CITY OF FAYETTEVILLE STATE OF EMERGENCY DECLARATION

A DECLARATION ISSUING A STATE OF EMERGENCY WITHIN THE CITY OF FAYETTEVILLE, NORTH CAROLINA, PURSUANT TO ARTICLE 1A, CHAPTER 166A, N.C.G.S.; N.C.G.S. § 166A-19.22; AND CHAPTER 9 OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE

THAT WHEREAS, due to the impending and contemplated impact of Hurricane Isaias on the 3rd day of August, 2020, generating damage due to rain, winds, high water, flooding, and other adverse weather as to create hazardous conditions for the citizens within the City limits of the City of Fayetteville, it is in the best interest of the public health, safety, and welfare that a **STATE OF EMERGENCY DECLARATION** be issued by the Mayor of the City of Fayetteville, North Carolina, pursuant to the authority of the Mayor as set forth in ARTICLE 1A, CHAPTER 166A, N.C.G.S.; N.C.G.S. § 166A-19.22; and CHAPTER 9 OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE;

NOW, THEREFORE, I, MAYOR, DO HEREBY DECLARE A STATE OF EMERGENCY DECLARATION WITHIN THE CITY LIMITS OF THE CITY OF FAYETTEVILLE COMMENCING AT 7:00 P.M. ON THE 3RD DAY OF AUGUST, 2020, AND CONTINUING UNTIL TERMINATED BY APPROPRIATE DECLARATION ISSUING THE SAME.

AND THAT FURTHER, DURING SAID STATE OF EMERGENCY DECLARATION, AS ISSUED HEREIN, THE FOLLOWING RESTRICTIONS SHALL BE IN EFFECT:

Sec. 1. Evacuation.

The Mayor may direct and compel the evacuation of all or part of the population of the City of Fayetteville by prescribed routes and modes of transportation, and control entry to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises therein. The areas within the City limits of the City of Fayetteville shall be immediately evacuated by following such routes, using such modes of transportation, and using such points of egress and ingress as shall be determined by the Chief of Police and/or his designee. Cumberland County Emergency Services may open emergency shelters for the homeless and people with special medical needs. Persons needing shelter should contact the Cumberland County Emergency Operations Center at (910) 677-5509.

Sec. 2. Curfew and restricting access to areas.

(A) A curfew may hereby be imposed for citizens within the City limits of the City of Fayetteville, at such time as City Emergency Management officials advise local print and broadcast media of gale force or greater winds or other extreme conditions which pose a risk to the public safety, health, and welfare. This curfew shall not apply to authorized law enforcement, fire department, and other emergency personnel designated by the Chief of Police and/or his designee.

(B) Unless otherwise specified, the curfew shall continue to apply until removed by a new declaration or until the state of emergency is terminated.

(C) Areas to which access is denied or restricted shall be designated by the Chief of Police of the City of Fayetteville and subordinates of the Chief of Police or other law enforcement officers when directed in the declaration to do so by the Mayor. When acting under this authority, the Chief of Police and subordinates may restrict or deny access to any area, street, highway, or location within the City of Fayetteville 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.

Sec. 3. Restrictions on possession, transportation, and transfer of dangerous weapons and substance.

The possession, transportation, sale, purchase, storage, and use of dangerous weapons and substances and gasoline are restricted with exception to "lawfully possessed firearms and ammunition".

Sec. 4. Exemptions from restrictions.

The Mayor is hereby authorized to exempt from all or any part of the restrictions imposed by the emergency declaration those classes of persons whose exemption will benefit the public safety, health, and welfare. These persons shall be exempt from the declaration's restrictions only while they are acting within the scope of their official duties, or are acting under the direction of emergency response/recovery force personnel. Those exempt from restrictions may include, but are not limited to, fire fighters, law enforcement personnel, EMS personnel, doctors, nurses, military personnel, communications personnel, public utilities employees, and newspaper, radio, and television employees.

Sec. 5. Other actions necessary to maintain order and protect lives and property.

The Mayor may enact ordinances designed to permit the imposition of prohibitions and restrictions within the emergency area during a state of emergency declared pursuant to G.S. 166A-19.22. The Mayor or the chair of the board of county commissioners of a county may impose by declaration prohibitions and restrictions under this section at a particular time as appropriate.

The types of restrictions allowed include the following: (1) the movements of people and the implementation of a curfew; (2) the operation of offices, business establishments, and other places where people may travel to or congregate; (3) the possession, transportation, sale, purchase, and consumption of alcoholic beverages; (4) the possession, transportation, sale, purchase, storage, and use of gasoline; (5) and any other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives of property during the state of emergency.

Any individual who violates any provision of an ordinance or a declaration enacted or declared pursuant to this section shall be guilty of a Class 2 misdemeanor in accordance with G.S. 14-288.20A.

Sec. 6. Removal of prohibitions and restrictions, and declaration termination.

The Mayor shall, by declaration, terminate the entire state of emergency declaration or remove any of the bans and restrictions when the emergency no longer requires them, or when directed to do so by the City Council. A declaration shall expire five days after the imposition unless renewed.

Sec. 7. Other provisions.

(A) The provisions of ARTICLE 1A, CHAPTER 166A, N.C.G.S.; N.C.G.S. § 166A-19.22; and CHAPTER 9 OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE, are incorporated by references as if fully set forth herein.

(B) A copy of this Declaration shall be posted in the City Hall lobby by the City Clerk/Deputy City Clerk. Reports of the substance of the declaration shall be sent to the Public Information Officer for dissemination to the mass communications media that serves the affected area.

(C) In case of the absence or disability of the Mayor, the Mayor Pro Tem or other such person as may be designated by the City Council shall have the authority to exercise all of the powers herein given the Mayor.

Executed and imposed this 3rd day of August, 2020.

MITCH COLVIN, Mayor

ATTEST:

PAMELA MEGILL, City Clerk