ORDINANCE 2026-25

AN ORDINANCE TO AMEND AND UPDATE CHAPTER 10, EMERGENCY PREPAREDNESS, OF THE CHEROKEE COUNTY CODE OF ORDINANCES

WHEREAS, pursuant to § 4-9-25 of the South Carolina Code of Laws, counties of the State of South Carolina have authority to enact regulations, resolutions, and ordinances not inconsistent with the Constitution and general law of this State, including the exercise of powers necessary and proper for the security, general welfare, convenience, health, peace, order, and good government of the County; and

WHEREAS, pursuant to § 4-9-30, *et seq.*, of the South Carolina Code of Laws, Cherokee County Council is authorized to adopt ordinances and exercise such powers as are afforded to counties in South Carolina; and

WHEREAS, South Carolina law authorizes counties to establish local emergency management organizations and to provide for the development and coordination of emergency management plans and programs for the protection of life and property during emergencies and disasters; and

WHEREAS, Chapter 10 of the Cherokee County Code of Ordinances currently establishes the County's emergency preparedness organization and provides for the coordination of County resources and activities during emergencies and disasters; and

WHEREAS, Cherokee County Council finds that Chapter 10 should be updated and modernized to reflect the County's current emergency management organizational structure, terminology, responsibilities, planning practices, and coordination of emergency preparedness, mitigation, response, recovery, and continuity activities; and

WHEREAS, Cherokee County Council further finds that updating Chapter 10 will provide a clearer framework for the coordination of County departments, municipalities, emergency response agencies, volunteers, partner organizations, and other resources necessary to protect the health, safety, and welfare of the citizens of Cherokee County during emergencies and disasters;

NOW, THEREFORE, BE IT ORDAINED AND ADOPTED BY THE CHEROKEE COUNTY COUNCIL AT GAFFNEY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

1. Chapter 10, Emergency Preparedness, of the Cherokee County Code of Ordinances is hereby amended and restated in its entirety as set forth in Exhibit "A," attached hereto and incorporated herein by reference as if stated verbatim.

2. All ordinances or portions of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

3. If any section, subsection, paragraph, sentence, clause, phrase, or provision of this Ordinance or Exhibit "A" is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this Ordinance.

4. This Ordinance shall become effective immediately upon adoption following third reading by Cherokee County Council.

ADOPTED AND EFFECTIVE this **21st day of SEPTEMBER, 2026.**

CHEROKEE COUNTY COUNCIL

By: _____

Timothy F. Spencer – Chairman
District 4

_____

David Smith – Vice-Chairman
District 6

_____

Teresa Corry Bonner
District 1

VACANT
District 2

Attest:

Doris F. Pearson
Master Clerk to Council

Donnie L. Hardin
District 3

Elliott Hughes
District 5

Peter Wilkins
District 7

1st Reading: **08/17/26**

2nd Reading: 09/08/26

Public Hearing 09/21/26

3rd Reading: 09/21/26

Ordinance 2026-25

Chapter 10
EMERGENCY PREPAREDNESS[1]

Sec. 10-1. Definitions.

As used in this chapter, the following terms shall have the respective meanings ascribed to them:

Attack: A direct assault against the county, or any part of the state, by forces of a hostile nation, including assault by bombing, chemical or biological warfare, or sabotage.

Director: The manager of the county emergency management agency.

Emergency Management: The comprehensive, coordinated activities undertaken by the County to prevent, mitigate, prepare for, respond to, and recover from natural, technological, and human-caused emergencies and disasters.

Emergency: Any actual or imminent event or condition that endangers or threatens to endanger life, property, public health, or safety and requires coordinated response actions beyond routine capabilities.

Emergency Operations Center (EOC): The designated facility or virtual platform from which County officials coordinate emergency response, resource allocation, and interagency communication during an emergency or disaster.

Hazardous materials: Any substance, material, or waste—whether solid, liquid, or gas—that, due to its quantity, concentration, or physical, chemical, or biological characteristics, poses a present or potential hazard to human health, safety, property, or the environment if released, spilled, leaked, ignited, or otherwise improperly managed.

Disaster: A severe or widespread emergency, whether natural or manmade, that exceeds the response capabilities of the County and requires extraordinary measures to protect life, property, and public welfare.

Natural disaster: Any condition seriously threatening public health, welfare, or security as a result of a severe fire, explosion, flood, tornado, hurricane, earthquake, or similar natural or accidental cause and which is beyond the control of the public or private agency ordinarily responsible for the control or relief of such conditions.

Manmade disaster: Any emergency or catastrophic event resulting from human activity, error, negligence, or intentional acts that causes or threatens to cause significant harm to life, property, critical infrastructure, or the environment. This is including, but not limited to, hazardous materials releases or contamination incidents; industrial or transportation accidents; structural failures or infrastructure collapse; utility system failures, including power, water, or communications systems; fires or explosions not caused by natural events; acts of terrorism, sabotage, or civil unrest; and cybersecurity incidents affecting critical systems, which causes or threatens to cause significant harm to life, property, critical infrastructure, or the environment.

