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M. Renée Cahoon
Commissioner

John Ratzenberger
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Marvin Demers
Commissioner

MEMORANDUM

TO: Mayor and Board of Commissioners

FROM: Cliff Ogburn, Town Manager

DATE: May 7, 2014

SUBJECT: Emergency Management Ordinance Update

As you know, local governments in North Carolina are authorized by state statute to adopt local emergency ordinances. The local ordinance must authorize emergency restrictions and prohibitions because they are not vested directly by the state statute. These restrictions and prohibitions are then triggered by a local government's State of Emergency Declaration.

To ensure our Emergency Management ordinance (Chapter 14 of the Town's Code of Ordinances) is current, I've attached, for your consideration, several updates that echo changes made by the North Carolina General Assembly to the state's Emergency Management Act (North Carolina General Statute Chapter 166A). These include changes to:

- Section 14-1. State of emergency; restrictions authorized.
- Section 14-4. Restrictions on possession, consumption or transfer of intoxicating liquor.
- Section 14-5. Restrictions on possession, transportation and transfer of dangerous weapons and substances.
- Section 14-8. Prohibitions and restrictions generally.

I would like to highlight, however, changes made to Section 14-5. Restrictions on possession, transportation and transfer of dangerous weapons and substances. Please note here that the Town *can* restrict other "dangerous weapons and substances, enforce curfew or non-weapons restrictions against a person even if they are lawfully possessing a firearm. The Town can also enforce other state gun laws such as a concealed-carry permit and include gun stores among other business restrictions. However, we *cannot* limit or restrict the "possession, transportation, sale, purchase, storage, and use" of lawfully possessed firearms and ammunition. We also cannot prohibit the lawful sale of firearms, ammunition for lawfully possessed firearms, or prohibit lawful concealed carrying.

Thank you for your consideration.