

CHAPTER 34: EMERGENCY MANAGEMENT

Section

- 34.01 State of emergency defined
- 34.02 State of emergency declared by Mayor
- 34.03 Contents of proclamation
- 34.04 Publication of proclamation
- 34.05 Effect of proclamation; curfew
- 34.06 Termination of state of emergency

- 34.99 Penalty

§ 34.01 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 like condition is imminent.

(1981 Code, § 9-1)

§ 34.02 STATE OF EMERGENCY DECLARED BY MAYOR.

(A) Whenever the Mayor finds that a state of emergency exists within all or a portion of the town, he or she shall issue a proclamation declaring a state of emergency in accordance with §§ 34.03 and 34.04 below.

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

(1981 Code, § 9-2)

§ 34.03 CONTENTS OF PROCLAMATION.

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

(A) The area within which the state of emergency exists, which may be the entire town or a specifically described portion of it;

(B) The date and time from which the proclamation shall be effective;

(C) Any restrictions and prohibitions that shall be effective during the state of emergency and the penalties for violations; and

(D) The date and time when the state of emergency shall terminate, unless extended or earlier terminated in accordance with § 34.06.

(1981 Code, § 9-3)

§ 34.04 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 prohibitions and restrictions, in the mass communications media serving the affected area or other effective methods of disseminating the necessary information quickly.

(B) Notwithstanding division (A) above, the full text of the proclamation shall be published as soon as practicable in 1 or more newspapers serving the affected area and may be posted in various places or otherwise disseminated to give the clearest notice practicable of its contents.

(1981 Code, § 9-4)

§ 34.05 EFFECT OF PROCLAMATION; CURFEW.

(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 G.S. Ch. 166A.

(B) The Mayor is authorized in the proclamation to impose a curfew applicable to all persons within the area described in the proclamation. The curfew may be made effective during all or any portion of any day during the state of emergency. During the curfew, no person may, within the area affected by the curfew:

(1) Possess off his or her own premises, buy, sell, give away or otherwise transfer or dispose of any explosives, firearms ammunition or dangerous weapon of any kind;

(2) Sell beer, wines or intoxicating beverages of any kind or possess or consume the same off his or her own premises;

(3) Sell gasoline or any similar petroleum products except when pumped or piped directly into the tank of a motor vehicle; or

(4) Travel upon any public street or highway or upon public property unless the person is in search of medical assistance, food or other commodity or service necessary to sustain the well-being of himself or herself or his or her family or some member thereof or unless the person is engaged in the performance of some function necessary to preserve the public health or safety, such as police and fire officers, other emergency service personnel, utility employees, doctors and nurses and the like.

(1981 Code, § 9-5) Penalty, see § 34.99

§ 34.06 TERMINATION OF STATE OF EMERGENCY.

A state of emergency and any restrictions imposed in connection therewith shall automatically terminate at the end of 5 days after it becomes effective, except that the same:

(A) May be continued for another 5-day period by the publication of a new proclamation; or

(B) May be earlier 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 a proclamation if the Council concludes that the state of emergency has ended.

(1981 Code, § 9-6)

§ 34.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) As provided by G.S. § 14-288.12(e), any person who violates any provision of §34.05(B) above after a curfew has been imposed pursuant to this chapter shall be guilty of a misdemeanor punishable by a fine of not more than \$50 or imprisonment for not more than 30 days, or both.

(1981 Code, § 9-7)