

CHAPTER 6
EMERGENCIES

For state law as to riots and civil disorders generally, see G. S., § 14-228.1 et seq. As to power if city to enact ordinances to deal with states of emergency, see G. S., § 14-288.12.

- § 6-1. “State of emergency” defined.
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- § 6-9. Adoption of Gaston County Emergency Management Ordinance And Agreement.

Sec. 6-1. “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. (4-11-68, § 1.)

Sec. 6-2. Proclamation by mayor--Authorized.

In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the city or threatening damage to or destruction of property, the mayor is hereby 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 hereinafter authorized. (4-11-68, § 1.)

Sec. 6-3. Same--Permitted limits of applicability.

The mayor is hereby 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, firemen 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. (4-11-68, § 1.)

Sec. 6-4. Same--Contents.

During the existence of a proclaimed state of emergency, the mayor may impose by proclamation any or all of the following restrictions:

- (a) Prohibit or regulate the possession off one's 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, naphta, or any other explosive or inflammable fluids or substance;
- (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. (4-11-68, § 1.)

Sec. 6-5. Same--Extension, etc.

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. (4-11-68, § 1.)

Sec. 6-6. Same--Unlawful to violate.

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. (4-11-68, § 1.)

Sec. 6-7. Same--Termination.

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. (4-11-68, § 1.)

Sec. 6-8. Penalty.

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 as provided by section 1-8. (4-11-68, § 3.)

Sec. 6-9. Adoption of Gaston County Emergency Management Ordinance And Agreement.

The City of Mount Holly hereby adopts the provisions of the Gaston County Emergency Management Ordinance and Agreement, also identified as Resolution #228, September 22, 1983, as an ordinance of the City of Mount Holly, and authorizes the officials designated therein to enforce the provisions of that ordinance within the corporate limits of Mount Holly. The City Manager and/or Mayor are hereby authorized to enter into any agreements with Gaston County necessary to effectuate the ordinance. (11-14-83)