

TITLE III: ADMINISTRATION

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CHAPTER 30: BOARD OF COMMISSIONERS

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GENERAL PROVISIONS**§ 30.01 QUALIFICATIONS FOR OFFICE.**

Upon the motion of any member, the Board of Commissioners shall determine the qualifications of any member. An office may be declared vacant by majority vote of the Board membership if the member fails to meet any of the statutory or constitutional requirements of office.

(1999 Code, § 30.01)

Statutory reference:

Qualifications for elective office, see G.S. § 160A-59

Vacancies, see G.S. § 160A-63

MEETINGS**§ 30.15 REGULAR MEETINGS.**

The Board shall hold a regular meeting on the fourth Monday of each month, unless that day is a legal holiday, in which case the meeting shall be held on the next day or at some other date to be determined by a vote of the Board of Commissioners. The meeting shall be held at the town hall and shall begin at 7:00 p.m.

(1999 Code, § 30.15)

Charter-reference:

Meetings of the Board, see Charter, Section 2.5

Statutory reference:

Regular meetings, see G.S. § 160A-71

§ 30.16 SPECIAL MEETINGS.

(A) The Mayor, the Mayor Pro Tempore, or any two members of the Board of Commissioners may at any time call a special Board meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the Mayor and each Board member or left at his or her usual dwelling place at least six hours before the meeting. Special meetings may be held at any time when the Mayor and all members of the Board are present and consent thereto, or when those not present have signed a written waiver of notice. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or have signed a written waiver of notice.

(B) The public shall also be notified of any special meeting by giving written notification to the media of the time and place of the meeting and the subjects to be considered at least six hours prior to the meeting.

(1999 Code, § 30.16)

Statutory reference:

Special meetings, see G.S. § 160A-71

§ 30.17 ORGANIZATIONAL MEETINGS.

(A) At the first regular meeting in December following a general election in which Boardmembers are elected, the newly elected members shall, as the first order of business, take and subscribe the oath of office.

(B) The oath of office shall be that prescribed by Article VI, Section 7 of the North Carolina Constitution, as set forth in § 31.01 of this code.

(C) Also at the organizational meeting, the Board shall elect from its members a Mayor Pro Tempore as provided in the town Charter. The Mayor Pro Tempore shall exercise any of the powers and duties of the Mayor during the Mayor's absence or incapacitation, as provided in G.S. § 160A-70.

(1999 Code, § 30.17)

Statutory reference:

Time of municipal elections, see G.S. § 163-279

§ 30.18 ROBERT'S RULES OF ORDER.

Robert's Rules of Order shall govern all procedural matters not addressed by the provisions of this subchapter. However, no action taken by the Board of Commissioners shall be invalidated by a failure to abide by *Robert's Rules of Order*.

(1999 Code, § 30.18)

§ 30.19 AGENDA.

(A) *Preparation.* The Mayor and/or Manager shall prepare the agenda for the meeting.

(B) *Requests to be placed on agenda.* A request to have any item of business placed on the agenda must be received by the Mayor or Manager in sufficient time so that the agenda may be printed and distributed in accordance with division (E) of this section, and to this end the Board may establish an appropriate deadline to receive such requests.

(C) *Requests to address Board.* Any individual or group that wishes to address the Board shall make a request to be on the agenda to the Manager. However, the Board of Commissioners shall determine at the meeting whether the individual or group will be heard by the Board.

(D) *Contents.* The agenda shall include, for each item of business placed on it, as much background information on the subject as is available and feasible to reproduce. Whenever possible a copy of all proposed ordinances shall be attached to the agenda and distributed simultaneously.

(E) *Inspection and distribution.* Copies of the agenda and attachments shall be available for public inspection as soon as they are completed. The Manager shall mail or deliver copies of the agenda and attachments to the Board members in sufficient time to ensure that they are received prior to the meeting. Additional copies of the agenda may be available for the press and interested members of the public.

(F) *Additions.* The Board may, by majority vote of the Board membership, add an item of business that is not on the agenda. Unless otherwise specified by the Board, additions to the agenda shall be taken up at the conclusion of all other regular business.
(1999 Code, § 30.19)

§ 30.20 ORDER OF BUSINESS.

(A) Items of business shall be taken up at a meeting in the order that they appear on the agenda, except as provided in division (D) of this section.

(B) Items shall be placed on the agenda according to the order of business established by the Board of Commissioners upon recommendation of the Manager.

