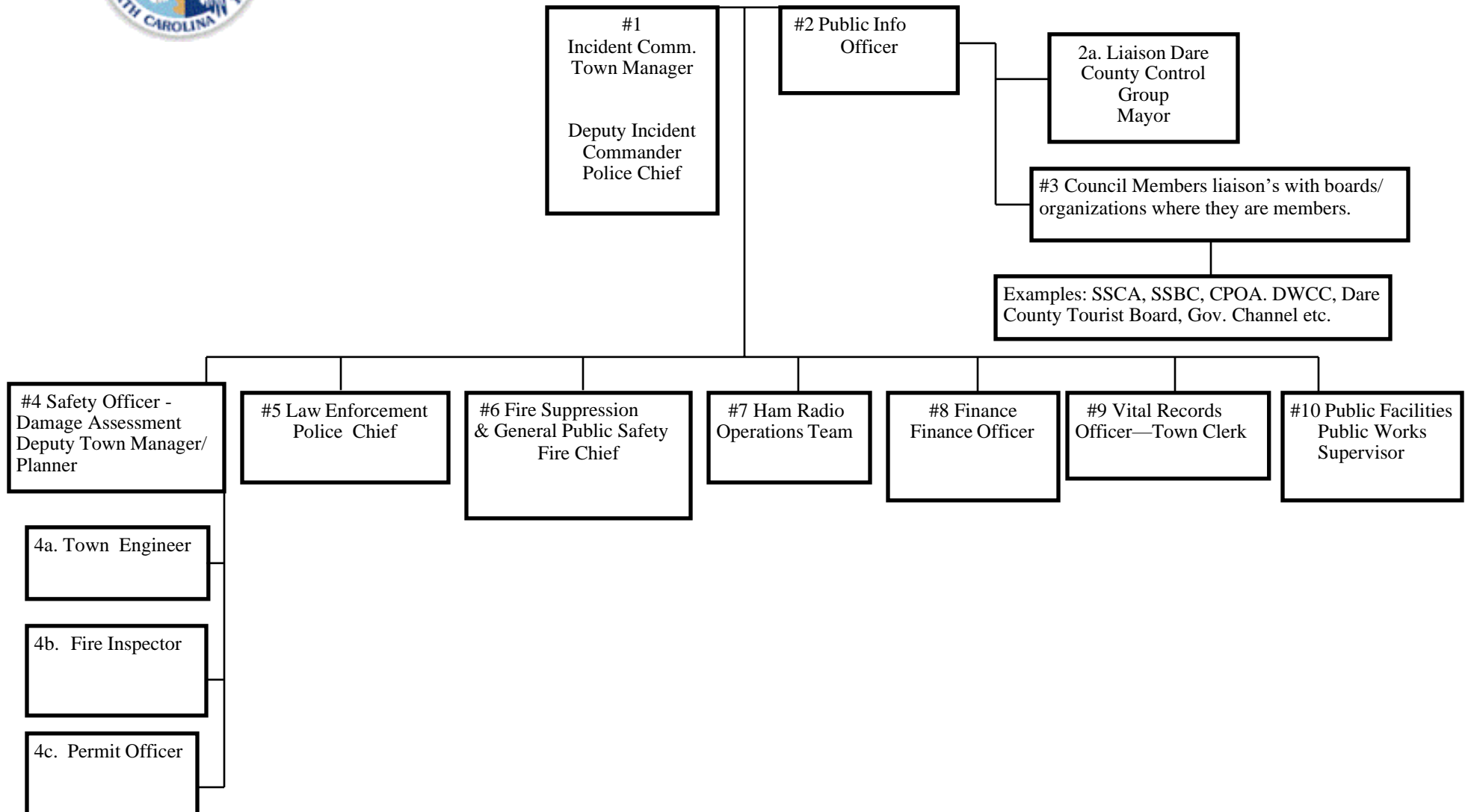
The Incident Commander may designate one or more FSAs to accommodate specific functions for management of the emergency and/or continuation of Town governmental functions. (Examples, general government meetings, volunteer coordination, public relief, etc.)

- 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

--- (1) ---

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.)

