



**Town of Southern Shores**

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

TCA-22-01

Ordinance 2022-02-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

**ARTICLE I. Purpose(s) and Authority.**

**WHEREAS**, pursuant to N.C.G.S. Chap. 160A, the Town has duly codified the Town's Code of Ordinances (the "Town Code"); and

**WHEREAS**, pursuant to North Carolina General Statutes § 166A-19.31 the governing body of any municipality or county may enact ordinances designed to permit the imposition of prohibitions and restrictions within the emergency area during a state of emergency declared pursuant to G.S. 166A-19.22.; and

**WHEREAS**, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety and general welfare for the Town to amend the Town Code of Ordinances as stated below.

**ARTICLE II. Construction.**

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses ("...") shall remain as they currently exist within the Town Code.

**ARTICLE III. Amendment of Town Code.**

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Southern Shores, North Carolina, that the Town Code shall be amended as follows:

**PART I.** That **Chapter 12 - Emergency Management.** Be amended as follows:

**Chapter 12 - Emergency Management.**

**Sec. 12-1. Short title.**

1 This chapter shall be known and may be cited and referred to as the "Emergency  
2 Management Ordinance for the Town of Southern Shores."  
3

4 **Sec. 12-2. Intent and purpose.**  
5

6 (a) It is the intent and purpose of this chapter to set forth the authority and  
7 responsibility of the town, its officers, departments, and employees in the prevention of,  
8 preparation and planning for, response to and recovery from any natural or man-made  
9 accidental, military, paramilitary, terrorism, weather-related, public health, explosion-  
10 related, riot-related cause, or technological failure or accident, including, but not limited  
11 to, a cyber incident, an explosion, a transportation accident, a radiological accident, or a  
12 chemical or other hazardous material incident. It is further the intent and purpose of this  
13 chapter to establish an office that will insure the complete and efficient utilization of all  
14 of the town's resources to prepare and plan for, respond to, recover from, and mitigate  
15 against emergencies.  
16

17 (b) This chapter shall not relieve any town department of the moral responsibilities or  
18 authority given to it in the town Charter or by local ordinances, nor will it adversely  
19 affect the work of any volunteer agency organized for relief in emergencies.  
20

21 (c) This chapter is adopted pursuant to G.S. § 166A-19.31. To the extent not  
22 specifically enumerated herein, all authorities and powers conferred on the town pursuant  
23 to G.S. Ch. 166A, and all similar provisions of state and federal law, are incorporated  
24 herein by reference.  
25

26 ~~(a) — It is the intent and purpose of this chapter to establish an office that will ensure~~  
27 ~~the complete and efficient utilization of all of the town's resources to combat disaster~~  
28 ~~resulting from disasters.~~  
29

30 ~~(b) — The town emergency management team will be the coordinating agency for all~~  
31 ~~activity in connection with emergency management within the municipality. It will be the~~  
32 ~~instrument through which the town council may exercise the authority and discharge the~~  
33 ~~responsibilities vested in them during disaster emergencies.~~  
34

35 ~~(c) — This chapter will not relieve any town department of the moral responsibilities or~~  
36 ~~authority given to it in the town Charter or by local ordinances, nor will it adversely~~  
37 ~~affect the work of any volunteer agency organized for relief in disaster emergencies.~~  
38

39 **Sec. 12-3. Definitions.**  
40

41 The following words, terms and phrases, when used in this chapter, shall have the  
42 meanings ascribed to them in this section, except where the context clearly indicates a  
43 different meaning:  
44

1 Emergency. - An occurrence or imminent threat of widespread or severe damage,  
2 injury, or loss of life or property resulting from any natural or man-made accidental,  
3 military, paramilitary, terrorism, weather-related, public health, explosion-related, riot-  
4 related cause, or technological failure or accident, including, but not limited to, a cyber  
5 incident, an explosion, a transportation accident, a radiological accident, or a chemical or  
6 other hazardous material incident.