(C) In establishing the order of business, the Board of Commissioners may authorize broad categories of business to be included as agenda items, such as "members of the public wishing to be heard," or "matters by the Manager," or "matters by the Attorney."

(D) Items may be considered out of order by consent of all members present or by majority upon a motion.
(1999 Code, § 30.20)

§ 30.21 PRESIDING OFFICER.

(A) The Mayor shall preside at meetings of the Board of Commissioners, except as provided in division (C) of this section. A member must be recognized by the Mayor in order to address the Board.

(B) As presiding officer, the Mayor shall have the following powers, in addition to those conferred elsewhere in this title:

(1) To rule motions in or out of order, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;

(2) To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule upon objections from other members on this ground;

(3) To entertain and answer questions of parliamentary law or procedure, subject to being overruled by a two-thirds vote of the membership of the Board;

(4) To call a brief recess at any time; and

(5) To adjourn in the event of an emergency.

(C) If the Mayor becomes actively engaged in debate on a particular proposal, he or she may delegate the duty to preside over the debate to the Mayor Pro Tempore or to any other member of the Board who is not so engaged and who acquiesces in the delegation. The temporary chairperson may only preside over the debate and may not participate in it; however, he or she does not forfeit his right to vote on the issue by acting as temporary chairperson. The chairperson shall resume the duty to preside as soon as action upon the matter is concluded.

(1999 Code, § 30.21)

§ 30.22 QUORUM.

A quorum is necessary for the Board of Commissioners to take any official action. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether a quorum is present.

(1999 Code, § 30.22)

§ 30.23 OFFICIAL ACTION.

(A) The Board of Commissioners shall proceed by motion. A motion, when duly seconded, brings the matter before the Board for its consideration.

(B) A motion may be withdrawn by the introducer at any time prior to a vote if the member who seconded the motion concurs.

(C) Subject to § 30.26 and other provisions of law, official action of the Board shall be majority vote.

(1999 Code, § 30.23)

§ 30.24 DEBATE.

(A) Once a motion has been stated and seconded, the Mayor shall open the floor to debate upon it.

(B) The Mayor shall preside over the debate according to the following general principles.

(1) The member who makes the motion is entitled to speak first.

(2) A member who has not spoken on the issue shall be recognized before someone who has already spoken.

(3) To the extent possible, the debate shall alternate between proponents and opponents of the measure.

(1999 Code, § 30.24)

§ 30.25 VOTING.

(A) Every member must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the chairperson, who shall take a vote of the remaining members on the question of excusing the member making the request.

(B) Unless excused from voting by the foregoing procedure, failure to vote by a member who is physically present in the meeting room, or who has withdrawn without being excused, shall be recorded as an affirmative vote.

(C) A member may be excused from voting on a particular issue by majority vote of the remaining members present if the matter at issue involves that member's own financial interest or official conduct. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.

(D) A roll call vote shall be taken upon the request of any member.

(E) When this chapter specifies that action shall be taken by majority vote or fails to specify the vote required, that shall be interpreted to mean a vote of the majority of those present and not excused from voting. When a two-thirds vote is required, that shall be interpreted to mean a vote of two-thirds of those present and not excused from voting. When a vote of a certain percentage of the Board membership is required, that shall be interpreted to mean the specified percentage of all seats on the Board, excluding vacant seats.

(1999 Code, § 30.25)

§ 30.26 ADOPTION OF ORDINANCES.

(A) No ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of the Board membership. When an ordinance requires a public hearing, the ordinance shall be considered introduced at the meeting when the Board sets a date for the public hearing.

(B) Franchise ordinances and amendments shall not be finally adopted until passed at two regular meetings of the Board.
(1999 Code, § 30.26)

§ 30.27 EXECUTIVE SESSIONS.

The Board of Commissioners may hold executive sessions in accordance with the Open Meetings Law (G.S. §§ 143-318.9 et seq.) and other provisions of law. The Board shall commence an executive session by a majority vote to do so and shall terminate an executive session in the same manner. Minutes shall be kept of executive sessions but shall remain sealed as provided by law.

(1999 Code, § 30.27)

Statutory reference:

Executive sessions, see G.S. § 143-318.11

§ 30.28 PUBLIC HEARINGS.

(A) Public hearings required by law or deemed advisable by the Board of Commissioners shall be scheduled pursuant to a motion adopted by a majority vote setting forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time of each speaker and other matters regarding the conduct of the hearing.