(Code 1988, § 12-30; Ord. of 9-3-1991, pt. I, § 12.1-2; Ord. No. 01-06-011, pt. II, 6-5-2001)

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)



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

PROCLAMATION OF STATE OF EMERGENCY

1. Pursuant to Town of Southern Shores Emergency Management Ordinance (Chapter 12) and Chapter 166A of the North Carolina General Statutes and Article 36A, Chapter 14 of the North Carolina General Statutes, and based on recommendations of the Dare County Emergency Management Control Group, I have determined that a State of Emergency exists in the Town of Southern Shores due to the imminent approach of _____.
2. I, therefore, proclaim the existence of a State of Emergency in the Town of Southern Shores.
3. I hereby order all Town of Southern Shores law enforcement officers, Town employees and all other Emergency Management Personnel subject to Town control to cooperate in the enforcement and implementation of provision of this Proclamation set forth below.
4. **Evacuation.** I have determined that, in the best interest of public safety, it is necessary to evacuate the transient-visitor population from the Town of Southern Shores effective immediately. Evacuating citizens are free to use any type of transportation, but they are to use only NC Highway 12 to US Highway 158 in leaving the Town and Dare County. The Chief of Police is to control traffic to allow only residents, property owners, and transient-visitors evacuating from Southern Shores rental properties onto non-state maintained Southern Shores streets. Evacuation is to be implemented immediately.
5. **Subsequent Proclamations.** As emerging events dictate, subsequent proclamations may be issued regarding but not limited to resident evacuation, curfew, purchase of alcohol, possession and transport of dangerous weapons and substances, etc.
6. **Execution of Emergency Plan.** All civilians and emergency management personnel are ordered to comply with the Town's Emergency Management Ordinance and Emergency Management Plan.
Authorizations. I hereby authorize the Town Manager to take whatever action necessary to implement the Town's Emergency Management Ordinance and Emergency Management Plan. I authorize the Town Fire and Police
7. Departments to enter private property as necessary to preserve life and safety.
8. This proclamation shall become effective immediately.
Proclaimed this the _____ day of _____, 20____ at _____ (a.m.) (p.m.).

MAYOR, TOWN OF SOUTHERN SHORES

ATTEST: _____
TOWN CLERK/DEPUTY CLERK

The Proclamation of State of Emergency proclaimed _____, _____ at _____ pm has hereby been rescinded, effective this _____ day of _____ at _____ (AM) (PM)

Mayor, Town of Southern Shores

Attest: Town Clerk



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

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PROCLAMATION OF A MUNICIPAL STATE OF EMERGENCY

Section 1. Pursuant to Town of Southern Shores Emergency Management Ordinance and Chapter 166A of the General Statutes and Article 36A Chapter 14 of the General Statutes, I have determined that a State of Emergency exists in the Town of Southern Shores.

Section 2. I, therefore, proclaim the existence of a State of Emergency in the Town of Southern Shores.

Section 3. I hereby order all Town of Southern Shores law enforcement officers and employees and all other emergency management personnel subject to my control to cooperate in the enforcement and implementation of the provisions of the Town emergency ordinances which are set forth below.

Section 4. *Curfew.* Unless a member of the Town's law enforcement agency or the emergency management program, every person who is located within the boundaries of the Town of Southern Shores is to be inside a house dwelling till _____ a.m., _____, 20____.

Section 5. This proclamation shall become effective immediately.

Proclaimed this the

_____ day of _____, 20____ at _____ am/pm.

Mayor, Town of Southern Shores

ATTEST:

Town Clerk

The Proclamation of State of Emergency proclaimed _____, _____ at _____ pm has hereby been rescinded, effective this _____ day of _____ at _____ (AM) (PM)

Mayor, Town of Southern Shores

Attest: Town Clerk



Town of Southern Shores

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Phone 252-261-2394 / Fax 252-255-0876

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PROCLAMATION TERMINATING STATE OF EMERGENCY

1. On _____, at _____ (am/pm), I declared and proclaimed a State of Emergency in and for the Town of Southern Shores, North Carolina due to the imminent approach of _____.
2. As of this date and time, I have determined that a State of Emergency no longer exists in the Town of Southern Shores.
3. I thereby issue this Proclamation terminating the previously declared State of Emergency and all of the restrictions and orders contained therein.
4. This proclamation is effective immediately.

Proclaimed this the _____ day of _____ 20____, at _____
(am/pm).

MAYOR
TOWN OF SOUTHERN SHORES

ATTEST:

TOWN CLERK

Floodwater Management Discharge Plan (FMDP)
Town of Southern Shores, NC (Dare County)
Administrative Addendum to the Town of Southern Shores Emergency Management Plan

Acute flooding that is prolonged (typically flooding equal to or greater than six (6) inches in depth that has not indicated any infiltration into the ground after a seventy-two (72) hour period following the end of all rain or surface water flooding from the incident), may be considered by the Incident Commander (Town Manager) an emergency situation and a threat to human health and safety. In the event of such acute flooding, the Incident Commander shall assess whether (1) removing the floodwaters to a depressional area is feasible to abate the threat, or (2) removing the water via pumping and discharge to waters of the state is the only alternative to abating the threat to public health and safety. This FMDP has been developed and administratively incorporated into the Town's Emergency Management Plan primarily in the event it becomes necessary under emergency conditions to seek approval to discharge floodwater to waters of the state.

