

Chapter 12

EMERGENCY MANAGEMENT AND EMERGENCY SERVICES*

Article I. In General

Secs. 12-1—12-20. Reserved.

Article II. Emergency Management Agency

- Sec. 12-21. Definitions.
- Sec. 12-22. Organization established.
- Sec. 12-23. Director.
- Sec. 12-24. Deputy directors.
- Sec. 12-25. Emergency control.
- Sec. 12-26. Mutual aid agreements.
- Sec. 12-27. Volunteer members.
- Sec. 12-28. Emergency action.
- Secs. 12-29—12-46. Reserved.

Article III. States of Emergency

- Sec. 12-47. Definitions.
- Sec. 12-48. Mayor to proclaim state of emergency; curfew.
- Sec. 12-49. Acts prohibited during emergency.
- Sec. 12-50. Exemptions from curfew.
- Sec. 12-51. Cessation upon mayor's proclamation.

***State law references**—Emergency management, G.S. Ch. 166A; ordinances on states of emergency, G.S.14-288.12.

CARY CODE OF ORDINANCES

ARTICLE I. IN GENERAL

Secs. 12-1—12-20. Reserved.

ARTICLE II. EMERGENCY MANAGEMENT AGENCY**Sec. 12-21. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Disaster: An occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made accidental, military or paramilitary cause.

Emergency management: Those measures taken by the populace and governments at federal, state and local levels to minimize the adverse effect of any type disaster, which include the continuous preparedness cycle of planning, prevention, mitigation, warning, movement, shelter, emergency assistance and recovery.

(Code 1976, § 7-1; Code 1982, § 8-1; Ord. No. 2010-Code-06, 7-15-2010)

State law reference—Similar provisions, G.S. 166A-4.

Sec. 12-22. Organization established.

A town emergency management agency is hereby established.

(Code 1976, § 7-2; Code 1982, § 8-2)

Sec. 12-23. Director.

There is hereby created the office of director of emergency management for the town. The director shall be appointed by the town council, to serve at the council's pleasure, and shall receive no compensation. The director shall have direct responsibility for the organization, administration and operation of the emergency management organization, subject to the supervision, direction and control of the town manager and the provisions of this article.

(Code 1976, § 7-3; Code 1982, § 8-5)

Sec. 12-24. Deputy directors.

The director shall appoint deputy directors subject to the approval of the town manager for each of the various emergency services as may from time to time be established; provided that the duly constituted department heads of the town responsible for the safety, health or welfare of the public shall be appointed chiefs of emergency service of their departments, and other officials and employees of the various town departments shall be employed in a manner that their knowledge and experience will be of the most benefit to the disaster plan.

(Code 1976, § 7-4; Code 1982, § 8-6)

Sec. 12-25. Emergency control.

The director may, with the formal approval of the town council, establish a primary emergency control center and one or more such secondary centers, and an emergency signal plan and other disaster or emergency plans in accordance with the plans of the county, state or federal emergency management agencies.

(Code 1976, § 7-6; Code 1982, § 8-7)

Sec. 12-26. Mutual aid agreements.

The mayor may in collaboration with other public and private agencies in the state develop mutual aid agreements, subject to formal and specific approval by the town council, for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted; provided that such agreements shall be in accordance with the state plans for manmade or natural disasters.

(Code 1976, § 7-7; Code 1982, § 8-8)

State law reference—Mutual aid agreements, G.S. 166A-10.

Sec. 12-27. Volunteer members.

(a) As many volunteer members for the various services may be called for and accepted as are deemed necessary by the director and the town manager, provided both offices may be held by the same person.

(b) Volunteers shall be called into service only in case of emergency or for necessary training and preparation for emergencies. All volunteers shall serve without compensation and shall be subject to all rules and regulations established for volunteer members. They may be dismissed or removed by the director with or without cause.

(Code 1976, § 7-8; Code 1982, § 8-9)

Sec. 12-28. Emergency action.

(a) The director of emergency management shall properly coordinate the activities of the emergency management organization. He is specifically charged in such emergency with the collection, evaluation and dissemination of information to all agencies, both public and private, participating in the town's emergency management organization or cooperating in any such emergency.

(b) The director shall have the power to recommend appropriate action, but he shall not otherwise control exercise over the participating agencies.

(Code 1976, § 7-5; Code 1982, § 8-10)

Secs. 12-29—12-46. Reserved.

ARTICLE III. STATES OF EMERGENCY**Sec. 12-47. Definitions.**

As used in this article, "curfew" shall mean a prohibition against any person walking, running, loitering, standing or motoring upon any street, alley, roadway or other public property. A "state of emergency" shall be deemed to exist whenever, during times of great 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.
(Code 1976, §§ 10-7, 10-9; Code 1982, § 8-22)

Sec. 12-48. Mayor to proclaim state of emergency; curfew.

In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the town or threatening damage to or destruction of property, the mayor is hereby authorized and empowered to issue, in writing, a public proclamation declaring the existence of a state of emergency and, in order to more effectively protect the lives, safety and property within the town, to define and impose a curfew applicable to all persons within the jurisdiction of the town.
(Code 1976, § 10-8; Code 1982, § 8-23)

Sec. 12-49. Acts prohibited during emergency.

During the existence of a proclaimed state of emergency when a curfew has been imposed, no person subject to such curfew shall:

- (1) Be or travel upon any public street, alley or roadway or upon public property, unless in search of medical assistance, food or other commodity or service necessary to sustain the well-being of himself or his family or some member thereof.
- (2) Possess off one's premises, buy, sell, give away or otherwise transfer or dispose of any explosives, firearms, ammunition or dangerous weapon of any kind.
- (3) Sell beer, wines or intoxicating beverages of any kind or possess or consume the same off one's own premises.
- (4) Sell gasoline or any other similar petroleum products, or any other inflammable substances, except as expressly authorized by the provisions of the curfew imposed.

(Code 1976, § 10-10; Code 1982, § 8-24)

Sec. 12-50. Exemptions from curfew.

The mayor is hereby authorized and empowered to limit the application of a curfew to any area specifically designated and described within the corporate limits of the town and to specific hours of the day or night; and to exempt from the curfew policemen, firemen, doctors, nurses 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.
(Code 1976, § 10-11; Code 1982, § 8-25)

Sec. 12-51. Cessation upon mayor's proclamation.

The mayor shall proclaim the end of a state of emergency and curfew as soon as circumstances warrant or when directed to do so by the town council.

(Code 1976, § 10-12; Code 1982, § 8-26)