(B) At the appointed time the Mayor shall call the hearing to order and then preside over it. Upon the expiration of the allotted time, or when there are no individuals who wish to speak who have not done so, the Mayor shall declare the hearing ended.

(C) A quorum of the Board shall be required at all public hearings required by state law.
(1999 Code, § 30.28)

§ 30.29 MINUTES.

Minutes shall be kept of all meetings of the Board of Commissioners.

§ 30.30 CONFLICTS OF INTEREST

No member of the Board of Commissioners shall vote on any legislative decision where the outcome of the decision is likely to have a direct, substantial, and readily identifiable financial impact on the member. No member of the Board shall vote on any zoning

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amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

No member of the Board of Commissioners shall vote on any quasi-judicial decision in a manner that would violate the applicant or affected person's right to an impartial decision maker. This includes instances in which any Commissioner has a fixed opinion prior to the hearing that is not susceptible to change, has engaged in ex-parte communications, has a close familial, business, or other associational relationship with an affected person, or has a financial interest in the outcome of the matter.

(1999 Code, § 30.29)

MOTIONS

§ 30.40 SUBSTANTIVE AND PROCEDURAL MOTIONS.

(A) (1) A ***SUBSTANTIVE MOTION*** is a motion that seeks to have the Board of Commissioners exercise any of its powers, duties, or responsibilities.

(2) A motion to amend a substantive motion is also a substantive motion.

(3) A substantive motion, other than to amend, is out of order while another substantive motion is pending.

(B) A ***PROCEDURAL MOTION*** is a motion that relates either to the manner in which the Board conducts its business in general or the manner in which the Board deals with a particular substantive issue or substantive motion that is before it.

(C) Unless otherwise specifically provided, all motions authorized by this subchapter may be amended and debated.
(1999 Code, § 30.40)

§ 30.41 MOTION TO AMEND.

(A) An amendment to a motion must be germane to the subject matter of the motion, but it may achieve the opposite effect of the motion.

(B) There may be an amendment to the motion, and an amendment to an amendment, but no further amendments.

(C) Any amendment to a proposed ordinance shall be reduced to writing upon the call of any member.
(1999 Code, § 30.41)

§ 30.42 MOTIONS TO DISPOSE OF ISSUE WITHOUT DECIDING MERITS.

(A) ***Motion to defer consideration until a date certain.*** This motion requires that a date be set when without further action by the Board a matter will again be placed on the agenda.

(B) ***Motion to defer consideration indefinitely.*** Adoption of this motion removes the issue from the Board's consideration until such time as a motion to revive consideration is adopted (see § 30.43(A)) or a new motion dealing with the same issue is introduced and seconded (see § 30.44(A)).

(C) *Motion to refer to a committee.* Unless this motion includes an instruction to report the matter back by a date certain, or unless a motion is adopted under § 30.43(A), a matter referred to a committee remains there until returned to the Board by the committee.
(1999 Code, § 30.42)

§ 30.43 MOTIONS TO REVIVE OR RECONSIDER AN ISSUE.

(A) *Motion to revive consideration of an issue.* Adoption of this motion brings an issue back before the Board of Commissioners for its consideration, regardless of whether the issue had been deferred indefinitely or to a date certain.

(B) *Motion to recall an issue from committee.* Adoption of this motion may bring a matter immediately before the Board, or the motion may direct a committee to report an issue back to the Board by a date certain.

(C) *Motion to reconsider a vote.* This motion may be made only at the meeting at which the vote in question was taken and only by a member who voted with the prevailing side. If adopted, the effect is to negate the earlier vote and then bring the matter back before the Board as if the earlier vote had never taken place.
(1999 Code, § 30.43)

§ 30.44 RECONSIDERATION OF MATTERS DISPOSED OF ON THE MERITS.

(A) *Renewal of motions.* A motion that is defeated may be renewed at any subsequent meeting unless a motion has been adopted in accordance with division (B) of this section.

(B) *Motion to prevent reconsideration for six months.* This motion is in order immediately following the defeat of a substantive motion and at no other time. It requires a two-thirds vote for adoption. A matter concerning which this motion has been adopted may be brought before the Board prior to the expiration of six months pursuant to a vote to suspend the rules. This motion does not bind a new Board.
(1999 Code, § 30.44)

§ 30.45 MOTION TO TERMINATE DEBATE.