Background: The eastern portion of the Town of Southern Shores, being the entire area situated east of and including NC Highway 12, is flat and prone to flooding in a large rain event associated with a high groundwater table and contiguous flooding of private ponds. It is also possible for ocean over-wash to flood this area and commingle with an event's rain water. Public streets serve dwellings of both year-round residents and seasonal visitors throughout this area. Public services, including law enforcement, fire protection, EMS and beach rescue, trash and recycling pick-up, US Mail delivery, and school bus transportation for school students - are all provided to the permanent and seasonal residents of this area via the Town's public streets and NC Highway 12. Other areas of the Town's central and western areas are flat and prone to storm water flooding due to slow ground infiltration and inadequate conveyance and management systems. Some Town streets do not yet have storm water management features sufficient to channel storm water to adjacent natural infiltration areas within the public street right of way, and thereby create or allow storm water to continue to accumulate on the public streets or to flow onto and flood adjacent private properties. The Town is bounded on the west by waters of the Currituck Sound and on the east by waters of the Atlantic Ocean. Within the Town are situated approximately seven (7) miles of manmade navigable canals which are connected to the Currituck Sound. All residential dwellings in the Town are served by underground private septic systems for wastewater treatment. A map of the Town is attached and incorporated herein as Exhibit A. Water courses are colored in blue highlight and, based on historical occurrence, have been the base source for prolonged flooding throughout their surrounding areas. Red dots indicate potential discharge locations based on historical flooding and prior permitted discharges. The potential discharge locations are (could be depending on where actual flooding occurs) at the ocean ends of beach accesses connecting with either of (north to south) 13th, 12th, 11th, 10th, 9th, 8th, 7th, 6th, 5th, 4th, 3rd, 2nd, and 1st Avenues, Hickory Trail, Purple Martin Lane, Mocking Bird Lane, and Mullett Circle. The entire area prone to prolonged flooding is bordered on the west by NC Highway 12, on the north by the Town of Southern Shores common municipal boundary with the Town of Duck, and on the south by the intersection of Ocean Boulevard and NC Highway 12, and is bordered with a yellow highlighted line on Exhibit A.

Emergency Discharge Protocol: In the event of an emergency (threat to public health and safety) due to prolonged flooding and the discharge of pumped storm water to waters of the state is considered the only viable and feasible alternative for abatement, the Incident Commander shall, using all current and emerging Best Management Practices (BMPs) recognized by associated industry and regulatory standards:

1. Report the emergency conditions by telephone to the appropriate NCDEQ Division of Water Resources (DWR) Regional Office (currently Washington, NC) and request authorization to pump floodwater and discharge into approved state waters in accordance with this FMDP and the DWR *Floodwater Pumping Discharge Guidelines* outlined in a NCDEQ Memorandum dated October 14, 2016 and attached and incorporated herein as Exhibit B. Once verbal authorization is received from DWR, the Incident Commander may seek to discharge flood waters into waters of the state subject to any conditions of the approval and in accordance with these guidelines and the NCOEQ 2016 Memorandum dated October 14, 2016. The Incident Commander shall submit and receive written request and approval from DWR via electronic mail as soon as practicable after initial verbal request and approval.

