

Town of North Topsail Beach

Daniel Tuman, Mayor
Joann M. McDermon, Mayor Pro Tem
Aldermen:
Mike Benson
Jeremy Grove
Tom Leonard
Richard Peters



Bryan Chadwick, MPA
Town Manager

Laura Oxley, JD, MPA
Town Clerk

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An Ordinance Amending the Town of North Topsail Town Code

Ordinance 19-03

Sec. 1. - Purpose.

The purpose of this chapter is to provide an avenue whereby the mayor of the Town of North Topsail Beach can take action, on an emergency basis, to:

- (1) Minimize the possible suffering of citizens or the potential for property damage by limiting access to certain areas.
- (2) Limit the movement of objects or people during certain periods.

Sec. 2. - Territorial applicability.

This chapter shall apply within the corporate limits of the town.

Sec. 3. - Penalty for violation.

Any person violating any prohibition or restriction imposed by a declaration authorized by this chapter shall be guilty of a misdemeanor, and punished as provided by section 1-5 of the Code.

Sec. 4. - Determination of state of emergency; 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 of property or whenever the occurrence of any such condition is imminent.

(b) In the event of an existing or threatened emergency which has the potential to endanger the lives, safety, health or welfare of the people within the town or any part thereof, or threatens damage to or destruction of property, the mayor is hereby authorized and empowered to issue a state of emergency 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 town, to place in effect any or all of the restrictions hereinafter authorized. The mayor will provide notification to all aldermen and the town manager as soon as possible after such a declaration has been issued.

(c) The mayor is hereby authorized and empowered to establish and activate an emergency management organization to respond to the existence of such a state of emergency in order to more effectively protect the lives and property of people within the town.

(d) The mayor is hereby authorized and empowered to limit by declaration the application of all or any part of such restrictions to any area specifically designated or described within the town and to

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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, aldermen, law enforcement officers, firemen, 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.

Sec. 5. - Declaration imposing prohibitions and restrictions.

(a) The mayor, by declaration, may impose the prohibitions and restrictions specified in sections 5 through 9 in the manner described in those sections. The mayor may impose as many of the specified prohibitions and restrictions as are determined to be 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, including the media and emergency communications systems. The mayor shall retain a text of the declaration and furnish upon request certified copies of it for use as evidence. The mayor shall immediately notify the county director of emergency services, town aldermen, and the town manager of the issuance of the declaration.

Sec. 6. - 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 exemptions the mayor finds necessary for the 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 additional declaration, removes the curfew.

Sec. 7. - Restrictions on possession, consumption or transfer of alcoholic beverage.

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

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Sec. 8. - Restrictions 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, **except lawfully possessed firearms and ammunition**. 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) For the purposes of this section, the term "dangerous weapon or substance" means:

(1) Any deadly weapon, ammunition, incendiary device, explosive, 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 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 destructively used.

(3) Any part or ingredient in any instrument or substance included above.

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

Sec. 9. - 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 chief of police and his subordinates when directed and specified in the declaration to do so by the mayor. 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 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.

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Sec. 10. - Effect of declaration.

The declaration issued under this chapter may prohibit or restrict all or any of the following:

- (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.
- (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 declaration.

The declaration issued under this chapter may direct a voluntary or mandatory evacuation of all or part of the Town.

Rescue or any other emergency services may not be provided dependent upon the nature of the conditions during the time period when the state of emergency declaration is in effect.

Sec. 11. - Amendments of declaration.

The mayor may amend or extend the declaration issued under this article from time to time, making such modifications as would have been authorized to include in the original declaration.

Sec. 12. - Removal of prohibitions and restrictions.

The mayor shall, by additional declaration, remove the prohibition and restrictions when it has been determined that the emergency no longer requires them, when emergency conditions have abated or when directed to do so by the board of aldermen.

Sec. 13. - Separate and superseding declarations.

The mayor, in his discretion, may invoke the restrictions authorized by this chapter in separate declaration, and may amend any declaration by means of superseding declaration.

Sec. 14. - Absence or disability of mayor.

In case of the absence or disability of the mayor, the mayor pro-tem shall have and exercise all of the powers given the mayor by this chapter.

Sec. 15. - Emergency operations plan.

The director of emergency management shall maintain an emergency operations plan and will update the plan, if needed, based on the experience of the town. The EOP will be presented to the board of aldermen as revisions are made.

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Adopted on the 7th day of February 2019.

Joann McDermon
Mayor Pro Tem

ATTEST:

Laura Oxley, JD, MPA
Town Clerk