

CHAPTER 9. EMERGENCY PROCEDURES*

Sec. 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 man-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(c) Any proclamation may be extended, altered or repealed in any particular during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.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), (0), (g))

Cross reference-Town council, § 2-201 et seq.

Sec. 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:

- (1) 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;
- (2) 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;
- (3) 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;
- (4) Prohibit or regulate the sale of gasoline, kerosene, naphtha or any other explosive or inflammable fluids or substances;

* **Cross references**-Fire protection and prevention, Ch. 10; flood damage prevention, § 17-401 et seq.

State law references-Power of municipality to enact ordinances to deal with emergencies, G.S. § 14-288.12; emergency management, G.S. Ch. 166A; local emergency authorization, G.S. § 166A-8.

(5) 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;

(6) 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.

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

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

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

(Code 1976, § 2.26(e))

Sec. 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:

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

(2) On-duty military personnel whether State or federal;

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

(4) 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))

Sec. 9-104. Enforcement.

The mayor, and in his 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)

Sec. 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 council. (Code 1976, § 2.26(d))

Sec. 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 of North Carolina and/or President of the United States have declared a state of emergency in an area including all or part of the Town of Maiden.