

## **AN ORDINANCE AMENDING CHAPTER 91 OF THE CODE OF ORDINANCES**

**BE IT ORDAINED** by the Town Council of Sunset Beach that Chapter 91 of the Code of Ordinances is hereby amended to read as follows:

### **CHAPTER 91. CIVIL EMERGENCIES**

#### **§ 91.01 DEFINITIONS.**

- A. Emergency shall mean 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, paramilitary, weather-related or riot-related cause.
- B. State of emergency is a finding and declaration that an emergency exists by the Mayor acting under the authority of G.S. 166A-19.22.

#### **§ 91.02 DECLARATION OF STATE OF EMERGENCY.**

- A. A state of emergency may be declared by the Mayor if he finds that an emergency exists. When a state of emergency is declared, the Mayor may place in effect any of the prohibitions and restrictions authorized in this chapter.
- B. The Mayor is hereby authorized and empowered to limit, by the declaration, the application of prohibitions and restrictions to any area specifically designated or described within the corporate limits and to specific hours of the day or night; and to exempt from those 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 town. Unless the declaration states otherwise, the emergency area shall include the entire jurisdiction of the town.

#### **§ 91.03 RESTRICTIONS DURING EMERGENCY.**

- A. During the existence of a proclaimed state of emergency, the Mayor may impose any of the following prohibitions and restrictions which are determined to be necessary or suitable to the particular state of emergency:
  - 1. Prohibit or restrict movements of people in public places, including imposing a curfew; directing and compelling the voluntary or mandatory evacuation of all or part

of the population from any stricken or threatened area within the town limits. The Mayor may prescribe routes, modes of transportation, and destinations in connection with evacuation and may control ingress and egress of an emergency area and the movement of persons within the area;

2. Prohibit or restrict the possession, transportation, sale, purchase and consumption of alcoholic beverages;
3. Prohibit or restrict the operation of offices, business establishments, and other places to and from which people may travel or at which they may congregate;
4. Prohibit or restrict the possession, transportation, sale, purchase, storage and use of gasoline, and dangerous weapons and substances, except that this subdivision does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used herein, the term “dangerous weapons and substances” has the same meaning as it does under G.S. 14-288.1. As used herein, the term “firearm” has the same meaning as it does under G.S. 14-409.39(2);
5. Prohibit or restrict travel upon any public street, alley or roadway or upon any other public property;
6. Prohibit swimming in the Atlantic Ocean or the Intracoastal Waterway within the town limits.

B. Any declaration may be extended as to time or area in any particular during the existence of a state of emergency by the issuance of a subsequent declaration by the Mayor. A declaration issued pursuant hereto shall expire when terminated by the Mayor.

**§ 91.04 VIOLATIONS.**

During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any prohibition or restriction imposed by a declaration authorized by this chapter. Any person who violates any provision of an ordinance or a declaration enacted or proclaimed under this Chapter is guilty of a Class 2 misdemeanor.

**§ 91.05 DECLARATION OF END OF STATE OF EMERGENCY.**

The Mayor shall proclaim the end of a state of emergency or all or any part of the prohibitions and restrictions imposed as soon as circumstances warrant.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

**Town of Sunset Beach**

\_\_\_\_\_  
Ron Watts, Mayor

ATTEST:

\_\_\_\_\_  
Lisa H. Anglin, Clerk