

CHAPTER 35: EMERGENCY MANAGEMENT

Section

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|-------|--|
| 35.01 | State of emergency |
| 35.02 | Proclamation of state of emergency |
| 35.03 | Application of restrictions |
| 35.04 | Termination of restrictions and state of emergency |
| 35.05 | Unlawful activities during state of emergency |
| 35.06 | Proclamation may be extended, repealed |
| 35.07 | Violations |

§ 35.01 STATE OF EMERGENCY.

A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe or similar public emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property.

(1978 Code, § 3-3001)

§ 35.02 PROCLAMATION OF STATE OF EMERGENCY.

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 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 and property for people within the town, to place in effect any or all of the restrictions hereinafter authorized.

(1978 Code, § 3-3002)

Statutory reference:

Authority of the Mayor to impose restrictions during states of emergency, see G.S. § 14-288.12

§ 35.03 APPLICATION OF RESTRICTIONS.

The Mayor is authorized and empowered to limit by the proclamation the application of

all or any part of such restrictions 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 law enforcement officers, firefighters and other public employees, doctors, nurses, employees of hospitals and other medical facilities, on-duty military personnel, whether state or federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting and television broadcasting corporations operated for profit; and 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.
(1978 Code, § 3-3003)

§ 35.04 TERMINATION OF RESTRICTIONS AND 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 governing body.
(1978 Code, § 3-3004)

§ 35.05 UNLAWFUL ACTIVITIES DURING STATE OF EMERGENCY.

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 possession off one's own premises of explosives, firearms, ammunition or dangerous weapons of any kind and prohibit the purchase, sale, transfer or other disposition thereof;
- (B) 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;
- (C) 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;
- (D) Prohibit or regulate the sale of gasoline, kerosene, naphtha or any other explosive or inflammable fluids or substances;
- (E) 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;

(F) 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.
(1978 Code, § 3-3005)

§ 35.06 PROCLAMATION MAY BE EXTENDED, REPEALED.

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.

(1978 Code, § 3-3006)

§ 35.07 VIOLATIONS.

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 subchapter.

(1978 Code, § 3-3007)