7 ~~Disaster includes, but is not limited to, extraordinary fire, flood, storm, epidemic,~~  
8 ~~accident, chemical spill or other impending or actual calamity endangering, or~~  
9 ~~threatening to endanger, health, life or property of constituted government.~~

10  
11 Emergency Management includes those measures taken by the public and  
12 governmental units operating within the town to minimize the adverse effect of any type  
13 of emergency, including the never-ending preparedness cycle of planning, prevention,  
14 mitigation, warning, movement, shelter, emergency assistance, response, and recovery.  
15 ~~Emergency management means the basic government function of maintaining the public~~  
16 ~~peace, health and safety during an emergency. This term shall include plans and~~  
17 ~~preparations for protection and relief, recovery and rehabilitation from effects of a~~  
18 ~~disaster.~~

19  
20 Emergency management forces personnel means the employees, equipment and  
21 facilities of all town departments, boards, councils, institutions, and commissions; and in  
22 addition, it shall include all volunteer personnel, equipment and facilities contributed by,  
23 or obtained from, volunteer persons or agencies.

24 Emergency management volunteer means any person duly registered, identified  
25 and appointed by the town manager and assigned to participate in the emergency  
26 management activity.

27  
28 Regulations shall include plans, programs and other emergency procedures  
29 deemed essential to emergency management.

30  
31 State of Emergency is the condition that exists whenever, during times of public  
32 crisis, disaster, rioting, catastrophe, or similar public emergency, public safety authorities  
33 are unable to maintain public order or afford adequate protection for lives or property,  
34 and which constitutes a significant threat to public health, safety and welfare whether  
35 actual or imminent as authorized pursuant to G.S. § 166A-19.3(19).

36  
37 Volunteer means contributing a service, equipment or facilities to the emergency  
38 management team without remuneration.

39  
40 **Sec. 12-4. Organization and appointments.**

41 (a) The organization shall consist of the following:

- 42 (1) An agency of emergency management within the administrative department of  
43 the town government under the direction of the town ~~council~~ manager. The

1 head of the emergency management team shall be the town manager, and such  
2 assistants and other employees, as are deemed necessary for the proper  
3 functioning of the team, will be appointed or contracted.

4 (2) The employees and resources of all town departments, boards, institutions, and  
5 councils shall participate in the emergency management activities. Duties  
6 assigned to a town department shall be the same as, or similar to, the normal  
7 duties of the department, where possible.

8 (3) Volunteer and contracted personnel and agencies offering service to, and  
9 accepted by, the town.

10 (b) The town ~~council~~ manager shall designate and appoint a deputy town manager to  
11 assume the emergency duties of the town manager in the event of his absence or  
12 inability to act.

13 **Sec. 12-5. Day-to-day duties and responsibilities of the town manager.**

14 The town manager shall be responsible to the town council in regard to all phases of  
15 emergency management activity. The town manager shall be responsible for the  
16 planning, coordination and operation of the emergency management activities in the  
17 town. He shall maintain liaison with the county authorities and the authorities of nearby  
18 political subdivisions so as to ensure the most effective operation of the emergency  
19 management plan. The town manager's duties shall include, but not be limited to, the  
20 following:

21 (1) Coordinating the recruitment of volunteer personnel and agencies to augment  
22 the personnel and facilities of the town for emergency management purposes.

23 (2) Development and coordination of plans for the immediate use of all facilities,  
24 equipment, manpower and other resources of the town for the purpose of  
25 minimizing or preventing damage to persons and property; and protecting and  
26 restoring to usefulness governmental services and public utilities necessary for  
27 the public health, safety, and welfare.

28 (3) Negotiating and concluding agreements or contracts, with owners or persons in  
29 control of buildings or other property and resources, for the use of such  
30 buildings or other property and resources for the emergency management  
31 purposes, and designating suitable buildings as public shelters of last resort.

32 (4) Through public informational programs, educating the populace as to actions  
33 necessary and required for the protection of their persons and property in case  
34 of disaster, either impending or present.

35 (5) Conducting public practice alerts within the town alone or in connection with  
36 countywide alerts, to ensure the efficient operation of the emergency  
37 management forces of the town and to familiarize town residents with  
38 emergency management regulations, procedures and operations.

39 (6) Coordinating the activity of all other public and private agencies of the town  
40 engaged in any emergency management activities.

1           (7) Serve as the designated point of contact to the Dare County Emergency  
2           Operation Center for requesting resources and providing situation updates and  
3           reports as needed to ensure common understanding of town impacts and unmet  
4           needs.

5  
6   **Sec. 12-6. Emergency management plan.**

7   (a) The town manager shall prescribe in the emergency plans those positions within the  
8   comprehensive emergency management plans that shall be adopted and maintained  
9   by resolution of the town council. In the preparation of these plans, as it pertains to  
10   municipal organization, it is intended that the services, equipment and facilities, and  
11   personnel of all existing departments and agencies shall be utilized to the fullest  
12   extent. When approved, it shall be the duty of all departments and agencies to  
13   perform the functions assigned by these plans, and to maintain their portions of the  
14   plans in a current state of readiness at all times. These plans shall have the effect of  
15   law whenever a ~~disaster~~ local State of Emergency has been ~~proclaimed~~ declared.

