

Chapter 5

EMERGENCY MANAGEMENT*

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***Cross references**—Administration, ch. 2; fire prevention and protection, ch. 6; flood damage prevention and protection, ch. 7; traffic and motor vehicles, ch. 15.

State law references—Authority to establish emergency management, G.S. 166A-7; powers of counties to enact ordinances to deal with states of emergency, G.S. 14-288.13.

Sec. 5-1. Purpose.

The purpose of this chapter is to provide an avenue whereby the chairman of the county board of commissioners can take action, on an emergency basis, to:

- (1) Minimize the possible suffering of citizens or possible property damage by limiting access to certain areas.
 - (2) Limit the movement of objects or people during certain periods.
- (Ord. of 10-15-84, § I)

Sec. 5-2. Territorial applicability.

This chapter shall not apply within the corporate limits of any municipality, or within any area of the county over which the municipality has jurisdiction to enact general police-power ordinances, unless the municipality by resolution consents to its application, in which event it shall apply to such areas as fully and to the same extent as elsewhere in the county.

(Ord. of 10-15-84, § XVI)

Sec. 5-3. Penalty for violation.

Any person violating any prohibition or restriction imposed by a proclamation authorized by this chapter shall be guilty of a misdemeanor, and punished as provided by section 1-6 of this Code.

(Ord. of 10-15-84, § XIV)

Sec. 5-4. Determination of state of emergency; restrictions authorized.

(a) A state of emergency shall be deemed to exist whenever, during times of public crisis, disaster, rioting, catastrophe or similar public emergency, for any reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety of property or whenever the occurrence of any such condition 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 county or any part thereof, or threatening damage to or destruction of property, the chairman of the board of commissioners 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 and property of people within the county, to place in effect any or all of the restrictions hereinafter authorized.

(c) The chairman is hereby 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 county 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, law enforcement officers, firemen, public employees, rescue squad members, 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 county.

(Ord. of 10-15-84, § III)

Sec. 5-5. Proclamation imposing prohibitions and restrictions.

(a) The chairman of the board of county commissioners, by proclamation, may impose the prohibitions and restrictions specified in sections 5-5 through 5-9 in the manner described in those sections. The chairman may impose as many of those specified prohibitions and restrictions as he finds are necessary, because of an emergency, to maintain an acceptable level of public order and services, and to protect lives, safety and property. The chairman shall recite his findings in the proclamation.

(b) The proclamation shall be in writing. The chairman shall take reasonable steps to give notice of the terms of the proclamation to those affected by it, including the media and emergency communications systems and shall post a copy of it in the county courthouse. The chairman shall retain a text of the proclamation and furnish upon request certified copies of it for use as evidence. The chairman shall immediately notify the governor of the state of the issuance of the proclamation.

(Ord. of 10-15-84, § IV)

Sec. 5-6. Curfew.

(a) The proclamation 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 or areas and the period during each 24-hour day to which the curfew applies. The chairman may exempt from some or all of the curfew restrictions classes of people whose exemptions the chairman finds necessary for the preservation of the public health, safety and welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

(b) Unless otherwise specified in the proclamation, the curfew shall apply during the specified period each day until the chairman, by additional proclamation, removes the curfew.

(Ord. of 10-15-84, § V)

Sec. 5-7. Restrictions on possession, consumption or transfer of alcoholic beverage.

The proclamation may prohibit the possession or consumption of any intoxicating liquor; including beer and wine, other than on one's own premises, and may prohibit the transfer, transportation, sale or purchase of any intoxicating liquor within the area of the county described in the proclamation. The prohibition, if imposed, may apply to transfers of intoxicating liquor by employees of alcoholic beverage control stores as well as by anyone else within the geographical area described.

(Ord. of 10-15-84, § VI)

Cross reference—Possession, consumption of alcoholic beverages in public, § 11-1.

Sec. 5-8. Restrictions on possession, transportation and transfer of dangerous weapons and substances.

(a) The proclamation may prohibit the transportation or possession off one's own premises, or the sale or purchase of any dangerous weapon or substance. The chairman may exempt from some or all of the restrictions classes of people whose possession, transfer or transportation of certain dangerous weapons or substances is necessary to the preservation of the public health, safety or welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

(b) For the purposes of this section, the term "dangerous weapon or substance" means:

- (1) Any deadly weapon, ammunition, incendiary device, explosive, gasoline or other instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property.
- (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 destructively used.
- (3) Any part or ingredient in any instrument or substance included above.

(c) If imposed, the restrictions shall apply throughout the jurisdiction of the county or such part thereof as designated in the proclamation.

(Ord. of 10-15-84, § VII)

Cross reference—Firearms, § 11-27 et seq.

Sec. 5-9. Restrictions on access to areas.

(a) The proclamation 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 designated by the sheriff and his subordinates when directed and specified in the proclamation to do so by the chairman. When acting under this authority, the sheriff and his subordinates may restrict or deny access to any area, street, highway or location within the county if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.

(Ord. of 10-15-84, § VIII)

Sec. 5-10. Effect of proclamation.

The proclamation issued under this chapter may prohibit or restrict all or any of the following:

- (1) Movements of people in public places.
- (2) The 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.

(Ord. of 10-15-84, § IX)

Sec. 5-11. Amendments of proclamation.

The chairman may amend or extend the proclamation issued under this article from time-to-time, making such modifications as he would have been authorized to include in the original proclamation.

(Ord. of 10-15-84, § X)

Sec. 5-12. Removal of prohibitions and restrictions.

The chairman shall, by additional proclamation, remove the prohibition and restrictions as the emergency no longer requires them, or when directed to do so by the board of commissioners. However, the proclamation shall expire five days after its last imposition unless sooner terminated.

(Ord. of 10-15-84, § XI)

Sec. 5-13. Separate and superseding proclamations.

The chairman, in his discretion, may invoke the restrictions authorized by this chapter in separate proclamations, and may amend any proclamation by means of superseding proclamation.

(Ord. of 10-15-84, § XII)

Sec. 5-14. Absence or disability of chairman.

In case of the absence or disability of the chairman, the vice-chairman of the board of commissioners, or such other person as may be designated by the board of commissioners, shall have and exercise all of the powers given the chairman by this chapter.

(Ord. of 10-15-84, § XIII)