



TOWN OF SOUTHERN SHORES

"A Town of Volunteers"

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Ordinance No. 2004-09-01

AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL RELATING TO EMERGENCY MANAGEMENT PLANNING

Dare County, North Carolina

Be It Ordained by the Southern Shores Town Council as follows:

Article I: Purpose

The purpose of this Ordinance is to amend the Town Code of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on June 7, 1988 and subsequently amended.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Town Code shall be shown in italics (*italics*).

Article III. Amend Section 12-9, Southern Shores Town Code - State of Emergency

Section 12-9 of the Southern Shores Town Code is hereby amended as follows:

- 1. 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.*
- 2. If an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the town or any part thereof, or threatening damage to or destruction of property, the mayor is hereby authorized and empowered under section 14-288.12 of the General Statutes 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 town, to place in effect any or all of the restrictions hereinafter authorized. Nothing herein shall limit the authority of the Town when such authority has been otherwise granted or inferred by law.*
- 3. The mayor 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*

town 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, 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 the people within the town.

Article IV. Amend Section 12-14, Southern Shores Town Code – Restriction on Access to Areas

Section 12-14 of the Southern Shores Town Code is hereby amended as follows:

- 1. The proclamation pursuant to this chapter 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.*
- 2. Areas to which access is denied or restricted shall be designated by the ~~chief of police and his subordinates when directed in the proclamation to do so by the mayor.~~ town manager. When acting under this authority, the ~~chief of police and his subordinates~~ town may restrict or deny access to any area, street, highway or location within the town 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.*

Article V. Amend Section 12-15, Southern Shores Town Code – Evacuation of Areas

Section 12-14 of the Southern Shores Town Code is hereby amended as follows:

The proclamation pursuant to this chapter or any amendment thereto may require the emergency evacuation of any area. The proclamation shall state the geographic boundaries of the area to be evacuated and upon issuance of the proclamation ~~the chief of police and his subordinates~~ the town manager shall take all necessary action to remove all persons from the area and to deny access to the area as set out in Section 7-6.

Article VI. Amend Section 12-20, Southern Shores Town Code – Absence or Disability of Mayor

Section 12-20 of the Southern Shores Town Code is hereby amended as follows:

In case of the absence or disability of the mayor, the mayor pro tempore ~~or such other person as may be designated by the Town Council~~ shall have and exercise all of the powers given the mayor in this chapter. In case of the absence or disability of the mayor pro tempore, such other person as may be designated by the Town Council shall have and exercise all of the powers given the mayor in this chapter.

Article IV: Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the 7 day of September, 2004.



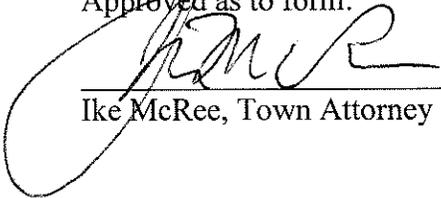
Mayor Paul Sutherland

VOTE: 5 Ayes 0 Nays

ATTEST:


Carrie Gordin, Town Clerk

Approved as to form:


Ike McRee, Town Attorney

Date Introduced: 9/7/04