2. Flood levels considered Emergency: Flood levels are considered an emergency situation when the storm water depth on a public street is greater than 6 (six) inches and is showing no sign of receding by natural infiltration after a period of seventy-two (72) hours following the end of all rain or surface water flooding occurring from the incident.
3. Pumping Equipment Protocol: Pumping equipment shall be operated and monitored by qualified personnel. Qualified personnel shall insure that the equipment is adequately maintained and fueled at all times. The Incident Commander shall procure fuel as needed. Once verbal approval is obtained, the Incident Manager may then implement, using Best Management Practices (BMPs), the removal of the floodwater by pumping systems procured by the Town.
4. Conceptual Design of Pumping System and/or Structures: It is anticipated that the Incident Commander shall utilize the most conveniently available, modern, and feasible infrastructure and equipment available to the Town in removing and discharging flood water in an emergency situation. The Incident Commander shall **seek** annually to secure such infrastructure and equipment as part of the Town's Emergency Management Plan, and shall procure it by the most feasible means when needed for emergency discharging.
5. Water Quality Monitoring: On-site personnel shall report to the Incident Commander any visual signs of leaked fuel, wastewater, turbidity, or other environmentally threatening condition that is entering the pump intake or being discharged. The Incident Commander shall note such conditions and report them to the DWR as soon as practicable.
6. Discharge shall use non-erosive methods implemented by the Incident Commander to avoid scouring dangerous holes on the beach or shoreline or causing avoidable turbidity in the receiving waters. The discharge point shall be set at a sufficient distance from the seaward face of the frontal dune so as to not cause disturbance to the dune. Consideration shall be given to tidal and high sea influence in locating and setting the discharge point. For extended emergency discharge operations, the discharge point shall be monitored by a Town employee or contractor no later than every six (6) hours to insure compliance with the guidelines of this Plan. The Incident Commander shall direct restoration of any unavoidable scouring to normal beach conditions immediately upon ceasing the discharge.
7. Signage for Public: During discharge operations, at least 3 signs, one at the discharge point, one 200' up the beach and one 200' down the beach from any discharge point shall be maintained. Signs must be at least 12 inches by 10 inches and posted on a single pole at least 48 inches above grade. An official contact person shall be identified on each sign in order that inquiries can be made to that person. Signage must substantially comply with attached Exhibit C incorporated herein.
8. During the emergency situation and necessary discharge operations, the Incident Commander shall, to the best of his ability and judgment, seek to insure compliance with all State and Federal laws and regulations, and all Town ordinances and policies.
9. Floodwaters shall no longer be considered an emergency situation and threat to public health and safety when the storm water depth on a public street is constantly no more than 6 (six) inches over a twenty-four hour period without having to pump and discharge and when emergency services (law enforcement, fire, and EMT) are able to safely travel a public street using normal operations vehicles.
10. Once the Incident Commander determines an emergency situation and threat to public safety no longer exist as outlined in Paragraph 5 above, all discharges shall cease.
11. The Incident Commander shall submit written periodic (target of once a day but no later than every three days) and post-event accounts to the appropriate DWR Regional Office, including the name and title of each on-site monitoring official, geographic location (including map images) and times of commencement and cessation of each discharge, and approximate total flow of discharge.

12. The Incident Commander shall update this FDMP annually and seek DWR approval of any update, and no later than every two (2) years.


Town Manager- Incident Commander

7o JuN'c. ?olr
Date

Approved


VC Division of Water Resources
VC Department of Environmental Quality
pa m

October 18, 2017
Date

To
Town of Southen Shores





Environmental
Quality

PAT MCCRORY
Governor
DONALD R. VAN DER VAART
Secretary
JAY ZIMMERMAN
DWR Director

MEMORANDUM

October 14, 2016

To: Jon Risgaard, WQROS Section Chief
Jeff Poupart, WQPS Section Chief
WQROS Region Office Supervisors

From: Jay Zimmerman, Director

Subject: Floodwater Pumping Discharge Guidelines

Background

Beginning in the late 1990s, with an increase in hurricane activity, coastal municipalities have requested the Division of Water Resources (DWR) to approve the direct discharge of pumped floodwaters to grant relief from flooding impacts. Typical proposals have involved pumping from depressional areas and discharging to the ocean or sound, and expanding or improving the existing gravity stormwater collection systems. Since these proposed remedies are generally for existing developments, they may not fall within established permitting programs such as Coastal Stormwater Management administered under 15A NCAC 2H.1000 and the NPDES stormwater program. Recently, municipalities have moved from utilizing portable pumps towards permanent collection infrastructure. To provide the necessary protections of water quality in sensitive coastal waters while balancing the concern for protection of public health and safety, a guidance document including pumping plans and procedures has been developed. The original policy was created in 2003 with input and cooperation from the Shellfish Sanitation Section, Division of Emergency Management, and other divisions and departments. This guidance incorporates and replaces the 2003 policy memo.

General Guidance

Proposals to address severe and/or chronic stormwater flooding will be reviewed by DWR staff to determine the potential for contravention of water quality standards and impairment of best uses such as recreation and shellfishing. The Shellfish Sanitation and Recreational Water Quality Section (SSRWQ) will be asked to review the pumping proposal and determine if the proposed activity will result in the closure of shellfish waters or the posting of swimming advisory signs. Proposals that result in the restriction of best uses, which is a contravention of water quality standards, cannot be approved under federal laws and regulations governing the protection of water quality. Proposals by public entities to expand stormwater collections systems may be accepted if, through the incorporation of Best

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Management Practices, it can be shown that the project will not result in a net increase in impacts to surface waters (Water quality, classification, or uses). Public entities, such as municipalities and counties, are further expected to develop and implement effective land use management plans to reduce potential impacts to surface waters.

