

Chapter 18 - EMERGENCY MANAGEMENT

ARTICLE I. - IN GENERAL

Sec. 18-1. - 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, or property, or whenever the occurrence of any condition is imminent.
- (b) In the event of an existing or threatened state of emergency endangering the lives, safety, health, and welfare to the people within the town or any part thereof, or threatening damage to or destruction of property, the mayor of the town is hereby authorized and empowered 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.
- (c) The mayor is hereby authorized and empowered to limit by proclamation the application of all or any part of such restrictions to any area specifically designated or described within the town limits and to 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, law enforcement officers, firemen, 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 safety, health, and welfare needs of the people within the town.
- (d) Any violation of this chapter shall constitute a misdemeanor punishable pursuant to G.S. 14-4.

(Ord. No. 2002-03, 8-1-2002)

Secs. 18-2—18-20. - Reserved.

ARTICLE II. - PROHIBITIONS AND RESTRICTIONS

Sec. 18-21. - Proclamation imposing prohibitions and restrictions.

- (a) The mayor of the town, by proclamation, may impose the prohibitions and restrictions of this chapter in the manner described in section 18-1. The mayor may impose the restrictions he finds are 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 proclamation.
- (b) The proclamation shall be in writing. The mayor shall take reasonable steps to give notice of the terms of the proclamation to those affected by it and shall post a copy of it in the town hall. The mayor shall send reports of the substance of the proclamation to the mass communications media, which serves the affected area. The mayor shall retain a text of the proclamation and furnish upon request certified copies of it for use as evidence.

(Ord. No. 2002-03, 8-1-2002; Amend. of 3-7-2013)

Sec. 18-22. - Evacuation.

The mayor may direct and compel the voluntary or mandatory evacuation of all or part of the population of the town, 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 remises therein. Details of the evacuation may be set forth or amended in a subsequent proclamation, which shall be well publicized.

(Ord. No. 2002-03, 8-1-2002; Amend. of 3-7-2013)

Sec. 18-23. - Curfew.

The proclamation 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 proclamation 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 restriction classes of people whose exemption the mayor finds necessary for the preservation of the public health, safety and welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

(Ord. No. 2002-03, 8-1-2002; Amend. of 3-7-2013)

Sec. 18-24. - Restrictions on alcoholic beverages.

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

(Ord. No. 2002-03, 8-1-2002; Amend. of 3-7-2013)

Sec. 18-25. - Restrictions on dangerous weapons and substances.

- (a) The proclamation may prohibit the transportation or possession off one's own premises, or the sale or purchase of any dangerous weapon or substance. The mayor may exempt some or all of the restrictions to classes of people whose possession, transfer or transportation of certain dangerous weapons or substances is necessary for the preservation of the public's health, safety or welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.
- (b) The term "dangerous weapon or substance," as used in this article, means:
 - (1) Any item described as a "dangerous weapon or substance" as defined in G.S. 14-288.1.
 - (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 used.
 - (3) Any part or ingredient in any instrument or substance included above when the circumstances indicate a probability that such a part or ingredient will be so used.
 - (4) Except that this article does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used in this article, "firearm" has the same meaning as it does under G.S. 14-409.39(2).
- (c) If imposed, the restrictions shall apply throughout the jurisdiction of town or such part thereof as designated in the proclamation.
- ~~(d) A violation of this section shall be punishable as provided by G.S. 14-288.8.7.~~

(Ord. No. 2002-03, 8-1-2002; Amend. of 3-7-2013)

Sec. 18-26. - Restrictions on access to areas.

This proclamation may prohibit or restrict movements of people in public places; the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate; and 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 proclamation.

(Ord. No. 2002-03, 8-1-2002; Amend. of 3-7-2013)

Sec. 18-27. - Absence or disability of mayor.

In case of the absence or disability of the mayor, the mayor pro tem or such other person as may be designated by the town council shall have and exercise all of the powers herein given to the mayor.

(Ord. No. 2002-03, 8-1-2002; Amend. of 3-7-2013)

Sec. 30-254. - Remedies for violations.

Any one or all of the following remedies may be used to enforce the provisions of this chapter:

- (1) *Injunction.* Any violation of this chapter or of any condition, order, or requirement adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by application to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and order of abatement commanding the violator to correct the unlawful condition upon or cease the unlawful use of the property.
- (2) *Civil penalties.* Unless otherwise specifically provided, any person who violates any provision of this chapter shall be subject to the assessment of a civil penalty under the procedures provided in this article.
- (3) *Denial of permit or certificate.* The enforcement officer may withhold or deny any permit, certificate, occupancy authorization, or other form of authorization regarding any land, building, sign, structure or use in or on which there is an uncorrected violation of a provision of this chapter or of a condition or qualification of a permit, certificate, or other authorization previously granted.
- (4) *Conditional permit or temporary certificate.* The enforcement officer may condition the authorization of any permit or certificate upon the correction of a noticed deficiency, payment of assessed civil penalties, or the posting of a compliance security approved by appropriate governmental authority.
- (5) *Stop work orders.* Whenever a building, sign, or structure, or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the enforcement officer may order the work to be immediately stopped. The stop order shall be in writing and directed to the owner, occupant, or person doing the work. The stop order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with G.S. 160A-421, as applicable, or the state building code.
- (6) *Revocation of permits.* The enforcement officer may revoke and require the return of a permit or by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications upon which the same was granted, refusal or failure to comply with the requirements of state or local

laws applicable thereto, or for false statements or misrepresentations made in securing such permit. Any permit mistakenly issued in violation of an applicable state or local law, ordinance, or certificate may also be revoked.

