§ 102.1 STATE OF EMERGENCY; PROCLAMATION; CURFEW AUTHORIZED; RESTRICTIONS; CONTRACTS AUTHORIZED.

(a) 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, safety or property.

(b) If an existing or threatened state of emergency occurs 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 more effectively to protect the lives and property of the people within the city, to place in effect any or all of the restrictions authorized in this section, including the authority to define and impose a curfew.

(c) 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 and to specific hours of the day or night, and to exempt the following from all or any part of such restrictions:

(1) Law enforcement officers, firefighters and other public employees;
(2) Doctors, nurses, employees of hospitals and other medical facilities;
(3) On-duty military personnel, whether state or federal;
(4) On-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit; and
(5) 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.

(d) 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.

(e) During the existence of a proclaimed state of emergency, the mayor may, by proclamation, prohibit or regulate any or all of the following:
(1) 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 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) The operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate.

(3) The possession, transportation, sale, purchase, and consumption of alcoholic beverages.

(4) 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 in this subdivision, 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(2).

(5) 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.

(f) 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.

(g) 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 section. Any person who violates such a provision shall, upon conviction, be punished in accordance with section 102-2.

(h) During the existence of a proclaimed state of emergency involving the health and safety of the people or their property, the city manager is authorized to award contracts for construction or repair work and for the purchase of apparatus, supplies, materials or equipment without regard to the amount of such a contract and without complying with G.S. 143-129, provided that the expeditious award of such a contract is reasonably necessary to address the effects of such emergency. In the absence of the city manager, the following officials shall have the same authority as is provided in this section to the city manager: the deputy city manager, any assistant city manager or the chief purchasing official. The city manager shall submit a report to the city council summarizing all contracts awarded pursuant to this section as soon as reasonably possible after the state of emergency has ended.

§ 102-2 General penalty; additional remedies.
(a) Any person violating this section shall be guilty of a class 3 misdemeanor and, upon conviction, shall be subject to punishment in accordance with G.S. 14-4. Unless otherwise provided, the maximum fine for a misdemeanor violation is $500.00.

(b) The sections of this Code may be enforced, inter alia, as authorized and in accordance with G.S. 160A-175. Specifically, and without limitation, any section of this Code may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the city for equitable relief that there is an adequate remedy at law.”

SECTION 2. That this Ordinance shall become effective upon adoption.

(Ord. 2491E, passed 4-27-2020)