

LAKE PARK STATE OF EMERGENCY ORDINANCE

AN ORDINANCE AUTHORIZING THE DECLARATION OF A STATE OF EMERGENCY AND THE IMPOSITION OF PROHIBITIONS AND RESTRICTIONS DURING A STATE OF EMERGENCY

Under the authority of Article 36A of Chapter 14, Chapter 160A of the North Carolina General Statutes and Chapter 166A of the North Carolina General Statutes, the Village Council of the Village of Lake Park, North Carolina, North Carolina does hereby ordain as follows:

Section 1. State of Emergency; Restrictions Authorized

- (a) A State of Emergency shall be deemed to exist whenever the Mayor of the Village of Lake Park makes a finding and declaration that such an Emergency exists. “Emergency” is defined to mean 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, weather-related, or riot-related cause.
- (b) In the event of an existing or threatened State of Emergency endangering the lives, safety, health and welfare of the people within corporate borders of the Village of Lake Park, North Carolina, or threatening damages to or destruction of property, the Mayor of Lake Park, North Carolina is hereby authorized and empowered under G.S. 14-288.12, 160A-174(a) and 166A-19.22 to issue a public Declaration 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 Village of Lake Park, to place in effect any or all of the restrictions hereinafter authorized.
- (c) The Mayor is hereby authorized and empowered to limit by the Declaration the application of all or any part of such restrictions to any area specifically designated or described within the Village of Lake Park and to specify hours of the day or night; and to exempt from all or any part of such restrictions, while acting in the line of and within the scope of their respective duties, law enforcement officers, firemen and other public employees, rescue squad

members, 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, television broadcasting corporations operated for profit, members of the clergy and members of the Lake Park Village Council; 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 people within Lake Park.

Section 2. Declaration Imposing Prohibitions and Restrictions

- (a) The Mayor of the Village of Lake Park, North Carolina by Declaration may impose the prohibitions and restrictions specified in sections 3 through 8 of this ordinance in the manner described in those sections. The Mayor may impose as many of those specified prohibitions and restrictions as he or she finds are necessary, because of an emergency, to maintain an acceptable level of public order and services, and to protect lives, safety, and property. The Mayor shall recite his findings in the Declaration.
- (b) The Declaration shall be in writing. The Mayor shall take reasonable steps to give notice of the terms of the Declaration to those affected by it and shall, within his/her reasonable abilities to do so in the context of the emergency being declared post a copy of the declaration at the Community Center, the Village kiosk, on the Village Website and in the Union County Courthouse. The Mayor shall send reports of the substance of the Declaration to the mass communications media which serves the affected area. The Mayor shall retain a text of the Declaration and furnish upon request certified copies of it.

Section 3. Evacuation

The Mayor may direct and compel the voluntary or mandatory evacuation of all or part of the population of Lake Park; prescribe routes, modes of transportation, and destination in connection with evacuation; and control ingress and egress of an emergency 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.

Section 4. Curfew

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

(b) Unless otherwise specified in the Declaration, the curfew shall apply during the specified period each day until the Mayor by Declaration removes the curfew.

Section 5. Restrictions on Possession, Consumption, or Transfer of Alcoholic Beverages

The Declaration may prohibit the possession or consumption of any alcoholic beverage; including beer, wine, and spirituous liquor other than on one's own premises, and may prohibit the transfer, transportation, sale or purchase of any alcoholic beverage within the area of Lake Park described in the Declaration. The prohibition, if imposed, may apply to transfers of alcoholic beverages by employees of Alcoholic Beverage Control stores as well as by anyone else within the geographical area described.

Section 6. Restriction on Possession, Transportation, and Transfer of Dangerous Weapons and Substances

(a) The Declaration may prohibit the transportation or possession off one's own premises, or the sale or purchase of any dangerous weapon or substance. The Mayor may exempt from some or all of the restrictions classes of people whose possession, transfer, or transportation of certain dangerous weapons or substances is

necessary to the preservation of the public health, safety, or welfare. The Declaration shall state the exempted classes and the restrictions from which each is exempted.

(b) Except as stated in subsection (c) below, “dangerous weapon or substance” means:

(1) Any deadly weapon, ammunition, explosive, incendiary device, radioactive material or device as defined in G.S. 14-288.8(c)(5), gasoline, or other instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property.

