

HAYWOOD COUNTY EMERGENCY OPERATIONS PLAN
APPENDIX 4
STATE OF EMERGENCY ORDINANCES



PROCLAMATION OF A STATE OF EMERGENCY

- SECTION 1 Pursuant to the Haywood County State of Emergency Ordinance and Chapter 166 A of North Carolina's General Statutes and Article 36A of Chapter 14 of North Carolina's General Statutes, I have determined that a State of Emergency as defined in the County State of Emergency Ordinance does exist in the County of Haywood because of damage occurring from an ice storm beginning December 4, 2002.
- SECTION 2 I, therefore, proclaim the existence of a State of Emergency in the County of Haywood.
- SECTION 3 I hereby order all county law enforcement officers and employees and all other emergency management personnel subject to my control to cooperate in the enforcement and implementation of the provisions of the county emergency ordinances set forth below.
- SECTION 4 County personnel are authorized to establish emergency shelters and to expend necessary county funds to provide temporary congregate care for Haywood County Citizens.
- SECTION 5 County agencies shall work cooperatively to assure the needs of Haywood County citizens are met to the extent possible with those resources under my control.
- SECTION 6 EXECUTION OF EMERGENCY PLAN. All civilians and emergency management personnel are ordered to comply with Haywood County's All Hazards, Emergency Plan.
- SECTION 7 This proclamation shall become effective immediately. Proclaimed this the 4th day of December, 2002, at 23:00 hours

Chairman - Haywood County Board of Commissioners

PROCLAMATION OF A MUNICIPAL STATE OF EMERGENCY

SECTION 1 Pursuant to the City of _____ State of Emergency Ordinance and Chapter 166 A of North Carolina's General Statutes and Article 36A of Chapter 14 of North Carolina's General Statutes, I have determined that a State of Emergency as defined in the County State of Emergency Ordinance does exist in the City of _____ because of damage occurring from an ice storm beginning December 4, 2002.

SECTION 2 I, therefore, proclaim the existence of a State of Emergency in the City of _____.

SECTION 3 I hereby order all county law enforcement officers and employees and all other emergency management personnel subject to my control to cooperate in the enforcement and implementation of the provisions of the county emergency ordinances set forth below.

SECTION 4 County personnel are authorized to establish emergency shelters and to expend necessary county funds to provide temporary congregate care for City of _____ Citizens.

SECTION 5 County agencies shall work cooperatively to assure the needs of Gaston County citizens are met to the extent possible with those resources under my control.

SECTION 6 EXECUTION OF EMERGENCY PLAN. All civilians and emergency management personnel are ordered to comply with Gaston County's All Hazards, Emergency Plan which has been adopted by the City of _____.

SECTION 7 This proclamation shall become effective immediately. Proclaimed this the 4th day of December, 2002, at 23:00 hours

Mayor - City of _____

**ATTACHMENT 1
APPENDIX 4
SAMPLE
STATE OF EMERGENCY PROCLAMATION**

**STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD**

CITY OF

OFFICE OF THE MAYOR

**PROCLAMATION OF A
STATE OF EMERGENCY**

The following Proclamation is issued by the Mayor of the City of

_____:

WHEREAS, information from the National Weather Service, National Oceanic and Atmospheric Administration and other sources indicate that a hurricane is approaching the North Carolina coast and is likely to make landfall within the immediate future; and

WHEREAS, there is a high probability that the path of said hurricane will cause it to make landfall on the North Carolina Coast and to pass through or near Haywood County and the City of _____ within the next ____ hours; and

WHEREAS, said hurricane is likely to be preceded, accompanied and followed by high winds and heavy rains of such severity as to be capable of causing widespread and severe damage; and further, that such conditions are beginning to occur and are likely to worsen, and that such conditions may exist in the City _____ for several days; and

WHEREAS, the weather conditions associated with the hurricane are such as to constitute an imminent threat of widespread or severe damage, injury or loss of life or property;

NOW, THEREFORE, pursuant to the authority contained in Article 1 of N.C.G.S. Chapter 166A, Article 36A of N.C.G.S. Chapter 14, and Chapter ____ of Title ____ of the _____ City Code, I _____, Mayor of the City of _____, do hereby proclaim that a State of Emergency exists within the City of _____.

I further proclaim that the ordinances set forth below, which are contained in Chapter __ of Title __ of the _____ City Code, are necessary in order to maintain an acceptable level of public order, services, and protection of lives, safety and property during this emergency, and that the same shall be in effect within the City of _____ until this Proclamation expires or is rescinded.

