

## CHAPTER 5.

## CIVIL EMERGENCIES.

*For state law as to authority of municipalities to enact ordinances to deal with states of emergency, see G.S., § 14-288.12. For state law applicable to riots and disorders, see G.S., §§ 14-288.1 to 14-288.19.*

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Sec. 5-1. When state of emergency deemed to exist.

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, the public safety authorities of the town are unable to maintain public order or afford adequate protection for lives or property.

Sec. 5-2. Proclamation by mayor, and restrictions authorized to be imposed thereby.

(a) 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 and property of people within the town, to place in effect any or all of the restrictions hereinafter authorized in subsection (b) of this section.

(b) 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 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;

(5) Prohibit or regulate travel upon any public street, 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) Prohibit or regulate, by what is commonly called a curfew, persons being upon any or all streets, sidewalks, public places and vacant lots within the town during such periods of the day or night, or both day and night, as he may specify.

Sec. 5-3. Limitations and exemptions authorized in proclamation.

The mayor 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 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, firemen 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.

Sec. 5-4. Extension, amendment and repeal of proclamation.

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.

Sec. 5-5. Authority to request state police and military forces; when proclamation of martial law may be recommended to governor.

If, in the sound discretion of the mayor, it shall appear that the emergency is, or that the threatened emergency is likely to be, of such proportions

that the means available to the town to maintain law and order are insufficient for such purpose, the mayor shall, promptly and by the most expeditious means of communication, inform the governor of the situation and request that such necessary police or military forces of the state be provided promptly; and if, during an actual state of emergency, the mayor shall find that the civil courts having jurisdiction within the town are unable to perform their lawful duties and that, by reason of widespread lawlessness, writs and other process cannot be served or executed in the town, the mayor shall inform the governor of his findings and may recommend to him that a state of martial law be proclaimed to exist within the town.

Sec. 5-6. Required compliance with proclamation.

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.

Sec. 5-7. Termination of restrictions, and 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 board of aldermen.

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