16   (b) The town manager shall prescribe in the emergency plans those positions within the  
17   ~~disaster~~ emergency response organization, in addition to his own, for which lines of  
18   succession are necessary. In each instance the responsible person will designate, and  
19   keep on file with the town manager, a current list of persons as successors to his  
20   position. The list will be in order of succession and will as nearly as possible  
21   designate the persons best capable of carrying out all assigned duties and functions.

22   (c) Each ~~service~~ staff member chief and department head and/or organization assigned  
23   responsibility in the plans shall be responsible for carrying out all duties and  
24   functions assigned therein. Duties will include the organization and training of  
25   assigned employees or volunteers. Each ~~chief~~ assigned department and/or  
26   organization shall formulate the standard operating procedure to implement the  
27   plans for ~~his~~ their assigned duties/ responsibilities ~~service~~.

28   (d) Amendments to these plans shall be submitted to the town manager. If approved, the  
29   town manager will then submit the amendments to the town council with his  
30   recommendation for their approval. Such amendments shall take effect from the date  
31   of approval.

32   (e) When a required competency or skill for a disaster function is not available within  
33   government, the town manager is authorized to seek assistance from persons outside  
34   of government. The assignment of duties, when of a supervisory nature, shall also  
35   include the granting of authority for the persons so assigned to carry out such duties  
36   prior to, during, and after the occurrence of a disaster. Such services from persons  
37   outside of government may be accepted by local government on a volunteer or  
38   contracted basis. Such citizens shall be enrolled as emergency management  
39   volunteers or contracted personnel.

1 **Sec. 12-7. No municipal or private liability.**

2 (a) This chapter is an exercise by the town of its governmental functions for the  
3 protection of the public peace, health, and safety, and neither the town nor agents  
4 and representatives of same, or any individual, receiver, firm, partnership,  
5 corporation, association, or trustee, or any of the agents thereof, in good faith  
6 carrying out, complying with or attempting to comply with any order, rule or  
7 regulation promulgated pursuant to the provisions of this chapter shall be liable for  
8 any damage sustained to persons or property as the result of said activity.

9 (b) Any person owning or controlling real estate or other premises, who voluntarily and  
10 without compensation grants the town the right to inspect, designate and use the  
11 whole or any part of such real estate or premises for the purpose of sheltering  
12 persons during an actual, impending or practice disaster situation, shall not be civilly  
13 liable for the death of, or injury to, any persons on or about such real estate or  
14 premises under such license, privilege or other permission; or for loss of, or damage  
15 to, the property of such person.

16  
17 **Sec. 12-8. Implementation.**

18 Upon ~~proclamation~~ declaration of a state of emergency, the comprehensive  
19 emergency management plans shall be implemented immediately, to the extent  
20 determined by the town manager in consultation with the mayor ~~and town council.~~

21  
22 **Secs. 12-9—12-34. Reserved.**

23  
24 ***ARTICLE II. STATE OF EMERGENCY***

25  
26 **Sec. 12-35. Declaration; restrictions authorized.**

27 ~~(a) A state of emergency shall be deemed to exist whenever, during times of public~~  
28 ~~crisis, disaster, rioting, catastrophe or similar public emergency, for any reason,~~  
29 ~~public safety authorities are unable to maintain public order or afford adequate~~  
30 ~~protection for lives, safety or property, or whenever the occurrence of any such~~  
31 ~~condition is imminent.~~

32 ~~(b) In an existing or threatened state of emergency, endangering the lives, safety, health~~  
33 ~~and welfare of the people within the town or any part thereof, or threatening damage~~  
34 ~~to or destruction of property, the mayor is hereby authorized and empowered under~~  
35 ~~G.S. 14-288.12 to issue a public proclamation declaring to all persons the existence~~  
36 ~~of such a state of emergency, and in order to more effectively protect the lives and~~  
37 ~~property of people within the town, to place in effect any or all of the restrictions~~

1 hereinafter authorized. Nothing herein shall limit the authority of the town when  
2 such authority has been otherwise granted or inferred by law.

