

Chapter 12

EMERGENCY MANAGEMENT AND EMERGENCY SERVICES*

Article I. In General

Secs. 12-1—12-20. Reserved.

Article II. Emergency Management Agency

Sec. 12-21. Purpose.
Sec. 12-22. Definitions.
Sec. 12-23. Agency designated.
Sec. 12-24. Director.
Sec. 12-25. Emergency operations plan.
Sec. 12-26. Emergency control.
Sec. 12-27. Mutual aid agreements.
Sec. 12-28. Volunteers.
Sec. 12-29. Coordination of emergency response.
Secs. 12-30—12-46. Reserved.

Article III. States of Emergency

Sec. 12-47. Declaration.
Sec. 12-48. Reserved.
Sec. 12-49. Prohibitions and restrictions during emergency.
Sec. 12-50. When prohibitions and restrictions take effect.
Sec. 12-51. Subsequent declaration.
Sec. 12-52. Violations.
Sec. 12-53. Absence or disability of mayor.
Sec. 12-54. End of state of emergency.

***State law references**—Emergency management, G.S. Ch. 166A; ordinances on states of emergency, G.S.14-288.12.

CARY CODE OF ORDINANCES

ARTICLE I. IN GENERAL

Secs. 12-1—12-20. Reserved.

ARTICLE II. EMERGENCY MANAGEMENT AGENCY

Sec. 12-21. Purpose.

In coordination with Wake and Chatham counties, the town has the primary role of planning for and managing all aspects of the town's recovery from emergencies. This ordinance is designed to establish an Emergency Management Agency within the town as authorized by G.S. Chapter 166A to plan for emergencies and ensure coordination with Chatham and Wake Counties to ensure the prompt and efficient utilization of town resources in the event of an emergency.
(Ord. No. 2020-Code-01, 4-30-2020)

Sec. 12-22. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Emergency: 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, paramilitary, terrorism, weather-related, public health, explosion-related, riot-related cause, or technological failure or accident, including, but not limited to, a pandemic, epidemic, cyber incident, an explosion, a transportation accident, a radiological accident, or a chemical or other hazardous material incident.

Emergency management: Those measures taken by the populace and governments at federal, state, and local levels to minimize the adverse effect of any type emergency, which include the never-ending preparedness cycle of planning, prevention, mitigation, warning, movement, shelter, emergency assistance and recovery.

Emergency Management Agency: The public safety division of the town which, among other duties, is charged with coordination of all emergency management activities for the town.
(Code 1976, § 7-1; Code 1982, § 8-1; Ord. No. 2010-Code-06, 7-15-2010; Ord. No. 2020-Code-01, 4-30-2020)

State law reference—Similar provisions, G.S. 166A-4.

Sec. 12-23. Agency designated.

The Public Safety division, and any successor division, is hereby designated as the town's emergency management agency as authorized by G.S. 166A-19.15 and is charged with coordinating all emergency management activities for the town. The Public Safety division shall coordinate with Chatham County for those parts of the town within Chatham County and with Wake County for those parts of the town within Wake County.
(Code 1976, § 7-2; Code 1982, § 8-2; Ord. No. 2020-Code-01, 4-30-2020)

Sec. 12-24. Director.

The Public Safety Director shall serve as the Director of Emergency Management and shall designate an individual or individuals who, with the consent of the Town Manager, shall serve as the Director in the absence or disability of the Public Safety Director. The Director shall have direct responsibility for the organization, administration, and operation of the Emergency Management Agency, subject to the supervision, direction, and control of the Town Manager and the provisions of this Chapter 12.

(Code 1976, § 7-3; Code 1982, § 8-5; Ord. No. 2020-Code-01, 4-30-2020)

Sec. 12-25. Emergency operations plan.

The Director shall implement the town's emergency operations plan, to include appointment of Section Chiefs and other Emergency Operations Center staff.

(Code 1976, § 7-4; Code 1982, § 8-6; Ord. No. 2020-Code-01, 4-30-2020)

Sec. 12-26. Emergency control.

The Director may establish an Emergency Operations Center (EOC) which may be one or more physical centers or may be virtual, and emergency plans in accordance with the plans of the county, state, or federal emergency management agencies.

(Code 1976, § 7-6; Code 1982, § 8-7; Ord. No. 2020-Code-01, 4-30-2020)

Sec. 12-27. Mutual aid agreements.

The Director may, in collaboration with other public and private agencies, develop mutual aid agreements, subject to formal or specific approval by the Town Council when required by law, for reciprocal emergency management aid and assistance in case of emergencies; provided that such agreements shall be consistent with the state emergency program and plans.

(Code 1976, § 7-7; Code 1982, § 8-8; Ord. No. 2020-Code-01, 4-30-2020)

State law reference—Mutual aid agreements, G.S. 166A-10.

Sec. 12-28. Volunteers.

The Director may call volunteers into service only in case of emergency or for necessary training and preparation for emergencies. All volunteers shall serve without compensation and shall be subject to all rules and regulations established for volunteers. They may be dismissed or removed by the Director with or without cause.

(Code 1976, § 7-8; Code 1982, § 8-9; Ord. No. 2020-Code-01, 4-30-2020)

Sec. 12-29. Coordination of emergency response.

The Director shall properly coordinate the activities of the Emergency Management Agency with other federal, state, or local emergency management agencies participating in the town's emergency management response or cooperating in any such emergency.

