

**ORDINANCE CREATING CHAPTER 33 OF THE
TOWN OF BOILING SPRINGS CODE OF ORDINANCES
ORDINANCE NO. 121106.02**

BE IT ORDAINED by the Board of Commissioners of the Town of Boiling Springs, North Carolina assembled in Regular Session this 6th day of November, 2012,

Part 1. That Chapter 33 "Civil Emergencies" is hereby adopted to read as follows:

CHAPTER 33: CIVIL EMERGENCIES

33.01 STATE OF EMERGENCY DEEMED TO EXIST

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, the public safety is threatened and the public authorities of the town are unable, in the normal routine, to maintain public order or afford adequate protection for lives or property.

33.02 PROCLAMATION & RESTRICTIONS AUTHORIZED

(A) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the town or threatening damage to or destruction of property, the Mayor or his designee is 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 town, to place in effect any or all of the restrictions hereinafter authorized in subsection (b) of this section. NCGS 166A-19.22 and NCGS 166A-19.21.

(B) During the existence of a proclaimed state of emergency the mayor may impose by proclamation any or all of the following restrictions within the jurisdictional limits of the Town:

- (1) Direct and compel voluntary or mandatory evacuations of threatened or stricken areas.
- (2) Prohibit or regulate travel upon any public street or roadway or upon any other public property.
- (3) Deny entry or reentry into threatened or stricken areas.
- (4) Prohibit or regulate by curfew, persons being upon any or all streets, sidewalks, public places and vacant lots within town during specified periods of the day or night or both day and night.
- (5) Prohibit or regulate the participation in or carrying on of business activity, regulate the keeping open of places of business, entertainment, and public assembly or any place people may travel to or from.

(6) Prohibit or regulate the sale, purchase, transport, possession, storage, and use of gasoline and dangerous weapons and substances.

(7) Prohibit or regulate any demonstration, parade, march, vigil or participation thereon from taking place on any of the public ways or upon any public property.

(8) Any other restrictions regulating activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives or property.

33.03 LIMITATIONS & EXEMPTIONS AUTHORIZED

The Mayor is 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 limits of the town and to specific hours of the day or night; and to exempt from all or any part of such restrictions law 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.

33.04 EXTENSION, AMENDMENT, & REPEAL OF PROCLAMATION

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.

33.05 AUTHORITY TO REQUEST ASSISTANCE AND MARTIAL LAW

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

33.06 TERMINATION OR RESTRICTIONS

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 Board of Commissioners.

33 .07 REQUIRED COMPLIANCE

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. Violations shall be punishable as a class 2 misdemeanor. NCGS 166A-19.31 & NCGS 14-288.20A.

Part 2. This Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of Boiling Springs, North Carolina.

ADOPTED this the 6th day of November, 2012.