

CHAPTER 38: CIVIL EMERGENCIES

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§ 38.01 STATE OF EMERGENCY DEFINED.

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

(⁹⁰ Code, § 7-1)

§ 38.02 PROCLAMATION AUTHORIZED.

If an existing or threatened state of emergency endangers the lives, safety, health and welfare of the people within the city, or threatens damage to or destruction of property, the Mayor is 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 city, to place in effect any or all of the restrictions authorized by the provisions of this chapter.

(⁹⁰ Code, § 7-2)

§ 38.03 APPLICABILITY; EXCEPTIONS.

The Mayor is 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 corporate limits of the city and to specific hours of the day or night, and to exempt from all or any part of such restrictions law enforcement officers, firefighters 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 city.

(⁹⁰ Code, § 7-3)

§ 38.04 END 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 City Council.

(⁹⁰ Code, § 7-4)

§ 38.05 RESTRICTIONS.

During the existence of a proclaimed state of emergency, the Mayor may impose by proclamation any restriction listed in this section:

(A) Prohibit or regulate the possession off one's own premises of explosives, firearms, ammunition or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof.

(B) 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.

(C) 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.

(D) Prohibit or regulate the sale of gasoline, kerosene, naphtha or any other explosive or inflammable fluids or substances.

(E) Prohibit or regulate travel upon any public street, alley 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.

(F) 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.

(^90 Code, § 7-5)

§ 38.06 EXTENSION, ALTERATION, REPEAL.

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.

(^90 Code, § 7-6)

§ 38.07 VIOLATION.

(A) 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.

(B) The violation of any provision of this chapter, or of any provision of any restriction imposed by any proclamation authorized by this chapter, shall constitute a misdemeanor, punishable upon conviction by a fine or imprisonment as provided by G.S. § 14-4.

(^90 Code, § 7-7)