

**Title IX Chapter 99**  
**STATE OF**  
**EMERGENCY**

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**State Law References:** Authority to declare State of Disaster, G.S. 166A-8

**§99.01 Restrictions Authorized**

- (A) A State of Emergency shall be deemed to exist whenever there is a time of public crisis, disaster, catastrophe or similar public emergency, and for any reason; 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 conditions is imminent.
- (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 any part of the Town, or threatening damage to or destruction of property, the Mayor is authorized and empowered under G.S. 14.288.12 and 166A-4 to issue public proclamations declaring to all persons the existence of such a State of Emergency, and, in order to more effectively protect the lives and property of people within the Town, to place in effect any or all of the restrictions authorized in this article.
- (C) The Mayor is authorized and empowered to limit by the proclamation the application or all or any part of such restrictions to any area specifically designated or described within the Town limits and to specific hours of the day or night, and to exempt from all or any part of such restrictions, while acting in the line of and within the scope of their respective duties, public safety officers, firefighters, rescue squad members and other public employees, on-duty public utility employees, public transportation companies, and such other classes of persons as may be essential to the preservation of public order and necessary to serve the safety, health and welfare needs of the people with the Town.

**§99.02 Proclamation Imposing Prohibitions and Restrictions**

- (A) The Mayor or his designee, by proclamation, may impose the prohibitions and restrictions specified in Sections 99.03 through 99.08 in the manner described in those Sections. He may impose as many of those specified prohibitions and restrictions, as he deems necessary, because of an emergency, to maintain an acceptable level of public order and services, and to protect lives, safety and property. The Mayor or his designee shall recite his findings in the proclamation.

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- (B) The proclamation shall be in writing. Reasonable steps shall be taken to give notice of the terms of the proclamation to those affected by it, and a copy of it shall be posted in the Town Hall. Copies of the text of the proclamation shall be retained and upon request, certified copies of it used as evidence.

**§99.03 Evacuation**

- (A) The Mayor or his designee may direct and compel the evacuation of all or part of the population of the Town to prescribed routes, modes of transportation and destination in connection with evacuations, and to control ingress and egress of a disaster area, the movement of persons within the area and the occupancy of premises in the area. Details of the evacuation may be set forth or amended in a subsequent proclamation, which shall be well publicized.

**§99.04 Curfew**

- (A) The proclamation of an emergency may impose a curfew prohibiting, in certain areas and during certain periods, the appearance, in public, of anyone who is not a member of an exempted class. The proclamation shall specify the geographical area and the period during each 24-hour day to which the curfew applies. The Mayor or his designee may exempt certain classes of people whose exemption is necessary for the preservation of public health, safety and welfare. The proclamation shall state the exempted classes and restrictions from which is exempted.
- (B) Unless otherwise specified, the proclamation shall apply during the specified period until the proclamation removes the curfew.

**§99.05 Restrictions on Possession, Consumption or Transfer of Alcoholic Beverages**

- (A) The proclamation of an emergency may prohibit the possession or consumption of any alcoholic beverage; including beer, wine and spirituous liquor other than on one's own premises and may prohibit the transfer, transportation, sale or purchase of any alcoholic beverage within the proclaimed area of the Town.

**§99.06 Restrictions on Possession, Transportation and Transfer of Dangerous Weapons and Substances**

- (A) The proclamation of an emergency may prohibit the transportation or possession, off one's own premises, or sale or purchase of any dangerous weapon or substance.
- (B) The term "dangerous weapon or substance" means:
- (1) Any deadly weapon, ammunition, explosive, incendiary device, radioactive material or device as defined in G.S. 14-288.8(c)(5), gasoline, or other instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property.

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- (2) Any other instrument or substance that is capable of being used to inflict serious bodily injury or destruction of property, when the circumstances indicate that there is some probability that such instrument or substance will be so used.

(C) If imposed, the restrictions shall apply throughout the jurisdiction of the Town or such part of the Town as is designated in the proclamation.

**§99.07 Restrictions on Access to Areas**

- (A) The proclamation of an emergency may prohibit obtaining access or attempting to obtain access to any area designated in the manner described in this Section, in violation of any order, clearly posted notice or barricade indicating that access is denied or restricted.
- (B) Areas to which access is denied or restricted shall be appropriately designated and marked by the Zoning Administrator or his designee when directed in the proclamation to do so by the Mayor. If directed to do so, the Zoning Administrator or his designee may restrict or deny access to any area, street or location within the Town. Such restriction or denial shall be reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of it.

**§99.08 Prohibitions, Restrictions**

- (A) The proclamation of an emergency may prohibit or restrict the following:
- (1) Movements of people in public places.
  - (2) Operation of offices, business establishments and other places to or from which people may travel or at which they may congregate.
  - (3) 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, within the area designated in the proclamation.

**§99.09 Removal of Prohibition and Restrictions**

- (A) The Mayor shall, by proclamation, terminate the entire declaration of emergency or remove the prohibition and restrictions, as the emergency no longer requires them.

**§99.10 Superseding and Amending Proclamation**

- (A) The Mayor, in his discretion, may invoke the restrictions authorized by this article in separate proclamations and may amend any proclamation by means of a superseding proclamation in accordance with the procedures set forth in §99.02.

**§99.11 Termination of Proclamation**

- (A) Any proclamation issued under this article shall expire five days after its last imposition unless sooner terminated, in writing, under the same procedures set forth in §99.02 for proclamations.

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**§99.12 In case of Absence of the Mayor**

- (A) In case of absence of the Mayor, the Mayor Pro Tempore or such other person as may be designated by the Board of Commissioners shall have and exercise all of the powers given to the Mayor by this article.

**§99.13 Penalty for Violation**

- (A) Any person violating any prohibition or restriction imposed by a Proclamation authorized by this article shall be guilty of a misdemeanor, punishable in accordance with §10.99 of the Code of Ordinances.