

## CHAPTER 9

### STATE OF EMERGENCY

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#### **Section 9-1 State of Emergency Defined**

A state of emergency exists whenever, during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason town 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.

#### **Section 9-2 State of Emergency Declared by Mayor**

(a) Whenever the mayor finds, after consulting with the manager, that a state of emergency exists within all or a portion of the town, he or she shall issue a proclamation declaring such state of emergency in accordance with Sections 9-3 and 9-4.

(b) This proclamation, and any prohibitions and restrictions imposed by it, shall take effect immediately upon publication unless the proclamation sets a later time.

#### **Section 9-3 Contents of Proclamation**

The proclamation issued by the mayor shall declare to all persons that a state of emergency exists and shall set forth:

- (1) The area within which the state of emergency exists, which may be the entire town or a specifically described portion of it; and
- (2) The date and time from which the proclamation shall be effective; and
- (3) Any prohibitions and restrictions that shall be imposed during the state of emergency and the penalties for violations; and
- (4) The date and time when the state of emergency shall terminate, unless extended or earlier terminated in accordance with Section 9-6.

#### **Section 9-4    Publication of Proclamation**

(a) For the purpose of making effective the prohibitions and restrictions imposed by the proclamation, publication may consist of reports of the substance of the proclamation's contents, including such prohibitions and restrictions, in the mass communications media serving the affected area or other effective methods of disseminating the necessary information quickly.

(b) Notwithstanding subsection (a), appropriate distribution of the full text of the proclamation shall be made as soon as practicable.

#### **Section 9-5    Effect of Proclamation; Prohibitions and Restrictions Authorized**

(a) A proclamation of a state of emergency shall activate any local civil preparedness plan and shall authorize the town to seek assistance from the county, state, and federal governments in accordance with the provisions of Chapter 166A of the General Statutes.

(b) A proclamation of a state of emergency may impose any or all of the following prohibitions and restrictions, as provided in G.S. 166A-19.31:

- (1) Of movements of people in public places, including any of the following:
  - a. imposing a curfew;
  - b. directing and compelling the voluntary or mandatory evacuation of all or part of the population from any stricken or threatened area within the town's corporate limits;
  - c. prescribing routes, modes of transportation, and destinations in connection with evacuation;
  - d. controlling ingress and egress of an emergency area, and the movement of persons within that area;
  - e. providing for the closure, within the emergency area, of streets, roads, highways, bridges, public vehicular areas, or other areas ordinarily used for vehicular travel, except to the movement of emergency responders and other persons necessary for recovery from the emergency.
- (2) Of the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate.
- (3) Upon the possession, transportation, sale, purchase, and consumption of alcoholic beverages.

- (4) Upon the possession, transportation, sale, purchase, storage, and use of gasoline, and dangerous weapons and substances, except that this subdivision does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used in this subdivision, the term “dangerous weapons and substances” has the same meaning as it does under G.S. 14-288.1. As used in this subdivision, the term “firearm” has the same meaning as it does under G.S. 14-409.39(2).
- (5) Upon 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.

#### **Section 9-6 Termination of State of Emergency**

(a) A proclamation declaring a state of emergency may be extended, altered, or repealed in any particular during the state of emergency by the issuance of a subsequent proclamation.

(b) Prohibitions and restrictions imposed pursuant to this chapter shall expire upon the earliest occurrence of any of the following:

- (1) The prohibition or restriction is terminated by the mayor.
- (2) The state of emergency is terminated by the mayor, who may issue a proclamation declaring the state of emergency to be over at any time he or she concludes that to be the case, and who shall issue such a proclamation if the Board concludes that the state of emergency has ended.

#### **Section 9-7 Penalties**

As provided in G.S. 14-288.20A, any person who violates any provision of Section 9-5(b) after a state of emergency has been declared pursuant to this chapter shall be guilty of a Class 2 misdemeanor.