A motion to call the previous question is a motion to cut off debate on a matter under consideration and put the matter to a vote. This motion shall be in order at any time, but unless each Board member present has had an opportunity to speak at least once on the issue, the motion requires a two-thirds vote for adoption. This motion is not debatable and may not be amended.
(1999 Code, § 30.45)

§ 30.46 MISCELLANEOUS MOTIONS.

In addition to others authorized by this subchapter, the following motions shall be in order:

(A) Divide a complex question and consider it by paragraph;

(B) Suspend the rules. This motion shall require a two-thirds vote for adoption;

(C) Take a recess; or

(D) Adjourn. This motion may not be amended.

(1999 Code, § 30.46)

CHAPTER 31: TOWN OFFICIALS AND EMPLOYEES

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- 31.17 Town Attorney
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GENERAL PROVISIONS

§ 31.01 COMPENSATION; BOND; OATH.

(A) All officers and employees appointed by the Board of Commissioners shall serve at the pleasure of the Board except as otherwise provided by law, and shall receive for their services such compensation as may be established annually in the budget ordinance.

(B) The Board shall prescribe the required bond for each officer or employee that it deems necessary to be bonded, and no such officer or employee may begin the duties of his or her office until the required bond has been obtained.

(C) All elected and appointed officials shall take the following oath before beginning their duties:

“I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as _____, so help me God.”

(D) This oath may be administered by the Mayor or by any other official authorized to administer oaths by G.S. § 11-7.1, and shall be subscribed and filed with the Town Clerk.
(1999 Code, § 31.01)

Statutory reference:

Compensation of municipal employees, see G.S. § 160A-162

Oath of municipal officers, see G.S. § 160A-61

§ 31.02 POSITION CLASSIFICATION PLAN.

(A) The Manager shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department heads shall be responsible for bringing to the attention of the Manager the need for new positions and material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of existing positions.

(B) New positions shall be established only with the approval of the Board of Commissioners after which the Town Manager shall either allocate the new position to the appropriate class within the existing classification plan or recommend to the Board that it amend the position classification plan to establish a new class to which the new position may be allocated.

(C) When the Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, he or she shall:

(1) Direct that the existing class specification be revised;

(2) Reallocate the position to the appropriate class within the existing classification plan; or

(3) Recommend that the Board amend the position classification plan to establish a new plan to which the position may be allocated.

(D) The Board may, upon the recommendation of the Manager, add classes of positions to or delete them from the position classification plan.
(1999 Code, § 31.02)

§ 31.03 PAY PLAN.

The Manager shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions when considered in relation to each other, to general rates of pay for similar employment in the private sector and in other public jurisdictions in the area, to changes in the cost of living, to financial conditions of the town and to other

factors. To this end, the Manager shall from time to time make comparative studies of all factors affecting the level of salary ranges and shall recommend to the Board such changes in salary ranges as appear to be warranted.

(1999 Code, § 31.03)

§ 31.04 CONFLICTS OF INTEREST

No administrative staff member shall make a final decision on an administrative decision if the outcome of the decision would have a direct, substantial, readily identifiable financial impact on the staff member or if the applicant or other person subject to the decision is a person with whom the staff member has a close familial, business, or other associational relationship.

PROVISIONS CONCERNING SPECIFIC OFFICIALS

§ 31.15 TOWN MANAGER.

(A) *Appointment.* The Town Manager shall be appointed solely on the basis of his or her executive and administrative qualifications. He or she need not be a resident of the town or state at the time of his or her appointment. The Manager shall serve at the pleasure of the Board of Commissioners.

(B) *Powers and duties.* The Town Manager shall be the chief administrator of the town. The Manager shall be responsible to the Board for administering all municipal affairs placed in his or her charge by the Board, and in addition to those powers and duties assigned to him or her by the town Charter and by other provisions of law, the Manager shall:

(1) Appoint and suspend or remove all town officers and employees not elected by the people, except those whose appointment or removal is otherwise provided for by law, in accordance with such general personnel rules, regulations, policies, or ordinances as the Board may adopt;

(2) Direct and supervise the administration of all departments, offices, and agencies of the town, subject to the general direction and control of the Board, except as otherwise provided by law;

(3) Attend all meetings of the Board and recommend any measure that he or she deems expedient;

(4) See that all laws of the state, the town Charter, and the ordinances, resolutions, and regulations of the Board are faithfully executed within the town;

(5) Prepare and submit the annual budget and capital program to the Board;

(6) Submit annually to the Board and make available to the public a complete report of the finances and administrative activities of the town as of the end of the fiscal year;

(7) Make any other reports that the Board may require concerning operations of town departments, offices, and agencies subject to his or her direction and control; and

(8) Perform any other duties that may be required or authorized by the Board.
(1999 Code, § 31.15)

Charter-reference:

Town Manager, see Charter, Section 4.2

Statutory reference:

City Manager, see G.S. §§ 160A-147 et seq.