- (7) *Criminal penalties.* Any violation of this chapter **pertaining to unsafe building conditions** shall be a misdemeanor or infraction as provided by G.S. 14-4, subject to a maximum fine of \$500.00, and may be prosecuted in the ~~the~~ appropriate division of the general court of justice.
- (8) *Cumulative violations.* All such remedies provided herein shall be cumulative, and this chapter may be enforced by any one, all, or a combination of the remedies authorized and prescribed by this section, including simultaneous enforcement by two or more of such remedies. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.
- (9) *State and common law remedies.* In addition to other enforcement provisions contained in this article, the town council may exercise any and all enforcement powers granted to it by state law or common law.
- (10) *Previous enforcement.* Nothing in this chapter shall prohibit the continuation of previous enforcement actions.

(Ord. of 11-10-2016)

Sec. 30-1300. - Remedies.

Any or all of the following procedures may be used to enforce the provisions of this ~~chapter~~ **division**:

- (1) *Injunction.* Any violation of this division or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.
- (2) *Civil penalties.* Any person who violates any provision of this division shall be subject to the assessment of a civil penalty under the procedures provided in section 30-1299.
- (3) *Denial of permit.* The town manager or his designee shall withhold or deny any permit, certificate, or other authorization on any land, building, structure, or use in which there is an uncorrected violation of a provision of this article, or of a condition or qualification of a permit, certificate, or other authorization previously granted.
- (4) *Conditional permit or temporary certificate.* The town manager or his designee may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate government authority.
- (5) *Revocation of permit.* The town manager or his designee may revoke and require the return of a permit or certificate by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates shall be revoked for any substantial departure from the approved application plans, or specifications; refusal or failure to comply with the requirements of state or local law; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of any applicable state or local law may also be revoked.
- ~~(6) *Criminal penalties.* Any violation of this chapter shall be a misdemeanor or infraction as provided by G.S. 14-4. Each violation shall be subject to a fine not to exceed \$500.00.~~

~~(7)~~(6) *Notification of the state enforcement officials.*

- a. *Industrial and related facilities.* When a town manager or his designee discovers an apparent violation of an industrial or related facility's NPDES stormwater discharge permit or that the facility is not operating pursuant to its stormwater pollution prevention plan, the county shall notify the appropriate state officials immediately.
- b. *Construction sites.* If the town manager or his designee discovers an apparent violation of the NPDES stormwater discharge permit required by the state for sites with land disturbing activity greater than one acre, or less if part of a larger project, he shall report the violation immediately to the appropriate state officials.
- c. *Abatement.* When the discharge from the facility interferes significantly with the receiving streams, and the facility fails to take appropriate actions upon notification by the county, the county may take immediate and appropriate measures to control the problem whether or not the facility is violating its NPDES permit and recover the cost from the facility.
- d. *Judicial enforcement.* When any person is in violation of the provisions of this division, the town manager or his designee, through the town attorney, may petition the superior court of justice for the issuance of a restraining order or a preliminary and permanent injunction, which restrains or compels the activities in question.

(Ord. of 2-3-2005, § 7-3.13)

ARTICLE III. - SEX OFFENDERS IN PARKS AND RECREATIONAL FACILITIES

Sec. 36-61. - Prohibition.

No person registered with the State of North Carolina and any other state or federal agency as a registered sex offender, including, but not limited to the sex offender registry established pursuant to G.S. ch. 14, art. 27A, shall enter into or upon any public park or recreation facility owned, operated or maintained by the town.

(Ord. No. 2009-01, § A, 2-5-2009)

Sec. 36-62. - Penalties.

Violation of this article shall ~~be~~ constitute a misdemeanor pursuant to G.S. 14-4 punishable by a fine of \$500.00 and/or incarceration for up to 30 days. Each entry into a public park or recreation area, regardless of the time period between such entries, shall constitute a separate offence under this article.

(Ord. No. 2009-01, § A, 2-5-2009)

Sec. 36-63. - Definitions.

For purposes of this article, the following definitions shall apply:

Official meeting. A meeting that is required to be open to the public by the Open Meetings Law, G.S. ch. 143, art. 33C.

