



# CITY OF SALUDA NORTH CAROLINA

<b>MAYOR</b> Fred Baisden <b>CITY MANAGER</b> Jonathan Cannon <b>COMMISSIONERS</b> Mark Oxtoby Paul C. Marion Stan Walker Bob Ross
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## **AN ORDINANCE REGULATING A STATE OF EMERGENCY AND EMERGENCY MANAGEMENT IN THE CITY OF SALUDA**

### **(THE CITY OF SALUDA EMERGENCY MANAGEMENT ORDINANCE)**

WHEREAS, pursuant to authority granted under N.C.G.S. 166A-19.22, a state of emergency may be declared by the governing body of a municipality if it finds that an emergency exists; and

WHEREAS, the authority to declare a state of emergency under this section may also be delegated by ordinance to the mayor of a municipality; and

WHEREAS, pursuant to authority granted under N.C.G.S. 166A-19.31, the governing body of any municipality may enact ordinances designed to permit the imposition of prohibitions and restrictions within the emergency area during a state of emergency declared pursuant to N.C.G.S. 166A-19.22.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Saluda, North Carolina, The City of Saluda Emergency Management Ordinance is hereby adopted as follows:

### **ARTICLE I. SHORT TITLE**

This ordinance shall be known and may be cited as The City of Saluda Emergency Management Ordinance.

### **ARTICLE II. DEFINITIONS**

For the purpose of this ordinance, the following words, terms, and phrases, shall have the following meanings, except where the context clearly indicates a different meaning:

1. *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.
2. *Disaster declaration*: A gubernatorial declaration that the impact or anticipated impact of an emergency constitutes a disaster of one of the types enumerated in G.S. 166A-19.21(b).
3. *State of emergency*: Declaration by proclamation of the mayor or by resolution of the council pursuant to the provisions of this ordinance, subject to the definition of "disaster."

### **ARTICLE III. DECLARATION OF A STATE OF EMERGENCY**

A *State of emergency* shall be deemed to exist within the city whenever declared pursuant to G.S. 166A-19.22. The following authority is hereby granted:

1. The mayor is authorized to declare, amend, extend, or rescind a state of emergency by proclamation imposing any or all of the prohibitions authorized herein;
2. In the absence or disability of the mayor, the mayor pro tem is authorized to declare, amend, extend, or rescind a state of emergency by proclamation imposing any or all of the prohibitions authorized herein;
3. In the absence or disability of the mayor and the mayor pro tem, a quorum of the Board of Commissioners is authorized to declare, amend, extend, or rescind a state of emergency by proclamation imposing any or all of the prohibitions authorized herein.

#### **ARTICLE IV. EMERGENCY POWERS**

During a state of emergency, the mayor, mayor pro tem, or the Board of Commissioners, whichever is applicable, may invoke any or all of the following prohibitions or restrictions:

1. Limitations on the movement 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 governing body's jurisdiction; prescribing routes, modes *of* transportation, and destinations in connection with evacuation; and controlling ingress and egress *of* an *emergency* area, and the movement *of* persons within the area;
2. Limitations on the operation of offices, business establishments and other places to or from which people may travel or at which they may congregate;
3. Limitation, restriction or prohibition of the possession, transportation, sale, purchase and consumption of intoxicating liquors and alcoholic beverages;
4. Limitation, restriction or prohibition of the possession, transportation, sale, purchase, storage and use of dangerous weapons, substances and use of gasoline;
5. Except that this section does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used in this ordinance, the term "dangerous weapons and substances" has the same meaning as it does under G.S. 14-288.1. As used in this subdivision, the term "firearm" has the same meaning as it does under G.S. 14-409.39;
6. Regulation of the sale or use of scarce supplies which are essential for the public health or safety;
7. Regulation of evacuation and evacuation shelters which may be reasonably necessary to maintain law and order and protect lives and property; and
8. 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.

#### **ARTICLE V. EFFECTIVE TIME, AMENDMENT AND RESCISSION OF STATE OF EMERGENCY**

1. All prohibitions and restrictions imposed by proclamation shall take effect immediately upon publication of the proclamation in the area affected. For the purpose of this section, publication may consist of reports of the substance of the prohibitions and restrictions in the mass communication media serving the affected area or other effective methods of disseminating the necessary information quickly.
2. The proclamation may be extended as to time and area, amended or rescinded by

proclamation. Prohibitions and restrictions imposed by proclamation pursuant to this section shall expire when the proclamation is rescinded. Prohibitions and restrictions imposed by proclamation shall expire at such time as is specified in the proclamation if a time is so specified.

3. However, notwithstanding the foregoing, an affirmative vote of a majority of the Board of Commissioners may rescind the proclamation of the state of emergency and prohibitions and restrictions imposed thereby.

#### ARTICLE VI. ENFORCEMENT

1. Violation of the provisions of a declaration enacted or declared pursuant to this ordinance shall constitute an infraction and violators shall be guilty of a Class 2 misdemeanor in accordance with N.C.G.S. 14-288.20A; and/or
2. Violation of the provisions of a declaration enacted or declared pursuant to this ordinance shall constitute an infraction and violators shall be guilty of a Class 3 misdemeanor in accordance with N.C.G.S. 14-4.

(Ord. O-20-01, passed 04-14-2020)

Adopted this the 13<sup>th</sup> day of April, 2020

ATTEST



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Tola Mueller, City Clerk

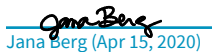


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Fred Baisden (Apr 15, 2020)

Fred Baisden, Mayor

APPROVED AS TO FORM



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Jana Berg (Apr 15, 2020)

Jana Berg, City Attorney











# 2020-03-24-01-Finalized for signatures Local Emergency Ordinance


Final Audit Report

2020-04-15


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