§ 31.16 TOWN CLERK.

The Town Clerk shall:

- (A) Give notice of meetings of the Board of Commissioners;
- (B) Keep a journal of the proceedings of the Board;
- (C) Record in a book kept for the purpose all ordinances and resolutions;
- (D) Be the custodian of all town records; and

(E) Perform other such duties as are prescribed by law or by the town Charter or required by the Board or by the Manager.

(1999 Code, § 31.16)

Charter-reference:

Town Clerk, see Charter, Section 4.4

Statutory reference:

City Clerk, see G.S. § 160A-171

§ 31.17 TOWN ATTORNEY.

The Board of Commissioners shall appoint a Town Attorney to serve at its pleasure and shall prescribe his or her duties and fix his or her rate of compensation.

(1999 Code, § 31.17)

Charter-reference:

Town Attorney, see Charter, Section 4.3

Statutory reference:

City Attorney, see G.S. § 160A-173

§ 31.18 FINANCE OFFICER.

- (A) *Appointment.* The Town Manager shall appoint a Finance Officer.

(B) *Duties.* The duties of the Finance Officer shall be to:

(1) Keep the town's accounts in accordance with generally accepted principles of governmental accounting and the rules and regulations of the North Carolina Local Government Commission;

(2) Disburse all funds of the town in strict compliance with the Local Government Budget and Fiscal Control Act, the budget ordinance, and each project ordinance and pre-audit obligations and disbursements as required by the Local Government Budget and Fiscal Control Act;

(3) Prepare and file with the Board of Commissioners a statement of the financial condition of the town whenever requested to do so by the Board or the Manager;

(4) Receive and deposit all monies accruing to the town and supervise the receipt and deposit of money by other duly authorized officers or employees;

(5) Maintain all records concerning the town's bonded debt and other obligations, and determine the amount of money that will be required for debt service or the payment of other obligations during each fiscal year, and maintain all sinking funds;

(6) Supervise the investment of the town's idle funds; and

(7) Perform such other duties as may be assigned to him or her by law, by the Manager, the Budget Officer, the Board, or by rules and regulations of the local government commission.
(1999 Code, § 31.18)

Charter-reference:

Finance Officer, see Charter, Section 4.5

Statutory reference:

Local Finance Officer, see G.S. §§ 159-24 et seq.

Local Government Budget and Fiscal Control Act, see G.S. §§ 159-7 et seq.

§ 31.19 BUDGET OFFICER.

The Town Manager shall be the Budget Officer. The Budget Officer shall perform those duties and responsibilities assigned to him or her by the Local Government Budget and Fiscal Control Act, G.S. Chapter 159, Article III.

(1999 Code, § 31.19)

Statutory reference:

Budget Officer, see G.S. §§ 159-9 et seq.

CHAPTER 32: DEPARTMENTS

Section

32.01 Building Inspections Department

32.02 Public Works Department

Cross-reference:

Parks and Recreation Department, see §§ 96.040 through 96.043

§ 32.01 BUILDING INSPECTIONS DEPARTMENT.

There shall be a Building Inspections Department which shall have the authority and responsibility to enforce the North Carolina State Building Code. The Building Inspections Department shall have the authority and shall follow the procedures set forth in G.S. § 160D, Article 11 and Chapter 1 of the State Building Code. From time to time the Board of Commissioners may make arrangements to have the functions of the Building Inspections Department performed by other than town employees, as provided in -G.S. § 160D-1102 et seq.

(1999 Code, § 32.03)

Statutory reference:

Building inspection, see G.S. § 160D, Article 11.

§ 32.02 PUBLIC WORKS DEPARTMENT.

There shall be a Public Works Department under the supervision of a Public Works Director, who shall see that all town policies and ordinances relating to town streets, sanitation, and the water and sewer utilities are administered efficiently and effectively.

(1999 Code, § 32.04)

Statutory reference:

Municipal streets, see G.S. §§ 160A-296 et seq.

Public enterprises, see G.S. §§ 160A-311 et seq.