Volunteer: Contributing service, equipment, or facilities to the emergency management agency 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.

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[1]Cross reference(s)—Hazardous waste, ch. 12, art. IV.

State law reference(s)—Authority to provide for, S.C. Code 1976, §§ 4-9-30(5), 25-1-450.

Mutual Aid: Assistance provided between jurisdictions or agencies, including personnel, equipment, and services, pursuant to agreements or as otherwise authorized by law.

(Ord. of 6-16-87, § 2)

Sec. 10-2. Purpose; scope.

It is the intent and purpose of this chapter to establish an organization, to be known as the Cherokee County Emergency Management Agency, that will ensure the complete and efficient utilization of all county facilities to combat both manmade and natural disaster. The agency will be the coordinating agency for all activities in connection with emergency management. It will be the instrument through which the county council shall exercise its authority under the laws of this state during a manmade or natural disaster against this county or any part of the state. This chapter will not relieve any county department of the normal responsibilities or authority given to it by general law or local resolution or ordinance, nor will it affect the work of the American Red Cross or other volunteer agencies organized for relief in natural disaster.

(Ord. of 6-16-87, § 1)

State law reference(s)—Definitions, S.C. Code 1976, § 25-1-430.

Sec. 10-3. Director—Office created; responsibilities; appointment; powers and duties generally.

(a) There is hereby created the office of director of the county emergency management agency, who shall have the responsibility of coordinating the activities of various county and municipal governments during periods of disaster.

(b) The Emergency Management Director shall be employed by the County and shall serve under the direction and supervision of the County Administrator in accordance with established personnel policies.

(c) 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 municipality and county for the purpose of minimizing or preventing damage to persons or property in emergency situations. Municipal and county personnel shall include in such plans the restoration of governmental services and public utilities necessary for 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.

(Ord. of 6-16-87, § 3; Ord. of 8-19-97, § 1)

Sec. 10-4. Same—Duties specifically.

Subject to the authority delegated in section 10-3, the Director shall:

(1) Maintain liaison with the state and federal authorities of other nearby political subdivisions, so as to insure the most effective operation of the emergency plan. The Director shall be accountable for all disaster funds and property.

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

a. Development and publication of emergency plans in conformity with state emergency plans for the immediate use of all of 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 the public health, safety, and welfare.

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

c. Submission of financial documentation and budget requirements to the state and federal governments and to county finance and administration departments.

d. Facilitating appropriate and necessary purchasing through Cherokee County's Procurement Policy.

e. Coordinating the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the county for emergency management and law enforcement/fire/emergency medical service assistance purposes.

f. Conducting public education, outreach, and preparedness programs to inform residents, businesses, and visitors of actions necessary to protect life and property before, during, and after emergencies and disasters.

g. Conducting emergency preparedness exercises, training programs, drills, public notifications, and community outreach activities to enhance the County's ability to prepare for, respond to, recover from, and mitigate natural disasters, technological events, public health emergencies, acts of terrorism, and other hazards. Such activities shall also serve to educate residents, businesses, and partner agencies regarding emergency preparedness, protective actions, evacuation procedures, warning systems, and emergency response operations.

h. Coordinating the activity of all other public and private agencies engaged in any disaster preparedness programs.

i. Identifying, coordinating, and negotiating for the use of public and private facilities, property, equipment, and other resources necessary to support emergency preparedness, response, recovery, and mitigation activities. Such facilities may include emergency shelters, emergency operations facilities, staging areas, points of distribution, temporary housing locations, debris management sites, and other locations necessary to protect public health, safety, and welfare during emergencies and disasters.

j. Develop, maintain, and periodically update a countywide sheltering and mass care plan to ensure the availability of adequate emergency sheltering, temporary housing, evacuation support, and disaster assistance resources for residents affected by emergencies or disasters. The plan shall identify available shelter facilities, special needs sheltering capabilities, evacuation procedures, shelter staffing requirements, and coordination with local, state, federal, nonprofit, and private sector partners.

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

(3) Perform such duties to assist law enforcement, from time to time, assigned by the county administrator.

(Ord. of 6-16-87, § 6; Ord. of 8-19-97, § 1)

Sec. 10-5. Same—Appointment of volunteers.

The Director may:

(1) At any time recruit, train, organize, and utilize volunteer personnel to augment County resources and support emergency management operations during emergencies, disasters, and other incidents requiring additional personnel. Such volunteer personnel shall be enrolled through the CERT (Community Emergency Response Team) program 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.

(2) The Emergency Management Director may appoint, train, and assign volunteer personnel to support emergency management operations and may designate volunteer shelter managers to assist with the operation of emergency shelters and other emergency support facilities during disasters or emergencies. Such volunteers shall operate under the direction of Cherokee County Emergency Management and in accordance with established emergency plans and procedures.

(Ord. of 6-16-87, § 8)

Sec. 10-6. Organization.

The County's emergency management program shall consist of County and municipal officials, employees, designated volunteers, partner agencies, and other individuals who are assigned responsibilities related to emergency preparedness, mitigation, response, recovery, and continuity of operations during emergencies and disasters.