3 ~~(c) The mayor is hereby authorized and empowered to limit, by proclamation, the~~  
4 ~~application of all or any part of such restrictions to any area specifically designated~~  
5 ~~or described within the town, and to specify hours of the day or night, and to exempt~~  
6 ~~from all or any part of such restrictions, while acting in the line of and within the~~  
7 ~~scope of their respective duties, law enforcement officers, firefighters and other~~  
8 ~~public employees, rescue squad members, doctors, nurses, employees of hospitals~~  
9 ~~and other medical facilities, on-duty military personnel, whether state or federal, on-~~  
10 ~~duty employees of public utilities, public transportation companies, and newspaper,~~  
11 ~~magazine, radio broadcasting, and television broadcasting corporations operated for~~  
12 ~~profit, and such other classes of persons as may be essential to the preservation of~~  
13 ~~public order and immediately necessary to serve the safety, health and welfare needs~~  
14 ~~of the people within the town.~~

15  
16 **Sec. 12-36. Proclamation imposing prohibitions and restrictions.**

17 ~~(a) The mayor, by proclamation, may impose the prohibitions and restrictions specified~~  
18 ~~in sections 12-37 through 12-42 in the manner described in those sections. The~~  
19 ~~mayor may impose as many of those specified prohibitions and restrictions as he~~  
20 ~~finds are necessary, because of an emergency, to maintain an acceptable level of~~  
21 ~~public order and services, and to protect lives, safety, and property. The mayor shall~~  
22 ~~recite his findings in the proclamation.~~

23 ~~(b) The proclamation shall be in writing. The mayor shall take reasonable steps to give~~  
24 ~~notice of the terms of the proclamation to those affected by it and shall post a copy~~  
25 ~~of it in the town hall. The mayor shall retain a text of the proclamation and furnish,~~  
26 ~~upon request, certified copies of it for use as evidence.~~

27  
28 **Sec. 12-37. Curfew.**

29 ~~(a) The proclamation may impose a curfew prohibiting, in certain areas and during~~  
30 ~~certain periods, the appearance in public of anyone who is not a member of an~~  
31 ~~exempted class. The proclamation shall specify the geographical area and the period~~  
32 ~~during each 24 hours to which the curfew applies. The mayor may exempt from~~  
33 ~~some or all of the curfew restrictions classes of people whose exemption the mayor~~  
34 ~~finds necessary for the preservation of the public health, safety and welfare. The~~  
35 ~~proclamation shall state the exempt classes and the restrictions from which each is~~  
36 ~~exempted.~~

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

1 **Sec. 12-38. Restrictions on possession, consumption or transfer of intoxicating**  
2 **liquor.**

3 The proclamation pursuant to this article may prohibit the possession or  
4 consumption of any intoxicating liquor, including beer and wine, other than on one's own  
5 premises, and may prohibit the transfer, transportation, sale or purchase of any  
6 intoxicating liquor within the area of the town described in this proclamation. The  
7 prohibition, if imposed, may apply to transfers of intoxicating liquor by employees of  
8 alcoholic beverage control stores as well as by anyone else within the geographical area  
9 described.

10  
11 **Sec. 12-39. Restrictions on possession, transportation and transfer of dangerous**  
12 **weapons and substances.**

13 (a) ~~The proclamation pursuant to this article may prohibit the transportation or~~  
14 ~~possession off one's own premises, or the sale or purchase of, any dangerous weapon~~  
15 ~~or substance. The mayor may exempt, from some or all of the restrictions, classes of~~  
16 ~~people whose possession, transfer or transportation of certain dangerous weapons or~~  
17 ~~substances is necessary to the preservation of the public health, safety or welfare.~~  
18 ~~The proclamation shall state the exempted classes and the restrictions from which~~  
19 ~~each is exempted.~~

20 (b) ~~As used in this section, the term "dangerous weapon or substance" means:~~

21 ~~(1) Any deadly weapon, ammunition, incendiary device, explosive, gasoline or~~  
22 ~~other instrument or substance designed for a use that carries threat of serious~~  
23 ~~bodily injury or destruction of property;~~

24 ~~(2) Any other instrument or substance that is capable of being used to inflict~~  
25 ~~serious bodily injury or destruction of property, when the circumstances~~  
26 ~~indicate that there is some probability that such instrument will be so~~  
27 ~~destructively used;~~

28 ~~(3) Any part or ingredient in any instrument or substance included in subsections~~  
29 ~~(b)(1) and (2) of this section.~~

