



State of North Carolina

ROY COOPER
GOVERNOR

May 26, 2023

EXECUTIVE ORDER NO. 281

DISASTER DECLARATION FOR THE TOWN OF ELKIN IN SURRY COUNTY

WHEREAS, the North Carolina Emergency Management Act, Chapter 166A of the North Carolina General Statutes, authorizes the issuance of a disaster declaration for an emergency area as defined in N.C. Gen. Stat. § 166A-19.3(7) that has been impacted by a Type I disaster as defined in N.C. Gen. Stat. § 166A-19.21(b)(1); and

WHEREAS, on April 28, 2023, the Town of Elkin (hereinafter “the Town” or “Elkin”) in Surry County, North Carolina experienced damages from straight-line winds and a tornado; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.22 and Elkin, N.C., Ord. § 33.02 (1970), the Mayor of Elkin declared a state of emergency on May 1, 2023, and pursuant to N.C. Gen. Stat. § 166A-19.22 the Chair of the Board of Commissioners for Surry County declared a state of emergency on May 1, 2023; and

WHEREAS, due to the impacts of the events, local and state emergency management officials conducted a joint preliminary damage assessment on May 8, 2023, for Elkin; and

WHEREAS, Elkin has incurred more than \$10,000 in disaster-related damages, the damages exceed one (1) percent of the Town’s operating budget, Elkin has a current Hazard Mitigation plan in place through Northern Piedmont Regional Hazard Mitigation Plan and participates in the National Flood Insurance Program; and

WHEREAS, the President of the United States has not declared a Robert T. Stafford Disaster Relief and Emergency Assistance Act (hereinafter “Stafford Act”), as amended (42 U.S.C. § 5121-5206), declaration; and

WHEREAS, Elkin would not qualify based on the preliminary damage assessment for Federal Public Assistance according to the requirements of 44 C.F.R. § 206.48; and

WHEREAS, pursuant to N.C. Gen. Stat. §§ 166A-19.21(a)-(b), the criteria for a Type I disaster are met if: (a) the Secretary of the North Carolina Department of Public Safety has provided a preliminary damage assessment to the undersigned and the General Assembly; (b) local state of emergency declarations have been issued pursuant to N.C. Gen. Stat. § 166A-19.22 in the areas impacted by the Type I disaster and have been forwarded to the undersigned; (c) the preliminary damage assessment meets or exceeds the State infrastructure criteria set out in N.C. Gen. Stat. § 166A-19.41(b)(2)a; and (d) a major disaster declaration by the President of the United States pursuant to the Stafford Act has not been declared; and

WHEREAS, the undersigned has determined that a Type I disaster, as defined in N.C. Gen. Stat. § 166A-19.21(b)(1), exists in the State of North Carolina in the Town of Elkin in Surry County, North Carolina; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.41(b), if a Type I disaster is declared, the undersigned may make state funds available for emergency assistance in the form of individual assistance and public assistance for recovery from those disasters for which federal assistance under the Stafford Act is either not available or does not adequately meet the needs of residents in the emergency area.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED:**

Section 1.

For purposes of this Executive Order only, the emergency area as defined in N.C. Gen. Stat. § 166A-19.3(7), is the Town of Elkin in Surry County, North Carolina (“the Emergency Area”).

Section 2.

Pursuant to N.C. Gen. Stat. § 166A-19.21(b)(1), a Type I disaster is hereby declared for the Emergency Area.

Section 3.

I authorize state disaster assistance in the form of public assistance grants to the eligible local governments located within the emergency area that meet the terms and conditions under N.C. Gen. Stat. § 166A-19.41(b)(2). The public assistance grants are for the following:

- a. Debris clearance.
- b. Emergency protective measures.

Section 4.

I hereby order that this declaration be (a) distributed to the news media and other organizations calculated to bring its contents to the attention of the public; (b) promptly filed with the Secretary of the North Carolina Department of Public Safety, the North Carolina Secretary of State, and the Surry County Clerk of Superior Court; and (c) distributed to others as necessary to ensure proper implementation of this declaration.

Section 5.

Pursuant to N.C. Gen. Stat. § 166A-19.21(c)(1), this Type I disaster declaration shall expire sixty (60) days after issuance unless renewed by the Governor or the General Assembly. Such renewals may be made in increments of thirty (30) days each, not to exceed a total of 120 days from the date of first issuance.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 26th day of May in the year of our Lord two thousand and twenty-three.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State

