

## CHAPTER 9: EMERGENCY PROCEDURES

### Section

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### Notes

- <sup>1</sup> Cross-reference:  
Fire Protection and Prevention, Ch. 10; flood damage prevention, §§ 17-401 et seq.  
Statutory reference:  
Powers of municipality to enact ordinances to deal with emergencies, G.S. § 14-288.11; emergency management, G.S. §§ 166A-19 et seq.; local emergency authorization, G.S. §§ 166A-19 et seq.

### § 9-101 STATE OF EMERGENCY.

(A) A state of emergency shall be deemed to exist whenever there is a disaster, which shall include an occurrence, or imminent threat, of widespread, or severe, damage, injury, or loss of life or property resulting from any natural, or human-made, accidental, military, or paramilitary cause.

(B) In the event of an existing or threatened state of emergency endangering the lives, safety, health, and welfare of the people within the town, or threatening damage to, or destruction of, property, the Mayor is hereby authorized, and empowered, 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, safety, and property of people within the town, to place in effect any, or all, of the restrictions authorized by this chapter.

(C) Any proclamation may be extended, altered, or repealed in any particular during the continued, or threatened, existence of a state of emergency by the issuance of a subsequent proclamation.

(D) During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this chapter, and such violation shall be punishable as a Class 3 misdemeanor.

(Code 1976, § 2.26(a), (b), (10), (g)) Penalty, see §1-111

#### **Cross-reference:**

*Town Council, §§ 2-201 et seq.*

### § 9-102 AUTHORIZED RESTRICTIONS.

During the existence of a proclaimed state of emergency, the Mayor may impose, by proclamation, any, or all, of the following restrictions:

(A) Prohibit, or regulate, the buying, or selling, of beer, wine, or intoxicating beverages of any kind, and their possession, or consumption, off one's own premises;

(B) Prohibit, or regulate, any demonstration, parade, march, vigil, or participation therein from taking place on any of the public ways, or upon any public property;

(C) Prohibit, or regulate, the sale of gasoline, kerosene, naphtha, or any other explosive, or inflammable, fluids or substances;

(D) Prohibit, or regulate, travel upon any public street, alley, or roadway, or upon any other public property except by those in search of medical assistance, food, or other commodity, or service necessary to sustain the well-being of themselves or their families, or some member thereof;

(E) Prohibit, or regulate, the participation in, or carrying on, of any business activity, and prohibit, or regulate, the keeping open of places of business, places of entertainment, and any other places of public assembly;

(F) Direct, and compel, the evacuation of all, or part, of the population from any stricken, or threatened, area within the jurisdiction of the town;

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

(H) Control ingress, and egress, of a disaster area, and the movement of persons within the area.

(Code 1976, § 2.26(e)) (Ord. 7-2020, passed 2-11-2020)

**§ 9-103 APPLICATION OF RESTRICTIONS; EXCEPTIONS.**

The Mayor is hereby authorized, and empowered, to limit by the proclamation the application of all, or any part, of the restrictions authorized by this chapter to any area specifically designated, or described, within the corporate limits of the town, and to specific hours of the day or night; and to exempt from all, or any, part of such restrictions:

(A) Law enforcement officers, firefighters, and other public employees, doctors, nurses, employees of hospitals, and other medical facilities;

(B) On-duty military personnel, whether state or federal;

(C) On-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit;

(D) 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 1976, § 2.26(c))

**§ 9-104 ENFORCEMENT.**

The Mayor, and in his or her absence, the Mayor Pro Tempore, and in the absence of both such officials, the Town Manager, are hereby authorized to enforce the preceding sections for such periods of time as they shall deem necessary.

(Code 1976, § 2.27)

**§ 9-105 END OF STATE OF EMERGENCY.**

The Mayor shall proclaim the end of such state of emergency, or all or any part of the restrictions imposed, as soon as circumstances warrant, or when directed to do so by the Town Council.

(Code 1976, § 2.26(d))

**§ 9-106 NATURAL DISASTERS.**

The Town Manager shall have the authority to make necessary budget amendments to ensure the health, safety, and welfare of the public following a natural disaster, but only when the Town Council is incapable of assembling to take such action, and the Governor and/or President of the United States have declared a state of emergency in an area including all, or part, of the town.