30 (c) ~~If imposed, the restrictions shall apply throughout the jurisdiction of the town or~~  
31 ~~such part thereof designated in the proclamation.~~

32  
33 **Sec. 12-40. Restriction on access to areas.**

34 (a) ~~The proclamation, pursuant to this article, may prohibit obtaining access, or~~  
35 ~~attempting to obtain access, to any area, designated in the manner described in this~~  
36 ~~section, in violation of any order, clearly posted notice, or barricade, indicating that~~  
37 ~~access is denied or restricted.~~



1 ~~(b) Areas to which access is denied or restricted shall be designated by the town~~  
2 ~~manager. When acting under this authority, the town may restrict or deny access to~~  
3 ~~any area, street, highway or location within the town if that restriction, or denial of~~  
4 ~~access or use, is reasonably necessary to promote efforts being made to overcome~~  
5 ~~the emergency or to prevent further aggravation of the emergency.~~

6  
7 **Sec. 12-41. Evacuation of areas.**

8 ~~The proclamation, pursuant to this article or any amendment thereto, may require the~~  
9 ~~emergency evacuation of any area. The proclamation shall state the geographic~~  
10 ~~boundaries of the area to be evacuated and, upon issuance of the proclamation, the town~~  
11 ~~manager shall take all necessary action to remove all persons from the area and to deny~~  
12 ~~access to the area, as set out in section 12-40.~~

13  
14 **Sec. 12-42. Prohibitions and restrictions generally.**

15 ~~The proclamation, pursuant to this article, may prohibit or restrict:~~

16 ~~(1) Movements of people in public places;~~

17 ~~(2) The operation of offices, business establishments and other places to or from~~  
18 ~~which people may travel or at which they may congregate;~~

19 ~~(3) Price gouging, defined as the sale of goods in excess of the manufacturer's~~  
20 ~~suggested retail price or at a price above the pre-emergency level, unless the~~  
21 ~~merchant can document purchase of the goods at increased cost. Any~~  
22 ~~restrictions imposed under this subsection shall extend for a period of 90 days~~  
23 ~~following the date of the declaration of the state of emergency unless sooner~~  
24 ~~terminated by proclamation or resolution.~~

25 ~~(4) Other activities or conditions the control of which may be reasonably necessary~~  
26 ~~to maintain order and protect lives or property during the state of emergency,~~  
27 ~~within the area designated in the proclamation.~~

28 (a) Pursuant to G.S. § 166A-19.22, a state of emergency shall be declared when it  
29 is determined that circumstances and conditions exist which create a real or  
30 imminent threat of a public crisis, disaster, rioting, catastrophe, or similar  
31 public emergency within the town in response to which public safety authorities  
32 are unable to maintain public order or afford adequate protection for lives and  
33 property and which pose significant threats to public health and safety.

34 (b) The Town of Southern Shores Town Council hereby delegates to the Mayor the  
35 authority to determine and declare the existence of a state of emergency within  
36 the town, to order the evacuation of some or all portions of the town, to  
37 authorize the reentry or persons into the town following evacuation, and to  
38 impose, during that state of emergency, prohibitions and restrictions deemed  
39 necessary to protect public health, safety and welfare and minimize damage to

1 property: The type of prohibitions and restrictions authorized during a state of  
2 emergency include prohibition and restriction:

3 (1) Of movements of people in public places, including any of the following:

4 (a) Imposing a curfew;

5 (b) Directing and compelling the voluntary or mandatory evacuation  
6 of all or part of the population from any stricken or threatened area within  
7 the governing body's jurisdiction;

8 (c) Prescribing routes, modes of transportation, and destinations in  
9 connection with evacuation;

10 (d) Controlling ingress and egress of an emergency area, and the  
11 movement of persons within that area;

12 (e) Providing for the closure, within the emergency area of streets,  
13 roads, highways, bridges, public vehicular areas, or other areas ordinarily  
14 used for vehicular travel, except to the movement of emergency  
15 responders and other persons necessary for recovery from the emergency.

16 (2) Of the operation of offices, business establishments, and other places to or  
17 from which people may travel or at which they may congregate;

18 (3) Upon the possession, transportation, sale, purchase, and consumption of  
19 alcoholic beverages;

20 (4) With the exception of lawfully possessed firearms (defined pursuant to  
21 G.S. § 166A-19.31(b)(4) as handguns, rifles, or shotguns), upon  
22 possession, storage, and use of dangerous weapons and substances, and  
23 combustible fuels;

24 (5) Upon other activities or conditions the control of which may be reasonably  
25 necessary to maintain order and protect lives or property during the state  
26 of emergency;

27 (6) Any and all prohibitions and restrictions authorized by G.S. § 166A-19.31.

