

COUNTY STATE OF EMERGENCY ORDINANCE

**An Ordinance Authorizing the Proclamation of a State of Emergency and the Imposition of Prohibitions and Restrictions During a State of Emergency
Amended**

WHEREAS, An Ordinance Authorizing the Proclamation of a State of Emergency and the Imposition of Prohibitions and Restrictions During a State of Emergency (hereinafter referred to as the Original Ordinance) was approved on the 1st day of May, 1989 and recorded in the minutes of the Clay County Board of Commissioners which are recorded in the Clay County Register of Deeds office;

WHEREAS, the Original Ordinance is also found in the Clay County Code of Ordinances recorded in the Clay County Register of Deeds and kept in the Clerk to the Board's office;

WHEREAS, the North Carolina Legislature passed into law G.S. 166A-19.31 which is entitled "Power of municipalities and counties to enact ordinances to deal with states of emergency";

WHEREAS, G.S. 166A-19.31 (g) which is entitled "Previously Enacted Ordinances Remain in Effect."- [states] any ordinance of a type authorized by this section promulgated prior to October 1, 2012, if otherwise valid, continue in full force and effect without reenactment.

WHEREAS, the following changes do need to be made to the Original Ordinance in order to comply with G.S. 166A-19.31.

NOW, THEREFORE, BE IT ORDAINED BY THE Clay County Board of Commissioners of Clay County that the original Ordinance dated May 1, 1988 be amended as follows:

1. Paragraph 11 entitled "Termination of Proclamation" shall be deleted in its entirety and in its stead shall read as follows:

Expiration of Prohibitions and Restrictions. Prohibitions and restrictions imposed pursuant to the Proclamation issued under this ordinance shall expire upon the earliest occurrence of any of the following:

- (1) The prohibition or restriction is terminated by the official or entity that imposed the prohibition or restriction
- (2) The state of emergency terminates.

2. Paragraph 11a entitled "Intent to Supplement Other Authority" shall be added to read as follows:

Intent to Supplement Other Authority. The Power of municipalities and counties to enact ordinances to deal with states of emergency as set forth in G.S. 166A-19.31 is intended to supplement and confirm the powers conferred by G.S. 153A-121(a), G.S. 160A-174(a), and all other general and local laws authorizing municipalities and counties to enact ordinances for the protection of the public health and safety in times of riot or other grave civil disturbance or emergency.

3. Paragraph 13 entitled "Penalty for Violation" shall be deleted in its entirety and in its stead shall read as follows:

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

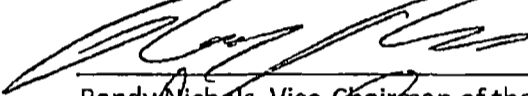
In addition, the words Proclamation and Declaration may be used interchangeably.

All of the remaining provisions of the Original Ordinance entitled "An Ordinance Authorizing the Proclamation of a State of Emergency and the Imposition of Prohibitions and Restrictions During a State of Emergency" shall remain in full force and effect.

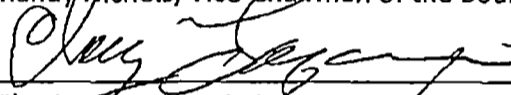
This Amendment to " An Ordinance Authorizing the Proclamation of a State of Emergency and the Imposition of Prohibitions and Restrictions During a State of Emergency" is hereby adopted this the 2nd day of April, 2020.



Dr. Robert Peck, Chairman of the Board



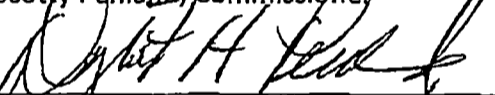
Randy Nichols, Vice-Chairman of the Board



Clay Logan, Commissioner



Scotty Penland, Commissioner



Dwight Penland, Commissioner

Attest:



Clerk to the Board

