

Ordinance #23-0099 – 5

**ORDINANCE AMENDING CHAPTER 18 ENTITLED “CIVIL DEFENSE”
REGARDING CURFEWS AND STATE OF EMERGENCY PROCLAMATIONS**

BE IT ORDAINED by the Mayor, and Winston-Salem City Council as follows:

Section 1. Section 18-21 entitled “Curfew and other restrictions authorized during state of emergency” is hereby amended to read as follows:

“Sec. 18-21. Curfew and other restrictions authorized during state of emergency.

- (a) *"State of emergency" defined.* A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, civil disturbance, or catastrophe, or for any other reason municipal public safety authorities are unable to maintain public order or afford adequate protection for lives, safety, health, welfare, or property.
- (b) *Proclamation of state of emergency; imposition of curfew.* In the event of a state of emergency threatening or endangering the lives, safety, health and welfare of the people within the city or threatening damage to or destruction of property, city staff shall consult with the council member of the ward, or council members of the wards where applicable, if the circumstances threatening lives or property damage are isolated to or arise from an event(s) within a ward(s), and the mayor regarding the aforementioned circumstances to determine the necessity for a state of emergency proclamation, which the mayor is hereby authorized and empowered to issue, in writing, a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively to protect the lives, safety, and property of people within the city, to define and impose a curfew applicable to all persons within the jurisdiction of the city. The mayor may, at any time, amend the proclamation, as the mayor deems appropriate, which may include, but is not limited to, incorporating the governor's executive orders, in whole or in part, into the mayor's proclamation for enforcement purposes as allowed by G.S. 166A-19.31. Where possible, the mayor, within 24 hours after issuing a proclamation declaring a state of emergency, shall provide city council with an update regarding the circumstances that precipitated the proclamation.
- (c) *Limitation of application of curfew.* The mayor is hereby authorized and empowered to limit the application of such a curfew to any area specifically designated and described within the jurisdiction of the city and to specific hours of the day or night; and to exempt from the curfew police officers, firefighters, 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 city.

- (d) *Termination of state of emergency.* The mayor shall proclaim, in writing, the end of such state of emergency and curfew as soon as circumstances warrant or when directed to do so by the city council.
- (e) *Meeting of city council.* If desired, the city council may call an emergency or special meeting after a state of emergency has been proclaimed by the mayor.
- (f) *Prohibition of certain activities.* During the existence of a proclaimed state of emergency, the mayor may prohibit by proclamation any or all of the following activities:
 - (1) Possessing off one's own premises, buying, selling, giving away, or otherwise transferring or disposing of any explosives, firearms, ammunition or blasting caps, or any dangerous weapons of any kind;
 - (2) Selling beer, wines or intoxicating beverages of any kind, or possessing or consuming beer, wines or intoxicating beverages off one's own premises;
 - (3) Organizing or conducting any demonstration, parade, march, vigil or participation therein from taking place on any of the public transportation ways or upon any public property;
 - (4) Buying, selling, giving away or otherwise transferring gasoline, kerosene or any other similar petroleum products or any other combustible or inflammatory substance, except as expressly authorized by the provisions of the proclamation;
 - (5) Being or travelling upon any public transportation ways or upon public property, unless such travel is necessary to obtain medical assistance; or
 - (6) Participating or carrying on any business activity or keeping open places of business or entertainment and any other place of public assembly.
- (g) *Applicability of restrictions during curfew.* Upon imposition of a curfew by the mayor under subsection (c) of this section, the provisions contained in subsection (f) of this section shall apply automatically unless specifically exempted.
- (h) *Imposition of restrictions in area not subject to curfew.* Nothing in this section shall be construed to limit the mayor's ability to impose any or all of the restrictions outlined in subsection (f) of this section on areas of the city not subject to curfew as outlined in subsection (c) of this section.
- (i) *Authority of mayor to impose other restrictions.* The mayor is further authorized to proclaim any other restrictions or controls not specifically enumerated in this section as may be reasonably necessary to maintain order and protect lives or property.
- (j) *Evacuation.* The mayor may direct and compel the voluntary or mandatory evacuation of all or part of the population of the city; to prescribe routes, modes of transportation and destination in connection with evacuation; and to control ingress and egress of a disaster area, the movement of persons within the area and the occupancy of premises therein. Details of the evacuation may be set forth or amended in any subsequent proclamation, which shall be publicized.
- (k) *Absence of the mayor.* In the absence of the mayor, the mayor pro tempore may exercise the duties and responsibilities set forth herein.

- (l) *Violations of this article.* Any person violating any prohibition or restriction imposed by a proclamation authorized by this article shall be subject to prosecution in accordance with G.S. 166A-19.31 and shall be guilty of a Class 2 misdemeanor, punishable upon conviction by a fine as provided by G.S. 14-288.20A and 15A-1340.23. Any person violating any prohibition or restriction imposed by a proclamation authorized by this article shall be subject to a civil penalty in the amount of \$100.00 per day for each separate violation until the violation ceases. The city may recover any civil penalty that remains unpaid, after providing a ten (10) day notice to the violator, by filing a civil action in the nature of a lawsuit to collect a debt. The city may also pursue additional remedies such as an order of abatement pursuant to G.S. 160A-175.
- (m) *Territorial applicability.* This article shall apply within the corporate limits of the City of Winston-Salem and shall not apply within the corporate limits of any other municipality or within the area of the county over which ~~the another~~ municipality has jurisdiction to enact general police power ordinances unless ~~the that~~ municipality by resolution consents to ~~this~~ its application or the mayor of the other municipality has requested its application.”

Section 2. This ordinance shall become effective upon adoption.