Public park. Any publicly owned, leased, operated, or maintained property that is designated as a park by the town, including any adjacent public parking area as well as the driveway, entrance way, or pedestrian walkway used by the public to access the public park.

Recreation facility. Any publicly owned, leased, operated, or maintained property that is designated as a recreation facility by the town, including any adjacent public parking area as well as the driveway, entrance way, or pedestrian walkway used by the public to access the public recreation facility.

Registered sex offender. An individual who is registered by any state or federal agency as a sex offender and/or whose name is published or required to be published on any state or federal sex offender registry, including, but not limited to the North Carolina Sex Offender and Public Protection Registry established pursuant to G.S. ch. 14, art. 27A.

(Ord. No. 2009-01, § A, 2-5-2009)

Sec. 36-64. - Signage required.

The town manager or his/her designee shall be charged with posting this regulation at the entrances to each public park and recreation facility within 30 days of the passage of this article.

(Ord. No. 2009-01, § A, 2-5-2009)

Sec. 36-65. - Limited exceptions.

- (a) *Official meetings.* A registered sex offender who has the right to be present at an official meeting shall have the limited privilege of entering on and into a park or recreation facility for such time as is necessary to attend said meeting or function, but any form of loitering or lingering shall be a violation of this article.

The privilege shall only extend to those parts of the park and/or recreation facility that are commonplace for meetings of that kind and any registered sex offender found outside of those parts shall be punished as outlined above.

- (b) *Polling place.* When such recreation facility is used as a polling place for an election, the registered sex offender may enter the facility for the limited purpose of voting if he/she qualifies to do so at that polling place.

The privilege shall only extend to those parts of the park and/or recreation facility that are commonplace for polling and any registered sex offender found outside of those parts shall be punished as outlined above.

(Ord. No. 2009-01, § A, 2-5-2009)

ARTICLE IV. - SOLICITATION IN PUBLIC STREETS, HIGHWAYS OR VEHICULAR RIGHTS-OF-WAY

Sec. 42-70. - Authority and purpose.

This article is adopted pursuant to the authority of G.S. 14-4, 20-175, and 160A-174, 160A-175, 160A-178, 160A-179, and 160A-300, for the purposes of prohibiting the solicitation of occupants of vehicles on streets and highways, regulating vehicular and pedestrian flow, and to promoting roadway safety.

(Ord. of 3-3-2016, § C)

Sec. 42-71. - Roadway solicitation prohibited.

- (a) It shall be unlawful for any person to stand, sit, or otherwise remain in any street, highway, or other vehicular right-of-way, excluding sidewalks, within the Town of Oak Ridge, while soliciting or attempting to solicit any employment, business, or contributions of any kind from the driver or occupants of any vehicle.
- (b) This section shall not apply to emergency repairs of services requested by the operators of such vehicles.
- (c) Any person adjudged in violation of this section shall be guilty of a misdemeanor pursuant to G.S. 14-4 and upon conviction shall be fined not more than \$50.00, or imprisoned for not more than seven days.

(Ord. of 3-3-2016, § C)

Secs. 42-72—42-95. - Reserved.

Sec. 46-29. - General provisions.

- (a) *Use of existing wells.* Following mandatory connection to the system, property owners or occupants may maintain and continue to use existing wells for non-potable uses. Cross-connection between any such well water and the system is prohibited.
- (b) *Disruption of services.* Should it become necessary to shut off the water supply to any user of the system because of accidents, for maintenance or repairs to the system, or due to construction, the town will make reasonable efforts to give timely notice to all users affected thereby and, as far as practicable, prevent inconvenience and damage arising from any such causes, but failure to give such notice shall not render the town responsible or liable for damages that may result or from any other cause save and except for such reasonable and equitable adjustment to affected users' consumption billing as the circumstances may indicate.
- (c) *Destruction of system prohibited.* The malicious, willful, or negligent breaking, damaging, destroying, uncovering, defacing of or tampering with any structure, appurtenance or equipment which is a part of the system is prohibited. Any person convicted of violating this subsection shall be guilty of a misdemeanor pursuant to G.S. 14-4, and upon conviction thereof shall be fined in the amount not exceeding \$500.00 for each violation. Each separate instance of such destruction or tampering shall be deemed a separate offense.
- (d) *Civil penalty.* Any person found to be violating any provision of this article other than the foregoing subsection (c) of this section shall be subject to notice of violation and demand for cessation of the violation and to the assessment of a civil penalty as provided under the Code of Ordinances of the Town of Oak Ridge, for each such violation, and until such violation is abated.
- (e) *Civil damage.* Any person whose violation of any provision of this article causes property damage to any part of the system shall be liable to the town for any expense, loss or damage to the system.
- (f) *Actions against violators.* The provisions of this article shall be enforceable through the bringing of appropriate actions for injunctive and/or monetary relief in any court of competent jurisdiction.
- (g) *Validity and severability.* The invalidity of any section, clause, sentence or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts.

(Ord. of 3-5-2015, § B)