### ARTICLE I. - MISCELLANEOUS

Sec. 6-17. - State of emergency.

(a) *Intent.* This section is intended to supplement and implement the provisions of G.S. section 14-288.1 et seq. and Chapter 166A, addressing local government emergency powers.

(b) *Definitions.* As used in this section, the following words shall mean:

*Disaster:* 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.

*State of disaster:* Declaration by proclamation of the governor or by resolution of the General Assembly pursuant to G.S. section 166A-6, activating emergency powers of the governor.

*State of emergency:* Declaration by proclamation of the mayor or by resolution of the council pursuant to the provisions of this section, subject to the definition of "disaster."

(c) *Declaration of emergency.*

(1) The mayor is authorized to declare a state of emergency by proclamation imposing any or all of the prohibitions authorized in subsection (d), as may be appropriate. The council may, by resolution, declare a state of emergency imposing any or all of the prohibitions authorized in subsection (d).

(2) In the absence or disability of the mayor, the mayor pro tem as designated by the council shall be authorized to proclaim a state of emergency, imposing any or all prohibitions authorized in subsection (d).

(3) In the absence or disability of both the mayor and the mayor pro tem, and a quorum of council members is available, the quorum shall meet and elect a mayor to fill the unexpired term in accordance with G.S. section 160A-63.

(4) If a number of vacancies is such that a quorum of council members is not available, succession shall proceed in accordance with G.S. section 160A-63.

(d) *Emergency powers.* During a state of emergency as determined by the mayor or mayor pro tem, or by resolution of the council, the following prohibitions or restrictions may be invoked:

(1) Limitations on the movement of people in public places.

(2) Limitations on the operation of offices, business establishments and other places to or from which people may travel or at which they may congregate.

(3) Limitation, restriction or prohibition of the possession, transportation, sale, purchase and consumption of intoxicating liquors.

(4) Limitation, restriction or prohibition of the possession, transportation, sale, purchase, storage and use of dangerous weapons, substances and gasoline.

(5) Regulation of the sale or use of scarce supplies which are essential for the public health or safety.

(6) Regulation of evacuation and evacuation shelters which may be reasonably necessary to maintain law and order and protect lives and property.

(7) Regulation of 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.

(8) Reserved.

(e) *Effective time, amendment and rescission of state of emergency.*

(1) All prohibitions and restrictions imposed by proclamation or resolution pursuant to subsection (c) shall take effect immediately upon publication of the proclamation or resolution in the area affected. For the purpose of this section, publication may consist of reports of the substance of the prohibitions and restrictions in the mass communication media serving the affected area or other effective methods of disseminating the necessary information quickly. The requirements of G.S. section 1-597 shall not apply to such proclamations.

(2) The proclamation may be extended as to time and area, amended or rescinded by proclamation or resolution. Prohibitions and restrictions imposed by proclamation pursuant to this section shall expire five (5) days after their imposition unless sooner terminated by proclamation. Prohibitions and restrictions imposed by resolution shall expire at such time as is specified in the resolution.

(f) *Mutual aid agreements.* The mayor, with the concurrence of the council, may enter into mutual aid agreements for reciprocal civil preparedness aid and assistance. Such agreements shall be consistent with state and local emergency management programs and plans.

(Code 1962, § 16-57; Ord. of 9-7-96, § 1; Ord. No. O-2004-8, § 1, 2-3-04)

**Cross reference—** Administration, Ch. 2.

**County Code reference—**State of emergency, § 12-30 et seq.

**State law reference—** Riots and civil disorders, G.S. § 14-288.1 et seq.; emergency management, G.S. Ch. 166A; newspaper publication of legal notices, G.S. § 1-597; local emergency authorizations, G.S. § 166A-8; mutual aid agreements, G.S. § 166A-10.