CHAPTER 33: CIVIL EMERGENCIES

Section

- 33.01 State of emergency defined
- 33.02 Declaration by Mayor
- 33.03 Contents of proclamation
- 33.04 Publication of proclamation
- 33.05 Effect of proclamation; curfew
- 33.06 Termination of state of emergency

- 33.99 Penalty

§ 33.01 STATE OF EMERGENCY DEFINED.

A state of emergency exists whenever, during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, town 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.

(1999 Code, § 33.01)

§ 33.02 DECLARATION BY MAYOR.

(A) Whenever the Mayor finds that a state of emergency exists within all or a portion of the town, he or she shall issue a proclamation declaring such state of emergency in accordance with §§ 33.03 and 33.04.

(B) This proclamation, and any prohibitions and restrictions made effective by it, shall take effect immediately upon publication unless the proclamation sets a later time.

(1999 Code, § 33.02)

§ 33.03 CONTENTS OF PROCLAMATION.

The proclamation issued by the Mayor pursuant to this chapter shall declare to all persons that a state of emergency exists and shall set forth:

(A) The area within which the state of emergency exists, which may be the entire town or a specifically described portion of it;

(B) The date and time from which the proclamation shall be effective;

(C) Any restrictions and prohibitions that shall be effective during the state of emergency and the penalties for violations; and

(D) The date and time when the state of emergency shall terminate, unless extended or earlier terminated in accordance with § 33.06.

(1999 Code, § 33.03)

§ 33.04 PUBLICATION OF PROCLAMATION.

(A) For the purpose of making effective the prohibitions and restrictions imposed by the proclamation issued pursuant to this chapter, publication may consist of reports of the substance of the proclamation's contents, including such prohibitions and restrictions, in the mass communications media serving the affected area, or other effective methods of disseminating the necessary information quickly.

(B) Notwithstanding division (A) of this section, the full text of the proclamation shall be published as soon as practicable in one or more newspapers serving the affected area and may be posted in various places or otherwise disseminated to give the clearest notice practicable of its contents.

(1999 Code, § 33.04)

§ 33.05 EFFECT OF PROCLAMATION; CURFEW.

(A) A proclamation of a state of emergency shall activate any local civil preparedness plan and shall authorize the town to seek assistance from the county, state, and federal governments in accordance with the provisions of G.S. Chapter 166A.

(B) The Mayor is authorized in the proclamation to impose a curfew applicable to all persons within the area described in the proclamation. The curfew may be made effective during all or any portion of any day during the state of emergency. During such curfew, no person may, within the area affected by the curfew:

(1) Possess off his or her own premises, buy, sell, give away, or otherwise transfer or dispose of any explosives, firearms, ammunition, or dangerous weapon of any kind;

(2) Sell beer, wines, or intoxicating beverages of any kind or possess or consume the same off his or her own premises;

(3) Sell gasoline or any similar petroleum products except when pumped or piped directly into the tank of a motor vehicle; or

(4) Travel upon any public street or highway or upon public property unless such person is in search of medical assistance, food, or other commodity or service necessary to sustain the well being of himself or herself or his or her family or some member thereof or unless such person is engaged in the performance of some function necessary to preserve the public health or safety, such as police and fire officers, other emergency service personnel, utility employees, doctors and nurses, and the like. (1999 Code, § 33.05) Penalty, see § 33.99

Statutory reference:

Extension of emergency restrictions into county, see G.S. § 166A-19.22

Local emergency authorizations, see G.S. Ch. 166A, part 3

Mutual aid agreements, see G.S. § 166A-19.72

State emergency management, see G.S. Ch. 166A, part 2

§ 33.06 TERMINATION OF STATE OF EMERGENCY.

A state of emergency and any restrictions imposed in connection therewith shall automatically terminate at the end of five days after it becomes effective, except that the same:

(A) May be continued for another five-day period by the publication of a new proclamation; or

(B) May be earlier terminated by the Mayor, who may issue a proclamation declaring the state of emergency to be over at any time he or she concludes that to be the case, and who shall issue such a proclamation if the Board concludes that the state of emergency has ended.

(1999 Code, § 33.06)

§ 33.99 PENALTY.

As provided in G.S. § 166A-19.31, any person who violates any provision of § 33.05(B) after a curfew has been imposed pursuant to this chapter shall be guilty of a misdemeanor punishable by a fine of not more than \$50 or imprisonment for not more than 30 days, or both.

(1999 Code, § 33.99)

