

CHAPTER 13

Article I

THE CITY OF ARCHDALE STATE OF EMERGENCY ORDINANCE

Sec. 13-1. State of Emergency: Restriction Authorized

- (a) A State of Emergency shall be deemed to exist whenever during times of public crisis, disaster, catastrophe, or similar public emergency, for any reason, 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.
- (b) In the event of an existing or threatened State of Emergency endangering the lives, safety, health and welfare of people within the City of Archdale or any part thereof, or threatening damages to or destruction of property, the Mayor is hereby authorized and empowered under NCGS Section 14-288.13 and 166A-B 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 of Archdale, to place in effect any or all of the restrictions hereinafter authorized.
- (c) The Mayor is hereby authorized and empowered to limit by Proclamation the application of all or any part of such restrictions to any area specifically designated or described within the City 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 and other 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 people within the City.

Sec. 13-2. Proclamation Imposing Prohibitions and Restrictions

- (a) The Mayor of the CITY OF ARCHDALE by Proclamation may impose the prohibitions and restrictions specified in Sections 13-3 through 13-8 of this ordinance in the manner described in those sections. The Mayor 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 Mayor shall recite his findings in the Proclamation.
- (b) The Proclamation shall be in writing. The Mayor shall take reasonable steps to give notice of the terms of the Proclamation to those affected by it and shall post a copy of it at the City Hall. The Mayor shall send reports of the substance of the Proclamation to the

mass communications media which serves the affected area. The Mayor shall retain a copy to the text of the Proclamation and furnish upon request certified copies of it.

Sec. 13-3. Evacuation

The Mayor may direct the evacuation of all or part of the population of the City of Archdale, control ingress and egress of a disaster area, and the movement of persons within the area.

Sec. 13-4. 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 Mayor may exempt from some or all of the curfew restrictions classes of people whose exemption the Mayor finds necessary for the preservation of the public safety and welfare.
- (b) Unless otherwise specified in the Proclamation, the curfew shall apply during the specified period each day until the Mayor by Proclamation removes the curfew.

Sec. 13-5. Restriction on Possession, Consumption, or Transfer of Alcoholic Beverages

The Proclamation may prohibit the possession or consumption of any alcoholic beverage; including beer, wine and spirituous liquor other than on one's own premises, and may prohibit the transfer, transportation, sale or purchases of any alcoholic beverage within the area of the City of Archdale. The prohibition, if imposed, may apply to transfers of alcoholic beverages by employees of Alcoholic Beverage Control stores as well as anyone else within the geographical area described.

Sec. 13-6. 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 Mayor 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's health, safety or welfare. The Proclamation shall state the exempted class and the restrictions from which each is exempted.
- (b) "Dangerous weapon or substance" means:
 - (1) Any deadly weapon, ammunition, explosive, incendiary device, radioactive material or device as defined in NCGS 14-288.8(c)(5), 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 a part or ingredient will be so used.
- (c) If imposed, the restrictions shall apply throughout the jurisdiction of the City of Archdale or such part thereof as designated in the Proclamation.
- (d) A violation of this section shall be punishable as provided in NCGS 14-288.7.

Sec. 13-7. Restriction 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 Chief of Police and his subordinates or other law enforcement officer when directed in the Proclamation to do so by the Mayor. When acting under this authority, the Chief of Police and his subordinates may restrict or deny access to any area, street, highway or location within the City of Archdale 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.

Sec. 13-8. The Proclamation may prohibit or restrict:

- (a) Movement of persons in public places;
- (b) The operation of offices, business establishments and other places to or from which persons travel or at which they may congregate; and
- (c) 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.

Sec. 13-9. Removal of Prohibitions and Restrictions

The Mayor shall by Proclamation terminate the entire declaration of emergency or remove any of the prohibitions and restrictions when the emergency no longer requires them, or when directed to do so by the City Council.

Sec. 13-10. Superseding and Amendatory Proclamations

The Mayor in his/her discretion may invoke the restrictions authorized by this ordinance in separate Proclamations, and may amend any Proclamation by means of a superseding Proclamation in accordance with the procedures set forth in Section 13-2.

Sec. 13-11. Termination of Proclamation

Any Proclamation issued under this ordinance shall expire when it is terminated by the official or governing body that declared it under the same procedures set forth in Section 13-2 for Proclamations.

Sec. 13-12. In Case of Absence or Disability of the Mayor

In case of the absence or disability of the Mayor, the Mayor pro tem of the City of Archdale, or such other person as may be designated by the City Council, shall have and exercise all of the powers herein given the Mayor.

Sec. 13-13. Penalty for Violation

Except as provided in Section 13-6, any person violating any prohibition or restriction imposed by a Proclamation authorized by this ordinance shall be guilty of a Class 3 misdemeanor as provided by NCGS 14-288.12(e).

Sec. 13-14. Repeal of Conflicting Ordinances

All ordinances in conflict with the provisions of this ordinance are hereby repealed.

Sec. 13-15. Territorial Applicability

This ordinance shall apply within the corporate limits of the City of Archdale, or within any areas over which the municipality has jurisdiction to enact general police-power ordinances as fully as to the same extent as elsewhere in the town.

Sec. 13-16. Validity

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that they would have passed this ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences or phrases be declared invalid.