(Code 1976, § 7-5; Code 1982, § 8-10; Ord. No. 2020-Code-01, 4-30-2020)

Secs. 12-30—12-46. Reserved.

ARTICLE III. STATES OF EMERGENCY**Sec. 12-47. Declaration.**

The Mayor is hereby authorized and empowered to declare a state of emergency ("SOE Declaration") if he/she finds that an emergency exists. The emergency area shall include the entire area over which the town has jurisdiction to enforce ordinance-making powers, unless the SOE Declaration provides otherwise.

(Code 1976, §§ 10-7, 10-9; Code 1982, § 8-22; Ord. No. 2020-Code-01, 4-30-2020)

Sec. 12-48. [Reserved.]**Sec. 12-49. Prohibitions and restrictions during emergency.**

(a) During the existence of a declared state of emergency, the Mayor may impose by declaration prohibitions and restrictions ("Prohibitions and Restrictions Declaration"):

- (1) If movements of people in public places, including any of the following:
 - a. Imposing a curfew. Unless otherwise specified in the declaration, the curfew shall apply during the specified period each day until the Mayor, by additional declaration, removes the curfew.
 - b. Directing and compelling the voluntary or mandatory evacuation of all or part of the population from any stricken or threatened area within the town's jurisdiction.
 - c. Prescribing routes, modes of transportation, and destinations in connection with evacuation.
 - d. Controlling ingress and egress of an emergency area, and the movement of persons within that area.
 - e. Providing for the closure, within the emergency area, of streets, roads, highways, bridges, public vehicular areas, or other areas ordinarily used for vehicular travel, except to the movement of emergency responders and other persons necessary for recovery from the emergency. In addition to any other notice or dissemination of information, notification of any closure of a road or public vehicular area under the authority of this subsection shall be given to the Department of Transportation as soon as practicable.
- (2) Of the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate.
- (3) Upon the possession, transportation, sale, purchase, and consumption of alcoholic beverages.
- (4) Upon the possession, transportation, sale, purchase, storage, and use of gasoline, and dangerous weapons and substances, except that this chapter does not authorize

prohibitions or restrictions on lawfully possessed firearms or ammunition. As used in this subsection, the term “dangerous weapons and substances” has the same meaning as it does under G.S. 14-288.1 and the term “firearm” has the same meaning as it does under G.S. 14-409.39(2).

- (5) Upon 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.

(b) The SOE Declaration and any Prohibitions and Restrictions Declaration may be combined in one declaration or may be separate declarations.

(c) The Mayor shall not be required to impose all types of the above prohibitions or restrictions, or any particular prohibition or restriction, during a state of emergency and may determine and impose only the prohibitions or restrictions deemed necessary or suitable to a particular state of emergency. By way of example and not limitation, the Prohibitions and Restrictions Declaration may limit the application of all or any part of prohibitions or restrictions authorized by this article to any area specifically designated or described within the Declaration and to specific hours of the day or night; and to exempt from all or any part of such declaration law enforcement officers, Fire Department 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.

(Code 1976, § 10-10; Code 1982, § 8-24; Ord. No. 2020-Code-01, 4-30-2020)

Sec. 12-50. When prohibitions and restrictions take effect.

The prohibitions and restrictions imposed by a Prohibitions and Restrictions Declaration shall take effect in the emergency area immediately upon publication of the Prohibitions and Restrictions Declaration unless the Declaration sets a later time. Publication may consist of reports of the substance of the prohibitions and restrictions in the mass communications media serving the emergency area or other effective methods of disseminating the necessary information quickly, including publication on the town’s website. As soon as practicable, however, the Mayor shall make appropriate distribution of the full text of any Prohibitions and Restrictions Declaration and the town shall be prepared to furnish certified copies of it upon request.

(Code 1976, § 10-11; Code 1982, § 8-25; Ord. No. 2020-Code-01, 4-30-2020)

Sec. 12-51. Subsequent declaration.

Any SOE Declaration or Prohibitions and Restrictions Declaration may be extended, altered, or repealed during the continued or threatened existence of a state of emergency by the Mayor’s issuance of a subsequent declaration.

(Code 1976, § 10-12; Code 1982, § 8-26; Ord. No. 2020-Code-01, 4-30-2020)

Sec. 12-52. Violation.

During the existence of a declared state of emergency, it shall be unlawful for any person to violate any provision of any Declaration authorized by this article. Any person who violates any provision of a Declaration made pursuant to this article shall be guilty of a Class 2 misdemeanor in accordance with G.S. 14-288.20A.

(Ord. No. 2020-Code-01, 4-30-2020)

Sec. 12-53. Absence or disability of Mayor.

In case of the absence or disability of the Mayor, the Mayor Pro-tem shall have and exercise all powers given the Mayor by this article. In case of the absence or disability of both the Mayor and the Mayor Pro-tem, the Town Manager shall have and exercise all of the powers given the Mayor by this article.

(Ord. No. 2020-Code-01, 4-30-2020)

Sec. 12-54. End of state of emergency.

The Mayor shall declare the end of such state of emergency or all or any part of the prohibitions and restrictions imposed as soon as circumstances warrant or when directed to do so by the Town Council.

(Ord. No. 2020-Code-01, 4-30-2020)

State law references—G.S. Chapter 166A, 14-288.1, 14-409.39(2), 14-288.20A.

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