28 (c) A state of emergency declared pursuant to this chapter, and all prohibitions and  
29 restrictions imposed as a result of the declaration, shall be established by written  
30 declaration duly executed by the Mayor, and shall remain in effect until such time as the  
31 declaration is amended or rescinded in the same manner. The declaration shall include a  
32 listing of all restrictions and prohibitions imposed and, where applicable, the date and  
33 time on which such restrictions and prohibitions become effective. When the nature of  
34 the emergency requires the mayor to represent the town as a Senior Leader under the  
35 Dare County Emergency Management Plan, the mayor may consent to or request the  
36 county state of emergency declaration include the town as authorized by G.S 166A-  
37 19.22. (b) (2) & (3). The signed declaration shall be posted conspicuously on the Town

1 website and will be submitted to the North Carolina Department of Public Safety  
2 WebEOC critical incident management system as required by G. S. 166A-19.31(d).

3  
4 (d) At such time as a state of emergency is declared, the Town of Southern Shores  
5 Emergency Management Plan, all standard operating procedures adopted pursuant to the  
6 Plan, and all applicable mutual aid agreements and other similar agreements and  
7 compacts shall be activated.  
8

9 **~~Sec. 12-43. Amendments of the proclamation.~~**

10 ~~The mayor may amend or extend the proclamation under this article, from time to~~  
11 ~~time, making such modifications as he would have been authorized to include in the~~  
12 ~~original proclamation. The proclamation shall expire five days after its last imposition~~  
13 ~~unless sooner terminated.~~  
14

15 **~~Sec. 12-44. Removal of prohibitions and restrictions.~~**

16 ~~The mayor shall, by proclamation, remove the prohibitions and restrictions under~~  
17 ~~this article as the emergency no longer requires them, or when directed to do so by the~~  
18 ~~town council.~~  
19

20 **~~Sec. 12-45~~36. Separate and superseding ~~proclamations~~ declarations.**

21 The mayor, in his/her discretion, may invoke the restrictions authorized by this  
22 article in separate ~~proclamations~~ declarations , and may amend any ~~proclamation~~  
23 declaration by means of a superseding ~~proclamation~~ declaration.  
24

25 **~~Sec. 12-46~~37. Absence or disability of mayor.**

26 In case of the absence or disability of the mayor, the mayor pro tempore shall have  
27 and exercise all of the powers given the mayor in this article. In case of the absence or  
28 disability of the mayor pro tempore, such other person as may be designated by the town  
29 council shall have and exercise all of the powers given the mayor in this article.  
30

31 **~~Secs. 12-47~~38—12-65. Reserved.**  
32

1                    **ARTICLE III. HURRICANE AND STORM RECONSTRUCTION AND**  
2                    **REDEVELOPMENT RECONSTRUCTION AND REDEVELOPMENT**  
3                    **FOLLOWING A TOWN WIDE EMERGENCY DECLARATION**

4  
5                    **Sec. 12-66. Intent.**

6                    Following a damaging storm and enactment of a building moratorium, it is the intent  
7                    of the town to allow rebuilding and reconstruction in an orderly manner. The town will  
8                    control the issuance of building permits to manage the location, timing and sequence of  
9                    reconstruction and repair. It is further the intent of this article that the town establish,  
10                   prior to the storm, a special reconstruction task force which will oversee the recovery and  
11                   reconstruction process and serve as an advisory body to the town council on  
12                   recovery/reconstruction issues. A main responsibility of this body will be to identify  
13                   opportunities to mitigate future storm damages through the management of  
14                   reconstruction. To further the intent of this article, the town will make every effort to  
15                   develop its capacity to identify and coordinate various post-storm reconstruction  
16                   resources, while at the same time ensuring maximum local control over the  
17                   reconstruction process.

18  
19                   **Sec. 12-67. Definitions.**

20                   The following words, terms and phrases, when used in this article, shall have the  
21                   meanings ascribed to them in this section, except where the context clearly indicates a  
22                   different meaning:

23                   *Destroyed structure* means a structure that is a total loss or damaged to such an  
24                   extent that repairs are not technically or economically feasible, i.e., 50 percent or more of  
25                   the replacement cost of the entire structure at the time of damage or destruction.