(2) Any other instrument or substance that is capable or being used to inflict serious bodily injury or destruction of property, when the circumstances indicate that there is some probability that such instrument or substance will be so used.

(3) Any part or ingredient in any instrument or substance included above when the circumstances indicate a probability that such a part or ingredient will be so used.

(c) Notwithstanding anything in this ordinance to the contrary, “dangerous weapon or substance” shall not be deemed to include “lawfully possessed firearms or ammunition.” The term “firearm” shall have the same meaning as that term is used in G.S. 14-409.39(2): a handgun, a shotgun, or rifle which expels a projectile by action of an explosion. The term “handgun” shall have the same meaning as that term is used in G.S. 14-409.39(3): a pistol, revolver, or other gun that has a short stock and is designed to be held and fired by the use of a single hand.

(d) If imposed, the restrictions shall apply throughout the jurisdiction of Lake Park or such part thereof as designated in the Declaration.

Section 7. Restrictions on Access to Areas

(a) The Declaration 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, or barricade indicating that access is denied or restricted.

- (b) Areas to which access is denied or restricted shall be designated by the Sheriff and his subordinates or other law enforcement officer when directed in the Declaration to do so by the Mayor. When acting under this authority, the Sheriff and his subordinates or other law enforcement officer may restrict or deny access to any area, street, highway or location within the jurisdictional borders of the Village of Lake Park if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency

Section 8. The Declaration may prohibit or restrict:

- (a) Movements of people in public places;
- (b) The operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate; and
- (c) 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, within the areas designated in the Declaration.

Section 9. Removal of Prohibitions and Restrictions

The Mayor shall by Declaration terminate the entire declaration of emergency or remove any of the prohibitions and restrictions when the emergency no longer requires them, or when directed to do so by the Village Council.

Section 10. Superseding and Amendatory Proclamation

The Mayor in his discretion may invoke the restrictions authorized by this ordinance in a separate Declaration, and may amend any Declaration by means of a superseding Declaration in accordance with the procedures set forth in Section 2.

Section 11.

Any Declaration of a State of Emergency issued under this ordinance shall expire when it is terminated by the Mayor. Prohibitions and restrictions imposed pursuant to the authority granted by this ordinance shall expire upon the earliest occurrence of either of the following: (1) The prohibition or restriction is terminated by the Mayor or (2) The State of Emergency is terminated.

Section 12. In Case of Absence or Disability of Chairman

In case of the absence or disability of the Mayor, the Mayor Pro Tem of the Village Council of the Village of Lake Park, or such other person as may be designated by the Village Council, shall have and exercise all of the powers herein given the Mayor.

Section 13. Penalty for Violation

Any person violating any prohibition or restriction imposed by a Declaration authorized by this ordinance shall be guilty of a Class 2 misdemeanor, as provided by G.S. 166A-19.31 and G.S. 14-288.20A.

Section 14. Conflicting ordinances

Whenever the provisions of this Ordinance conflict with other Ordinances of Union County, this Ordinance shall govern to the extent permitted by law.

Section 15. Conjunction with Similar Declaration by the Chairman of the Board of County Commissioners, the Governor of the State of North Carolina or President of the United States

This Ordinance is intended to work in conjunction with any similar Declaration by the Chairman of the Board of Union County Commissioners, the Governor of the State of North Carolina or the President of the United States. The Mayor shall work together with the County, State and Federal agencies designated under its respective authority to insure that there are no material conflicts between any declaration made pursuant to this ordinance and that made by the County, State or Federal Governments that would negatively impact

the public health, safety, or welfare of the citizens of Lake Park. More specifically, the Mayor shall make any necessary findings or directives under the declaration authorized by this Ordinance to insure that the citizens of the Village of Lake Park are provided every service and attention that can be as part of any similar County, State or Federal declaration. Such intent in this regard is evidenced by the prior resolution of the Village Council of the Village of Lake Park consenting to the application of the Union County State of Emergency Ordinance.

Section 16. Validity

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Mayor hereby declares that it would have passed this ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 17. Effective Date of Ordinance

This Ordinance shall become effective upon adoption by the Village Council of the Village of Lake Park on the date ordained as set forth herein below.

Adopted and ordained this the ____ day of _____, 2013.

Mayor Kendall Spence

Attest:

Cheri Clark
Village Clerk