

AMENDING CHAPTER 9

AN ORDINANCE AMENDING CHAPTER 9 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO CIVIL PREPAREDNESS AND EMERGENCY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Chapter 9, Article I, of the Greensboro Code of Ordinances is hereby amended by rewriting the entire article as follows:

ARTICLE I. -- IN GENERAL

Sec. 9-1. -- Emergency management assistance agency.

(a)

~~There is created an emergency management assistance agency. The head of the agency shall be known as the coordinator of the emergency management assistance agency. The position of coordinator shall be a joint appointment by the city manager and the county manager. The coordinator shall serve at the pleasure of the city manager and the county manager. The department shall be responsible:~~

(1)

~~To ensure the coordination to the maximum extent of integrated emergency planning and response between the resources of the county and the city. Among the functions and purposes of this office are:~~

a.

~~To perform emergency research, information and coordinated planning for emergencies from natural causes such as severe weather (winter, tornado, drought, and urban flooding) and manmade (such as chemical spills and emissions, petroleum emergencies, evacuation, air, rail, energy shortages, peacetime radiation incidents, and nuclear war research and evaluation and disaster relief and assistance planning).~~

b.

~~To provide planning services upon request to law enforcement in the areas of civil disturbances and acts of terrorism, and to city and county planning and other agencies in the areas of FEMA floodplain requirements and FEMA grants and related human services grants.~~

(2)

~~The emergency management assistance agency shall be designated as the central area where such plans are formulated for the approval of the City of Greensboro, the City of Jamestown, the City of Gibsonville and the county.~~

(b)

~~Planning will be conducted by committees formed by the coordinator. Plans will include pertinent membership from all affected departments, agencies, businesses and~~

~~public interest groups. This agency shall not relieve any other governmental department or agency of its responsibilities or authority.~~

~~(e)~~

~~The coordinator shall be responsible to the city and the county. The city and the county shall jointly approve the emergency management assistance agency budget.~~

~~(d)~~

~~During emergencies that fall either within the city or rural Guilford County, the emergency management assistance agency shall be supervised by the manager of the appropriation jurisdiction or his designee. During emergencies that fall within both areas, the emergency management assistance agency staff shall be supervised by both managers or their designees. The coordinator may be called upon to act as local government's coordinator with the comparable office of the City of High Point, other counties and cities and agencies of the state.~~

~~(Code 1961, § 2-43)~~

~~State Law reference—Municipal emergency management, G.S. § 166A-7.~~

~~Sec. 9-2.-- State of emergency; curfew, etc., authorized.~~

~~(a)~~

~~A state of emergency shall be deemed to exist whenever there exists times of great public crisis, disaster, rioting, catastrophe or similar public emergency and there is immediate danger to lives, safety or property.~~

~~(b)~~

~~In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the city, or threatening damage to or destruction of property, the mayor may 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, safety and property of people within the city, to define and impose a curfew applicable to all persons within the jurisdiction of the city. In issuing any such proclamation, the mayor may utilize the standardized proclamation form promulgated by the Greensboro-Guilford County Emergency Management Assistance Agency and may exempt from any provision of such proclamation those persons deemed to be essential to the preservation of public order and necessary to service the safety, health and welfare of the people within the city.~~

~~(c)~~

~~The mayor may limit the application of such a curfew to any area specifically designated and described within the corporate limits of the city and to specify hours of the day or night, and exempt from the curfew policemen, firemen, doctors, nurses and other public officials, including such other persons authorized by the chief of police 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 and curfew 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 impose by proclamation any or all of the following restrictions:~~

~~(1)~~

~~Prohibit or regulate the possession, off one's own premises, of explosives, blasting caps, firearms, ammunition, or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof.~~

~~(2)~~

~~Prohibit or regulate the buying or selling of beer, wine, or intoxicating beverages of any kind, and their possession or consumption off one's own premises.~~

~~(3)~~

~~Prohibit or regulate any demonstration, parade, march, vigil or participation therein from taking place on any of the public ways or upon any public property.~~

~~(4)~~

~~Prohibit or regulate the sale of gasoline, kerosene, naphtha, or any other explosive or inflammable fluids or substances.~~

~~(5)~~

~~Prohibit or regulate travel upon any public street, alley, or roadway or upon any other public property, except by those in search of medical assistance, food or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof.~~

~~(6)~~

~~Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment, and any other places of public assembly.~~

~~(7)~~

~~Restrict or fully prohibit access to designated areas of the city, including an order of total evacuation of persons from designated areas. Police, fire and other emergency personnel are specifically authorized to enforce such restrictions or prohibitions including the authority to use reasonable force to restrict access or to effect evacuation.~~

~~(8)~~

~~Regulation of the sale or use of scarce supplies which are essential for the public health or safety.~~

~~(9)~~

~~Regulation of evacuation and evacuation shelters which may be reasonably necessary to maintain law and order and protect lives and property.~~

~~(10)~~

~~Regulations relating to the sales price of goods to prevent "price gouging," defined as the sale of goods in excess of the manufacturer's suggested retail price or at a price above the pre-emergency level, unless the merchant can document purchase of the goods at increased cost. Any restrictions imposed under this paragraph shall extend for a period of ninety (90) days following the date of the~~

~~declaration of the state of emergency unless sooner terminated by proclamation or resolution.~~

~~(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.~~

~~(h)~~

~~Mutual aid agreements. The mayor, with the concurrence of the council, may enter into mutual aid agreements for reciprocal emergency management aid and assistance. Such agreements shall be consistent with state and local emergency management programs and plans.~~

~~(Code 1961, § 13-22; Ord. No. 99-159, § 1, 9-21-99)~~

~~State Law reference—Civil emergency ordinances, G.S. § 14-288.12.~~

~~Secs. 9-3—9-15. --Reserved.~~

ARTICLE I. IN GENERAL

Sec. 9-1. - Restrictions authorized.

