

CHAPTER 9

STATE OF EMERGENCY

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Section 9-1 State of Emergency Defined

A state of emergency exists whenever, during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason town 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 condition is imminent.

Section 9-2 State of Emergency Declared by Mayor

(a) Whenever the mayor finds that, after consulting with the manager, that a state of emergency exists within all or a portion of the town, he shall issue a proclamation declaring such state of emergency in accordance with Section 9-3 and 9-4.

(b) This proclamation, and any prohibitions and restrictions made effective by it, shall take effect immediately upon publication unless the proclamation sets a later time.

Section 9-3 Contents of Proclamation

The proclamation issued by the mayor shall declare to all persons that a state of emergency exists and shall set forth:

- (1) The area within which the state of emergency exists, which may be the entire town or a specifically described portion of it; and
- (2) The date and time from which the proclamation shall be effective; and
- (3) Any restrictions and prohibitions that shall be effective during the state of emergency and the penalties for violations; and
- (4) The date and time when the state of emergency shall terminate, unless extended or earlier terminated in accordance with Section 9-6.

Section 9-4 Publication of Proclamation

(a) For the purpose of making effective the prohibitions and restrictions imposed by the proclamation, publication may consist of reports of the substance of the proclamation's contents, including such prohibitions and restrictions, in the mass communications media serving the affected area or other effective methods of disseminating the necessary information quickly.

(b) Notwithstanding subsection (a), the full text of the proclamation shall be published as soon as practicable in one or more newspapers serving the affected area and may be posted in various places or otherwise disseminated to give the clearest notice practicable of its contents.

Section 9-5 Effect of Proclamation; Curfew

(a) A proclamation of a state of emergency shall activate any local civil preparedness plan and shall authorize the town to seek assistance from the county, state, and federal governments in accordance with the provisions of Chapter 166A of the General Statutes.

(b) The mayor is authorized in the proclamation to impose a curfew applicable to all persons within the area described in the proclamation. The curfew may be made effective during all or any portion of any day during the state of emergency. During such curfew, no person may, within the area affected by the curfew:

- (1) Possess off his premises, buy, sell, give away, or otherwise transfer or dispose of any explosives, firearms ammunition, or dangerous weapon of any kind; or
- (2) Sell beer, wines, or intoxicating beverages of any kind or possess or consume the same off his own premises; or
- (3) Travel upon any public street or highway or upon public property unless such person is in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of himself or his family or some member thereof or unless such person is engaged in the performance or some function necessary to preserve the public health or safety, such as police and fire officers, other emergency service personnel, utility employees, doctors and nurses, et cetera.

Section 9-6 Termination of State of Emergency

A state of emergency and any restrictions imposed in connection therewith shall automatically terminate at the end of five days after it becomes effective, except that the same:

- (1) May be continued for another five-day period by the publication of a new proclamation; or

- (2) May be earlier terminated by the mayor, who may issue a proclamation declaring the state of emergency to be over at any time he concludes that to be the case, and who shall issue such a proclamation if the Board concludes that the state of emergency has ended.

Section 9-7 Penalties

As provided in G.S. 14-288(e), any person who violates any provision of Section 9-5(b) after a curfew has been imposed pursuant to this chapter shall be guilty of a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than thirty (30) days, or both.