(Ord. of 6-16-87, § ;4)

Sec. 10-7. Responsibility of county council in an emergency; declaration of emergency.

(a) The county council shall be responsible for meeting the problems and dangers of the county and its residents resulting from disasters of any origin and may issue proclamations and regulations concerning disaster relief and related matters which during an emergency situation shall have the full force and effect of law.

(b) A state of disaster emergency may be declared by the county council if it 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 county council. All proclamations issued pursuant to this section shall indicate the nature of the disaster, the areas affected by the proclamation, the conditions which required the proclamation of the disaster emergency and the conditions under which it will be terminated.

(c) In addition to any other powers conferred by law, the county council may, under the provisions of this chapter:

(1) 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 the emergency;

(2) Utilize all available resources of county government as reasonably necessary to cope with a disaster emergency;

(3) Transfer the direction, personnel or functions of county departments and agencies of units thereof for purposes of facilitating or performing emergency services as necessary or desirable;

(4) Compel performance by elected and appointed county government officials and employees of the duties and functions assigned in the county disaster plan;

(5) Contract, requisition and compensate for goods and services from private sources;

(6) Direct and compel evacuation of all or part of the population from any stricken or threatened area within the county if such action is deemed necessary for preservation of life or other disaster mitigation, response or recovery;

(7) Prescribe routes, modes of transportation and destinations in connection with evacuation;

(8) Control ingress and egress to and from a disaster area, the movement of persons within the area and the occupancy of premises therein;

(9) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles;

(10) Make provisions for the availability and use of temporary housing;

(11) Suspend or limit nonemergency activities and prohibit assemblies.

(Ord. of 6-16-87, § 5)

Sec. 10-8. Cooperation by departments, etc.

All employees of departments, commissions, boards, institutions other agencies of the county or municipalities, and designated volunteer organizations, shall:

(1) Cooperate with the Director in the formulation of county emergency operation planning, and shall comply with the orders of the Director when such orders are issued pursuant to the provisions of this chapter.

(2) Promptly Notify the Director of conditions in the county related to any emergency, disaster, hazardous condition, infrastructure failure, public health threat, severe weather event, hazardous materials incident, or other situation that may threaten life, property, public safety, critical infrastructure. Failure to notify the Director, however, shall not prevent the Director from exercising any authority assigned to him/her by this chapter.

(Ord. of 6-16-87, § 7)

Sec. 10-9. Status of county and municipal employees.

County and municipal employees assigned emergency management duties pursuant to this Chapter shall retain all rights, privileges, benefits, protections, immunities, and compensation associated with their employment. Such employees shall continue to be considered employees of their respective agencies while performing emergency management, disaster response, recovery, mitigation, preparedness, continuity of operations, or other duties assigned under this Chapter.

(Ord. of 6-16-87, § 9)

Sec. 10-10. Nonliability of participants.

(a) To the fullest extent permitted by law, Cherokee County, its elected officials, officers, employees, agents, representatives, volunteers, contractors, and partner agencies, as well as any individual, business, organization, association, corporation, partnership, or other entity acting in good faith pursuant to this Chapter or in compliance with any emergency management order, directive, regulation, plan, agreement, or request issued under the authority of this Chapter, shall not be liable for any injury, death, loss, damage, or destruction of property resulting from such actions or omissions.

Nothing in this Section shall be construed to limit any immunity, defense, protection, or limitation of liability otherwise provided by federal law, state law, the South Carolina Tort Claims Act, mutual aid agreements, or other applicable authority.

(b) To the fullest extent permitted by law, any person or entity owning, leasing, managing, or controlling real property, buildings, facilities, or other premises who voluntarily and without compensation grants Cherokee

County the right to inspect, designate, utilize, or occupy all or any portion of such property for emergency management purposes shall not be civilly liable for the death of, injury to, or damage sustained by any person using such property, nor for loss of or damage to personal property occurring on such premises, except in cases of willful misconduct, gross negligence, or as otherwise provided by law.

Emergency management purposes may include, but are not limited to, emergency sheltering, evacuation operations, emergency response activities, disaster recovery operations, temporary housing, emergency communications, points of distribution, staging areas, emergency operations facilities, training exercises, drills, or other activities conducted in preparation for, response to, or recovery from emergencies or disasters.

(Ord. of 6-16-87, § 10)

Sec. 10-11. Violations.

It shall be unlawful for any person to knowingly violate any of the provisions of this chapter or any lawful order, rule, or the regulations issued pursuant to the authority granted herein, or to willfully obstruct, hinder, impersonate, or delay any elected official, employee, volunteer, emergency responder, public safety official, emergency management personnel, or authorized representative engaged in the performance of duties authorized under this Chapter or any regulation issued thereunder.

Any person found to be in violation of this chapter shall be subject to the general penalty provisions set forth in Section 1-8 of the Cherokee County Code of Ordinances, unless a different penalty is specifically provided by applicable law.

Nothing herein shall be construed to limit any criminal, civil, or administrative remedies otherwise available under federal, state, or local law.

(Ord. of 6-16-87, § 11)