- (a) A state of emergency shall be deemed to exist whenever during times of public crisis, disaster, rioting, catastrophe or similar public emergency, for any reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety or property, or whenever the occurrence of any such condition is imminent.**
- (b) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the City of Greensboro or any part thereof or threatening damages to or destruction of property, the Mayor or the City Council is hereby authorized and empowered under G.S. 166A-19.22 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 county, to place in effect any or all of the restrictions hereinafter authorized. The Mayor or the City Council shall fully utilize all available emergency service and management agencies and coordinators.**
- (c) The Mayor or the City Council 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 City and to specific 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, firefighters 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 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 people within the City of Greensboro.

Sec. 9-2. - Proclamation imposing prohibitions and restrictions.

- (a) The Mayor or the City Council by proclamation may impose the prohibitions and restrictions specified in section 9-3 through 9-8 of this article in the manner described in those sections. The Mayor or the City Council may impose as many of those specified prohibitions and restrictions as he/she finds necessary because of an emergency to maintain an acceptable level of public order and services and to protect lives, safety and property. The Mayor or the City Council shall recite the findings in the proclamation.
- (b) The proclamation shall be in writing. The Mayor or the City Council shall take reasonable steps to give notice of the terms of the proclamation to those affected by it and shall post a copy of it in the Melvin Municipal Office Building and the county courthouse. The Mayor or the City Council shall send reports of the substance of the proclamation to the mass communications media which serve the affected area. The Mayor or the City Council shall retain a text of the proclamation and furnish upon request certified copies of it.

Sec. 9-3. - Evacuation.

The Mayor or the City Council may direct and compel the voluntary or mandatory evacuation of all or part of the population of the City; 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 or amended in a subsequent proclamation which shall be well publicized.

Sec. 9-4. - Curfew.

- (a) The proclamation 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 proclamation shall specify the geographical area or areas and the period during each 24-hour day to which the curfew applies. The Mayor or the City Council may exempt from some or all of the curfew restrictions classes of people whose exemption the Mayor or City Council finds necessary for the preservation of the public health, safety and welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.
- (b) Unless otherwise specified in the proclamation, the curfew shall apply during the specified period each day until the Mayor or the City Council by proclamation removes the curfew.

Sec. 9-5. - Restrictions on possession, consumption or transfer of alcoholic beverages.

The proclamation 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 the City described in the proclamation. The prohibition, if imposed, may apply to transfer of alcoholic beverages by employees of alcoholic beverage control stores as well as by anyone else within the geographical area described.

Sec. 9-6. - Restriction on possession, transportation and transfer of dangerous weapons and substances.

(a) The proclamation may prohibit the transportation or possession off one's own premises or the sale or purchase of any dangerous weapon or substance. The Mayor or the City Council 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's health, safety or welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

(b) "Dangerous weapon or substance" means:

(1) Any item described as a "Dangerous weapon or substance" as defined in G.S. 14-288.1.

(2) Any other instrument or substance that is capable of 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.

(4) Except that this article does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used in this article, "firearm" has the same meaning as it does under G.S. 14.409.39(2).

(c) If imposed, the restrictions shall apply throughout the jurisdiction of the City or such part thereof as designated in the proclamation.

(d) A violation of this section shall be punishable as provided in G.S. 14-288.7.

Sec.9-7. - Restriction on access to areas.

(a) The proclamation 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 Chief of Police and his subordinates or other law enforcement officer when directed in the proclamation to do so by the Mayor or the City Council. When acting under this authority, the Chief of Police and his subordinates may restrict or deny access to any area, street, highway or location within the City 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.

Sec. 9-8. - Activities, etc., prohibited or restricted.

The following activities or conditions may be prohibited or restricted:

- (1) Movements of people in public places;
- (2) The operation of offices, business establishments and other places to or from which people may travel or at which they may congregate; and
- (3) 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 area designated in the proclamation.

Sec. 9-9. - Removal of prohibitions and restrictions.

The Mayor or the City Council shall by proclamation terminate the entire declaration of emergency or remove any of the prohibitions and restrictions when the emergency no longer requires them.

Sec. 9-10. - Superseding and amending proclamations.

The Mayor or the City Council, in his/her discretion, may invoke the restrictions authorized by this article in separate proclamations and may amend any proclamation by means of a superseding proclamation in accordance with the procedures set forth in section 9-2.

Sec. 9-11. - Termination of proclamation.

Any proclamation issued under this article shall expire five days after its last imposition unless sooner terminated in writing under the same procedures set forth in section 9-2 for proclamations.

Sec. 9-12. - Exercise of powers in absence or disability of Mayor.

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

Sec. 9-13. - Penalty for violation.

Except as provided in section 9-6, any person violating any prohibition or restriction imposed by a proclamation authorized by this article shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding \$500.00 and/or imprisonment not exceeding 30 days, as provided by G.S. 14-4.

Sec. 9-14. - Territorial applicability.

This article shall apply within the corporate limits of the City of Greensboro or within the area of the county over which the municipality has jurisdiction to enact general police power ordinances.

Section 2. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.