

## **STATES OF EMERGENCY**

### **§ 30.20 RESTRICTIONS AUTHORIZED.**

(A) An emergency is an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural, man-made, accidental, military, paramilitary, terrorism, weather-related, public health, explosion-related, riot-related, or technical failure or accident, including, but not limited to, a cyber incident, an explosion, a transportation accident, a radiological accident, or a chemical or other hazardous material incident.

(B) A State of Emergency shall be deemed to exist whenever during times of public crisis, disaster, rioting, catastrophe, or similar emergency, for any reason, public safety authorities are unable or are likely to be unable to maintain public order or afford adequate protection for lives, safety or property.

(C) In the event of an existing or threatened State of Emergency endangering the lives, safety, health and welfare of the people within Surry County or any part thereof, or threatening damages to or destruction of property, the Chairman of the Board of Commissioners of Surry County (Chairman) is hereby authorized and empowered, pursuant to G.S.166A-19.22, to issue a Declaration of State of Emergency 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 County, to place in effect any or all of the restrictions hereinafter authorized. The emergency area shall not exceed the area over which the County has jurisdiction to enact police-powered ordinances. The State of Emergency shall expire when it is terminated by the Chairman.

(D) The Chairman is authorized and empowered to enact ordinances designed to permit the imposition of prohibitions and restrictions within the emergency area during the State of Emergency declared pursuant to G.S. 166A-19.22. Prohibitions and restrictions authorized herein, more fully discussed below, include, but are not limited to:

- (1) Prohibition and restriction of movements of people in public places including any of the following:
  - a) Imposing a curfew.
  - b) Directing and compelling the voluntary or mandatory evacuation of all or any part of the population from any stricken or threatened area within the governing body's jurisdiction.
  - c) Prescribing routes, modes of transportation and destinations in connection with evacuations.
  - 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 recovering from the emergency. The Sheriff is authorized to assist in the implementation of the emergency plan.
- (2) Prohibit or restrict the operation of offices, businesses, and other places to or from which people may travel or which they may congregate.
- (3) Prohibit or restrict possession, transportation, sale, purchase and consumption of alcoholic beverages.
- (4) Prohibit or restrict the possession, transportation, sale, purchase, storage, and use of gasoline, dangerous weapons and substances, except that this ordinance does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition.
- (5) Restrict 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.

### **§30.21 PROCLAMATIONS IMPOSING PROHIBITIONS AND RESTRICTIONS.**

(A) The Chairman, by written Declaration, may impose the prohibitions and restrictions specified in sections 30.20-30.31 of this chapter in the manner described in those sections. The Chairman may impose as many of those specified prohibitions and restrictions as he finds necessary, because of an emergency, to maintain an acceptable level of public order and services, and to protect lives, safety and property. The Chairman shall recite his findings in the Declaration.

(B) The Declaration shall be in writing. The Chairman shall take reasonable steps to give notice of the terms of the Declaration to those affected by it and shall post a copy of it in the County Courthouse. The Chairman shall send copies of the Declaration to the mass communications media which serve the affected area. The Chairman shall maintain the written Declaration and furnish upon request certified copies of it for use as evidence. The Declaration shall be posted conspicuously on the County website and a written, signed copy of the Declaration shall be forwarded to North Carolina's WebEOC, critical incident management system before the Declaration becomes effective.

### **§30.2 EVACUATION.**

The Chairman is empowered to direct and compel the evacuation of all or part of the population of the County of Surry; to prescribe routes, modes of transportation and destination in connection with evacuation; and to control ingress and egress of a disaster area, the movement of persons within the area and the occupancy of premises therein. Details of the evacuation may be set forth or amended in a subsequent Declaration which shall be well publicized.

### **§30.23 CURFEW.**

(A) The ordinance may impose a curfew prohibiting in certain areas during certain periods of time the appearance in public of anyone who is not a member of an exempted class. The ordinance shall specify the geographical area and the period during each 24 hour day to which the curfew applies. The Chairman may exempt from some or all of the curfew restrictions classes of people whose exemption the Chairman finds necessary for the preservation of public health, safety and welfare. The ordinance shall state the exempted classes and restrictions from which each is exempted.

(b) Unless otherwise specified in the ordinance, the curfew shall apply during the specified period, each day until the Chairman declares the curfew to have expired.

### **§30.24 ALCOHOLIC BEVERAGES; RESTRICTIONS.**

The ordinance may prohibit the possession or consumption of any alcoholic beverage; including beer, wine, and liquor other than on one's own premises, and may prohibit the transfer, transportation, sale or purchase of any alcoholic beverage within the emergency area. The prohibition, if imposed, may apply to transfer of alcoholic beverages by employees of Alcoholic Beverage Control stores or by anyone else within the emergency area.

### **§30.25 DANGEROUS WEAPON AND SUBSTANCE; RESTRICTIONS.**

(A) The ordinance may prohibit the transportation or possession off one's own premises, or the sale of any dangerous weapon, or substance. **This section does not apply to lawfully possessed firearms or ammunition.** The Chairman may exempt from some or all of the restrictions classes of people whose possession transfer, transportation of certain dangerous weapons or substances is necessary to the preservation of the public's health, safety or welfare. The ordinance shall state the exempted classes and restrictions from which each is exempted.

(B) Dangerous weapon or substance means:

- (1) Any deadly weapon, ammunition, explosive, incendiary device, radioactive material or device, gasoline or other instrument or substance designed for use that carries a threat of serious bodily injury or destruction property;
- (2) Any other instrument or substance will be so that is capable of being used to inflict serious bodily harm or injury/destruction to property.
- (3) Any part or ingredient in any substance included above when the circumstances indicate probability that such a part or ingredient will be so used.

(C) If imposed, the ordinance shall apply throughout the jurisdiction of the County or such part thereof as is designated in the ordinance.

### **§30.26 ACCESS TO AREAS; RESTRICTIONS.**

(A) The ordinance may prohibit obtaining access or attempting to obtain access to any area designated in the manner described in this section, in violation of any order, clearly posted notice indicating that access is denied or restricted.

(B) Areas to which access is denied shall be designated by the sheriff or his designee when directed in the ordinance to do so by the Chairman. In acting under this authority, the sheriff or his designee may restrict or deny access to any area, street, highway or location within the County if that restriction or denial of access is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.

### **§30.27 REMOVAL OF PROHIBITIONS AND RESTRICTIONS.**

The Chairman shall terminate the Declaration of State of Emergency or remove prohibitions or restrictions when the emergency no longer requires. Any ordinance issued under this chapter shall expire at the time directed by the Chairman.

**(1) Superseding an amendatory proclamation.** The Chairman, in his discretion, may revoke the restrictions authorized by this chapter in separate ordinances, and may amend any ordinance by means of a superseding ordinance in accordance with the procedures outlined herein.

In case of the absence or disability of the Chairman, the Vice-Chairman of the Board of Commissioners, or such other persons as designated by the Board of Commissioners, shall have and exercise all of the powers herein given to the Chairman.

### **§30.28 PENALTY.**

Any person violating any ordinance or declaration authorized by this chapter shall be guilty of a misdemeanor in Class 2 in accordance with G.S. §14-288.20A.

### **§30.29 SUPERSEDES PERVIOUS ORDINANCE.**

This ordinance shall supersede the previous ordinance applying to States Of Emergency.