

Chapter 1- Emergency Services

Footnotes:

1. State Law Reference-Local Emergency Management, [G.S. 166A-19.22 Municipal or County Declaration of State of Emergency et seq.](#); [North Carolina Emergency Management Act, G.S. 166A-19 et seq.](#)

ARTICLE I. IN GENERAL

- Sections 1-1 through 1-18. Reserved

ARTICLE II.- STATE OF EMERGENCY; RESTRICTIONS & PROHIBITIONS

- Section 1-19 Existence of State of Emergency

A local state of emergency may be declared for any disaster as defined by the following:

Disaster-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 or paramilitary cause.

- Section 1-20 Declaration of Emergency

In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the town of Ruth, or threatening damage to or destruction of property, the council by resolution is hereby empowered to issue a public declaration 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 town of Ruth, to place in effect any or all of the restrictions authorized by this article. In the event this is an imminent threat and the council members are not available, the administrator, after unsuccessful attempts of reaching the board, has been ordained and appointed by the board to declare such a state as referenced in the Town of Ruth code of ordinances, ordinance #2027-1.

- Section 1-21 Imposition of Restrictions; Exemptions

The mayor or council by resolution is hereby authorized and empowered to limit by declaration the application of all or any part of such restrictions to any area specifically designated or described within the town of Ruth and to specific hours of the day or night; and to exempt from all or any part of such restrictions laws 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 of Ruth.

- Section 1-22 Authorization of specific restrictions

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

- (1) 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;
- (2) 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;
- (3) 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;
- (4) Prohibit or regulate the sale or use of gasoline, kerosene, naphtha, or any other explosive or flammable fluids or substances;
- (5) Prohibit or regulate travel upon any public street 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;
- (6) 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 place of public assembly; and
- (7) Establish hours during which a curfew shall be in effect.
- (8) Regulation of the sale or use of scarce supplies which are essential for the public health or safety.
- (9) Regulation of evacuation and evacuation shelters which may be reasonably necessary to maintain law and order and protect lives and property.
- (10) Regulation of 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.

- **Section 1-23 Compliance with restrictions imposed by declaration**

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 article.

- **Section 1-24 Extension, alteration, and rescission of declaration**

Any proclamation of emergency promulgated pursuant to this article may be extended, altered, or rescinded in any manner during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.

- **Section 1-25 Authority to request state police and military forces; martial law**

If, in the sound discretion of the council, it shall appear the emergency is, or a threatened emergency is likely to be, of such proportions the means available to the town to maintain law and order within the police jurisdiction of the town are insufficient for such purpose, the mayor shall, promptly request such police or military forces of the state be provided promptly; and if, during an actual state of emergency, the mayor shall find the civil courts within the jurisdiction of the town are unable to perform their lawful duties, and, by reason of widespread lawlessness, writs and other processes cannot be served or executed, the mayor shall inform the governor of his or her findings and may recommend to him or her a state of martial law be proclaimed within the jurisdiction of the town.

- **Section 1-26 End of state of emergency**

The mayor shall declare 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 town council.

- **Section 1-27 Powers of mayor pro tempore while mayor absent or disabled**

If mayor is absent or, unable for any reason, temporarily to perform his duties, then during such absence or inability, the mayor pro tempore is hereby empowered to exercise all the powers granted the mayor by this article.

- **Section 1-28 Effective time, publication, amendment, and rescission of declarations**

This section applies to declarations issued under applicable statutes and provisions of the common law.

- (a) All prohibitions and restrictions imposed by declaration shall take effect immediately upon publication of the proclamation in the area affected unless the declaration sets a later time. For the purpose of requiring compliance, publication may consist of reports of the substance of the prohibitions and restrictions in the mass communications media serving the affected area or other effective methods of disseminating the necessary information quickly. As soon as practicable, however, appropriate distribution of the full text of any declaration shall be made. This subsection shall not be governed by the provisions of [G.S. 1-597-Regulations for newspaper publication of legal notices, advertisements, etc.](#)
- (b) Prohibitions and restrictions may be extended as to time or area, amended, or rescinded by declaration.