Non-Discharge Methods

Public entities are advised that non-discharge alternatives, such as directing water to a trough behind dunes or spray irrigation on land surface, are preferable management practices to discharges to waters of the state. Non-discharge methods may be utilized during non-emergence conditions to control short term flooding conditions with approval from the DWR regional office.

Emergency Conditions

As stated above, non-discharge alternatives are preferable to discharges to waters of the State. However, under emergency conditions, when public health and safety are endangered, approval may be given on a case by case basis to allow the discharge of pumped stormwater to surface waters with the following limitations:

- A local entity official shall report the emergency conditions by telephone to appropriate DWR Regional Office Supervisor and request authorization to discharge in accordance with this document or an approved Floodwater Management Pumping Plan (see below for requirements of an optional Floodwater Management Plan). If the DWR does not have an approved Plan less than two years old, one must be submitted as part of the emergency discharge request. (Having a Floodwater Management Pumping Plan in place can expedite the approval process during emergency conditions.
- The Shellfish Sanitation and Recreational Water Quality Section (SSRWQ) shall be notified by the DWR Regional Office when emergency discharging has been authorized so advisory signs can be posted
- The Division of Coastal Management shall be notified by the DWR Regional Office when emergency discharging has been authorized so dune integrity and outfall locations can be monitored
- Discharge shall use non-erosive disposal methods to avoid scouring dangerous holes on the beach or causing turbidity in the receiving water.
- An on-site official shall monitor the situation and is responsible for determining when the emergency situation has ended. Pumping is to be discontinued when emergency conditions, as defined by the approved Floodwater Management Discharge Plan, no longer exist.
- Any local municipality or entity approved under these emergency floodwater relief procedures shall submit a written post event account to the appropriate DWR Regional Office, including at a minimum the name and title of the on-site official, the time and location of each discharge, length of time of the discharge and approximate total flow of discharge.

The DWR Regional Office Supervisor or Assistant Supervisor may approve the emergency discharge via telephone or through an on-site visit. The DWR Regional Office will document the authorization in writing and will fax, email or issue on-site the emergency authorization documentation.

If municipalities or public entities discharge stormwater to surface waters in contravention of water quality standards without obtaining a permit or emergency approval, the DWR may initiate enforcement procedures.

These guidelines establish procedure for the DWR to allow dewatering during emergency conditions without issuing permits. However, the DWR has the authority to determine that a permit is required for dewatering activities to begin or to continue. If a permit is necessary DWR will request that it is demonstrated via a permit application that the pumping activity will meet statutory and administrative code requirements. If municipalities or public entities discharge stormwater to surface waters in contravention of water quality standards without approval, the Division may initiate enforcement procedures.

Floodwater Management Discharge Plans

In order to expedite any emergency approval, municipalities and public entities seeking approval to discharge pumped floodwaters to surface waters of the State are encouraged to develop a comprehensive Floodwater Management Discharge Plan (Plan) and submit it to the DWR regional office in advance of a storm event. The Plan should contain at a minimum the following components:

- Background information detailing the need for emergency pumping approval
- Conceptual design of the pumping systems and/or structure(s)
- Flood elevations and topographic markers specifying elevations constituting emergency flood stage conditions and acceptable (non-emergency) flooding levels
- Pumping protocol for operation of the pumping structures, including inspection and maintenance of the pumping control system
- Water quality monitoring regime
- Identification of any Best Management Practices (BMPs) employed to protect water quality and Operation and Maintenance (O&M) plans for each BMP.
- For DWR/SSRWQ pre-approval plans, an approval date less than 2 years old at the time of the request for emergency discharge.

It is recommended that the Plan be submitted to the DWR for approval by both the DWR and SSRWQ prior to requesting emergency pumping approval. The municipality or public entity must keep the plan, history of pumping events, and monitoring data on file for inspection by DWQ and/or SSRWQ. Plans should be reviewed and updated as needed, or at least every two years.

Cc: Shannon Jenkins, N.C. Division of Marine Fisheries, 3441 Arendell Street, Morehead City, NC 28557
Braxton Davis, Division of Coastal Management, 400 Commerce Ave. Morehead City, NC 28557

WARNING!

**STORM WATER DISCHARGE AREA
SWIMMING WITHIN 200 FT OF THIS
SIGN MAY INCREASE THE RISK OF
WATERBORNE ILLNESS**

Contact: Public Works Supervisor

Town of Southern Shores

(252) 261-2394