

CHAPTER 3.04: CIVIL EMERGENCIES

Section

- 3.04.001 State of emergency defined
- 3.04.002 State of emergency
- 3.04.003 Contents of proclamation declared by the Mayor
- 3.04.004 Publication and proclamation declared by the Mayor
- 3.04.005 Effect of the proclamation
- 3.04.006 Termination of state of emergency

Cross-reference:

Curfew, see §§ 13.01.020 et seq.

Duties of Mayor, see § 3.01.021

Public safety, see Ch. 3.02

§ 3.04.001 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 condition is imminent.

(Prior Code, Ch.12, § 1)

§ 3.04.002 STATE OF EMERGENCY.

(A) A state of emergency applies to River Bend when a state has been declared by the President of the United States, the Governor of the State of North Carolina, the Chairperson of the Craven County Board of Commissioners or the Mayor of River Bend when any or all of the territory in River Bend is affected.

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

(Prior Code, Ch.12, § 2) Penalty, see § 1.01.999

§ 3.04.003 CONTENTS OF PROCLAMATION DECLARED BY THE MAYOR.

Contents of proclamation declared by the Mayor:

(A) The area within which the state of emergency exists, which may be the entire town or a specifically described portion of it;

(B) The date and time from which the proclamation shall be effective;

(C) Any restrictions and prohibitions that shall be effective during the state of emergency and the penalties for violations; and

(D) The date and time when the state of emergency shall terminate, unless extended or earlier terminated in accordance with § 3.04.006.

(Prior Code, Ch.12, § 3)

§ 3.04.004 PUBLICATION AND PROCLAMATION DECLARED BY THE MAYOR.

(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 content, including prohibitions and restrictions, in the mass communications media serving the affected area or other effective method of disseminating the necessary information quickly.

(B) Notwithstanding division (A) above, the full text of the proclamation shall be published as soon as practicable in 1 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.

(Prior Code, Ch.12, § 4)

§ 3.04.005 EFFECT OF THE PROCLAMATION.

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

(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 the curfew, no person may, within the area affected by the curfew:

(1) Possess off his own premises, buy, sell, give away or otherwise transfer or dispose of any explosives, firearms, ammunition or dangerous weapons of any kind;

(2) Sell beer, wines or intoxicating beverages of any kind or possess or consume the same off his or her own premises;

(3) Sell gasoline or any similar petroleum products except when pumped or piped directly into the tank of a motor vehicle; or

(4) Travel upon any public street or highway or upon public property unless the person is in search of medical assistance, food or other service necessary to sustain the well-being of himself or his family or some member thereof or unless the person is engaged in the performance of some function necessary to preserve the public health or safety, including police and firemen, other emergency service personnel, utility employees, doctors and nurses.

(C) During a state of emergency, town ordinances and procedures regarding procurement, burning, employee overtime and employee leave may be suspended by the Town Council for up to 30 days from the date the emergency is declared. Upon the signature of 3 or more members of the Town Council, budget changes may be approved. Extension of these emergency provisions beyond 30 days requires approval by the Town Council.

(D) Upon declaration of an emergency, all annual leave to town employees is automatically canceled and requires re-approval by department heads.

(Prior Code, Ch.12, § 5) Penalty, see § 1.01.999

§ 3.04.006 TERMINATION OF STATE OF EMERGENCY.

A state of emergency and any restrictions imposed in connection therewith shall automatically terminate at the end of 5 days after the proclamation becomes effective, except that the same:

(A) May be continued for another 5 day period by the publication of a new proclamation; or

(B) May be earlier terminated by the Mayor, who may issue a proclamation declaring the state of emergency to be over at any time he determines that the restrictions are no longer necessary, and who shall issue the proclamation if the Council concludes that the state of emergency has ended.
(Prior Code, Ch.12, § 6)