I hereby order all county law enforcement officers and employees and all other emergency management personnel subject to my control to cooperate in the enforcement and implementation of the emergency ordinances set forth below.

A. Possession, Consumption & Transfer of Intoxicating Liquor. (City Code § ____)

1. No person shall possess or consume any intoxicating liquor, including beer and wine, other than on his or her premises.
2. No person shall sell, purchase, transport or otherwise transfer any intoxicating liquor, including beer and wine.

B. Curfew. (City Code § ____)

1. No person not exempted by this proclamation shall appear in public in the geographic area described in this proclamation between the hours of ____ p.m. and midnight or between the hours of midnight and ____ a.m. of any day.

2. This curfew shall apply to the following areas:

(a) The area within the corporate limits of the City of _____.

3. The following classes of people are exempt from these curfew restrictions in the circumstances indicated:

- (a) Any police or public safety officer or other government employee engaged in official business;
- (b) Any member, volunteer or employee of an organization providing disaster relief services;
- (c) Any person in transit from a place where they were temporarily engaged and could not have planned their departure to avoid the curfew.
- (d) Any medical service provider engaged in delivering medical services.
- (e) Members of the news media engaged in duties essential to providing public information.

All of the above must carry proper identification.

C. Possession and Transfer of Dangerous Weapons or Substances. (City Code § ____)

1. No person shall possess any dangerous weapons or substances unless they remain in a place of storage on his or her premises, or, if they cannot be readily stored on his or her premises, unless they remain in a customary place of storage not readily available to the possessor. No person may transport or sell or otherwise transfer any guns, rifles, ammunitions, dynamite, and any or all dangerous weapons or substances.

2. The following classes of people are exempt from these restrictions in the circumstances indicated:

- (a) Police and public safety officers may possess any weapon necessary to carry out their duties when on active duty;

(b) Any person may possess gasoline when the gasoline is in the tank of an automobile in his or her possession; or if engaged in the business of selling gasoline.

D. Access to Restricted Areas. (City Code §____)

1. The Chief of Police and his or her subordinates may restrict or deny access to any area, location, or street where such a restriction is necessary in order to help overcome this emergency or to prevent the emergency from worsening. These restrictions on access shall be indicated by means of barricades, posted notices, or orders to anyone in the area.
2. No person shall obtain access or attempt to obtain access to any area, location, or street to which the Chief of Police or his or her subordinates have restricted access according to the above directive.

E. Evacuation. (City Code §____)

1. I have determined that, in the best interest of public safety and protection, it is necessary to evacuate the civilian population from the City of _____.
Evacuation is to occur as soon as possible.
2. Citizens are free to use any type of transportation, but in leaving the city, they are to use the following routes: _____.

I further proclaim that the Emergency Management Plan adopted by the City of _____, and all applicable mutual assistance compacts and agreements are in effect and shall remain in effect until this proclamation expires or is rescinded. All emergency management personnel are hereby ordered to cooperate in the implementation of the provisions of the City's Emergency Management Plan and all applicable mutual assistance compacts and agreements, and to furnish assistance thereunder.

I direct that copies of this Proclamation be disseminated to the mass communications media for publication and broadcast, and that a copy of this Proclamation be posted in City Hall and other public buildings as appropriate.

This Proclamation shall be effective immediately and shall remain in effect for a Period of five days unless sooner rescinded pursuant to G.S. 14-288.16.

Proclaimed this the ___ day of _____, at _____ (a.m./p.m.)

Mayor, City of _____

APPROVED AS TO FORM:

City Attorney

**ATTACHMENT 2
APPENDIX 4
SAMPLE
TERMINATION OF A STATE OF EMERGENCY**

**TERMINATION OF
STATE OF EMERGENCY**

WHEREAS, on _____, at _____ (a.m./p.m.), I determined and proclaimed a local state of emergency for the City of _____; and

WHEREAS, on _____, at _____ (a.m./p.m.), I ordered the evacuation of all civilians from the area, imposed a curfew, imposed restrictions on the sale and transfer of alcoholic beverages, firearms, ammunition and explosives and ordered the implementation of the Emergency Management Plan and mutual assistance compacts and agreements; and

WHEREAS, I have determined that a state of emergency no longer exists in the City of _____.

NOW THEREFORE, I thereby terminate the above-referenced proclamation of a local state of emergency and all of the restrictions and orders therein.

This proclamation is effective immediately.

Proclaimed this the ___ day of _____, at _____ (a.m./p.m.)

Mayor, City of _____