ORDINANCE NO. 10

AN ORDINANCE AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO PROCLAIM RESTRICTIONS IN RESPONSE TO THE NEEDS OF AN EMERGENCY

BE IT ORDAINED by the Board of County Commissioners of Caswell County:

Section 1. Proclamation imposing prohibitions and restrictions.

(a) The Board of County Commissioners of Caswell County by proclamation may impose the prohibitions and restrictions specified in Sections 2 through 5 of this ordinance in the manner described in those sections. The said board may impose as many of those specified prohibitions and restrictions as it 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 said board shall recite its findings in the proclamation.

(b) The proclamation shall be in writing. The board 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 County Courthouse. The Chairman and Clerk to the Board shall retain a text of the proclamation and furnish upon request certified copies of it for use as evidence. Further, the Clerk to the board shall make available copies of said proclamation to the news media for public dissemination.

Section 2. Curfew

(a) 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 Board of County Commissioners of Caswell County may exempt from some or all of the curfew restrictions classes of people whose exemption the board 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.

(b) Unless otherwise specified in the proclamation, the curfew shall apply during the specified period each day until the Board by proclamation removes the curfew.

Section 3. Restrictions on possession, consumption, or transfer of intoxicating liquor.

(a) The proclamation 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 of any intoxicating liquor. The prohibition, if imposed, shall apply to transfers of intoxicating liquor by employees of the Alcoholic Beverage Control stores as well as by anyone else within the County of Caswell.

(b) If imposed, the restrictions shall apply throughout the County of Caswell.

Section 4. Restrictions on possession, transportation, and transfer of dangerous weapons and substances.

(a) The proclamation may prohibit the possession of

any dangerous weapon or substance unless it remains in a place of storage within the possessor's premises, or, if the weapon or substance cannot be readily stored in the possessor's premises, unless it remains in a customary place of storage not readily available to the possessor. The proclamation may also prohibit the sale or other transfer or the transportation of any dangerous weapon or substance. The Board of County Commissioners of Caswell County 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 proclamation shall state the exempted classes and the restrictions from which each is exempted.

(b) "Dangerous weapon or substance" means:

1. Any deadly weapon, ammunition, incendiary device, or other instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property. (a more complete definition is found in G. S. 14-288.1(2) of the North Carolina General Statutes)

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 County of Caswell.

Section 5. Restrictions on access to areas.

(a) The proclamation may prohibit obtaining access or attemption 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 Sheriff of Caswell County and his subordinates when directed in the proclamation to do so by the Board of County Commissioners of Caswell. When acting under this authority, the Sheriff of Caswell County and his subordinates may restrict or deny access to any area, street, facility, or location within the County of Caswell 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.

Section 6. Amendments of the proclamation.

The Board of County Commissioners of Caswell may amend the proclamation from time to time, making such modifications as they would have been authorized to include in the original proclamation.

Section 7. Removal of prohibitions and restrictions

The Chairman of the Board shall by proclamation remove the prohibitions and restrictions as the emergency no longer requires them, or when directed to do so by the Board of County Commissioners of Caswell County.

Section 8. Separate and superseding proclamations.

The Board of County Commissioners of Caswell County in their discretion may invoke the restrictions authorized by this ordinance in separate proclamations, and may amend any proclamation by means of a superseding proclamation.

Section 9. Penalty for violence.

Any person violating any prohibition or restriction imposed by a proclamation authorized by this ordinance shall be guilty of a misdemeanor, punishable upon conviction by a fine or imprisonment as provided by G.S. 14-4.

Section 10. Repeal of conflicting ordinances.

All ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 11. Effective date of ordinance.

This ordinance shall take effect upon its adoption.

Passed this the 13 day of October, 1975, by the Caswell County Board of Commissioners at its regular meeting in the Caswell County Courthouse, Yanceyville, North Carolina.

Attest:

J. A. Brooks, Clerk to the Board

C. Franklin Murphy, Chairman