26                   *Incipient inlet* means an ocean-to-sound inlet which has been formed, or an inlet in  
27                   the first stages of formation, or an inlet which has opened and is now closed as a result of  
28                   a severe storm event.

29                   *Local damage assessment team* means a damage assessment team, required by the  
30                   state division of emergency management, whose function is to assess losses to property  
31                   immediately after a storm. The assessment is used to determine if the area can qualify for  
32                   federal or state disaster assistance.

33                   *Major damaged structure* means a structure that can be made habitable with  
34                   extensive repairs. Damage may include foundation, roof structure and major structural  
35                   components. The indicator for this category is if the cost to repair is greater than ten  
36                   percent and less than 50 percent of the replacement cost of the entire structure at the time  
37                   of damage.

38                   *Minor damaged structure* means a structure that can be made habitable in a short  
39                   period of time with minimal repairs. Damage may include doors, windows, floors,

1 furnaces, water heaters and other minor structural damage. An indicator for this category  
2 is if the cost to repair is ten percent or less of the replacement cost of the entire structure  
3 at the time of damage.

4 *Storm event* means any natural weather event causing damage and destruction of  
5 property. (A storm event shall include, but not be limited to, hurricanes, northeasters,  
6 tornadoes, lightning, waterspouts, rain, and ice or snow storms.)

7  
8 **Sec. 12-68. Hurricane and storm reconstruction.**

9 (a) *Determination of damage.* A primary task of the local damage assessment team is to  
10 identify structures which, as a result of the storm event, have been damaged. The  
11 local damage assessment team will recommend to the ~~building inspector~~ Planning  
12 and Code Enforcement Department those structures which have been destroyed,  
13 received major damage or received minor damage. The ~~building inspector~~ Planning  
14 and Code Enforcement Department will then inspect the damaged structures and  
15 place each structure in one of the categories defined in section 12-67.

16 (b) *Declaration of a building moratorium.* The initial post-storm reconstruction  
17 moratorium shall be declared in effect upon the occurrence of one or more of the  
18 following findings:

19 ~~(1) The town is struck by a hurricane of force equal to or greater than four on the~~  
20 ~~Saffir-Simpson scale, as determined by the National Weather Service.~~

21 ~~(2) The town is declared a disaster area by either the governor of the state or the~~  
22 ~~President of the United States.~~

23 (3) 25 or more structures have received major damage or have been destroyed, as  
24 determined by the ~~building inspector~~ Planning and Code Enforcement  
25 Department.

26 (4) Upon the finding by the mayor, or in the absence of the mayor, the mayor pro  
27 tem, of the existence of a state of emergency, in accordance with G.S. ~~14-288~~  
28 166A-19.22, as amended, the mayor, or the mayor pro tem, as the case may be,  
29 shall declare the initial building moratorium, pursuant to G.S. 160A-174, where  
30 the mayor finds a moratorium is necessary for the protection of lives, safety and  
31 property, or due to the inability of the town to maintain acceptable levels of  
32 public order and services. The mayor may, based upon the above finding,  
33 extend the initial moratorium until such time as the state of emergency no  
34 longer exists.

35 (c) *Moratoriums.*

36 (1) *Initial building moratorium.* Upon the declaration of a building moratorium, the  
37 initial post-storm moratorium shall be in effect for a minimum period of 48  
38 hours. No building permits shall be issued during this time period. After  
39 expiration of this initial moratorium, the following moratoria shall then apply:

- 1 a. *Destroyed structure moratorium.* No building permit shall be issued within  
2 30 days following the expiration of the initial moratorium for the  
3 replacement of any structure which has been destroyed. All replacement  
4 building shall be subject to meeting the requirements of chapter 36, article  
5 XVI, all applicable sections pertaining to zoning, and all applicable town  
6 codes, prior to the issuance of a building permit.
- 7 b. *Major damaged structure moratorium.* No building permit for repairs of a  
8 major damaged structure shall be issued for at least seven days following  
9 the expiration of the initial moratorium. All repairs to a major damaged  
10 structure shall meet the requirements of chapter 36, article XVI, all  
11 applicable sections pertaining to zoning, and all applicable town codes,  
12 prior to the issuance of a building permit.
- 13 c. *Minor damaged structure moratorium.* Permits for the repair of minor  
14 damaged structures may be issued following the expiration of the initial  
15 moratorium. All repairs to minor damaged structures shall meet the  
16 requirements of chapter 36, article XVI, all applicable sections pertaining  
17 to zoning, and all applicable town codes, prior to the issuance of a building  
18 permit.
- 19 ~~d. *Outstanding building permits moratorium.* All building permits which  
20 were issued prior to the storm event shall be revoked and shall not be  
21 reissued for a minimum period of 30 days following the expiration of the  
22 initial moratorium, unless upon finding by the building inspector, on a  
23 case by case basis, that sufficient inspection capability is available to  
24 adequately inspect the structures, should construction begin or resume. All  
25 permits issued prior to the storm event must meet the additional  
26 requirements of article XVI of chapter 36 before construction can resume.  
27 Applications for building permits revoked under this section shall be  
28 reissued at no charge.~~
- 29 ~~ed.~~ *Site plan review.* Site plans which have been submitted to the town prior to  
30 the storm event shall not be reviewed by the staff, planning board or town  
31 council for a period of 30 days following the expiration of the initial  
32 moratorium. All submittal dates and review periods shall be adjusted  
33 accordingly to reflect the time period covered by this 30-day moratorium.
- 34 ~~fe.~~ *New site plans, zoning requests and subdivision plats.* No new site plans,  
35 zoning requests or subdivision plats shall be accepted by the town for a  
36 period of 30 days following the expiration of the initial moratorium. All  
37 submittal dates and review periods shall be adjusted accordingly to reflect  
38 the time period covered by this 30-day moratorium.
- 39 (2) *Duration of moratorium.* All moratoriums, other than the initial moratorium as  
40 enacted in subsection (b)(4) of this section, shall be in effect for the length of  
41 time described above and may be cancelled or extended by the mayor or  
42 resolution by the town council.

- 1 (d) *Emergency repairs.* While a moratorium is in effect, no construction or  
2 reconstruction activity may be undertaken, excepting only minor interior repairs and  
3 emergency repairs necessary to prevent injury or loss of life or imminent collapse or  
4 other substantial additional damage to the structure. For illustrative purposes only,  
5 items that constitute minor repairs may include temporary roof repairs to avoid  
6 further water damage, minor repairs to steps and the temporary shoring up of a  
7 structure to avoid imminent collapse.

8  
9 **Sec. 12-69. Reconstruction task force.**

- 10 (a) *Activation.* The reconstruction task force shall be activated upon the declaration of  
11 the initial building moratorium. The task force shall be responsible for advising the  
12 town council on a wide range of post-storm reconstruction issues.

13 (b) *Responsibilities.*

- 14 (1) The reconstruction task force shall have the responsibilities outlined in this  
15 subsection. A primary function of the task force is to receive and review  
16 damage reports and other analyses of post-storm circumstances and to compare  
17 these circumstances with mitigation opportunities identified prior to the storm,  
18 to discern appropriate areas for post-storm change and innovation. Where  
19 needed, the reconstruction task force can review, in a more specific fashion,  
20 alternative mechanisms for bringing these changes about and recommend the  
21 coordination of internal and external resources for achieving these ends.

- 22  
23 (2) In addition to the responsibilities in subsection (b)(1) of this section, the  
24 reconstruction task force shall:

- 25 a. Review the nature of damages, identify and evaluate alternate program  
26 approaches for repairs and reconstruction, and formulate recommendations  
27 for handling community recovery.
- 28 b. Recommend rezoning changes in areas of damage.
- 29 c. Set a calendar of milestones for reconstruction tasks in conjunction with  
30 the town council.
- 31 d. Initiate requests for repairs to critical utilities and facilities.
- 32 e. Recommend the expiration or extension of a moratorium for major and  
33 minor repairs.
- 34 f. Recommend the lifting or extension of a moratorium for the outstanding  
35 building moratorium.
- 36 g. Evaluate hazards and the effectiveness of mitigation policies and  
37 recommend the amendment of policies, if necessary.

1 h. Initiate recommendations for negotiations for relocations and acquisitions  
2 of property.

3 i. Participate in federal hazard mitigation planning.

4 The task force shall recommend any changes in zoning, subdivision  
5 regulations, setback, density, elevation requirements, building codes, or any  
6 other ordinances which it deems necessary or advisable to prevent recurrence of  
7 coastal storm damage.

8  
9 ~~(3) The reconstruction task force may also undertake a similar process for  
10 nonmitigative local objectives and opportunities. The task force may  
11 recommend for the town council consideration the following specific  
12 opportunities:~~

13 a. ~~Enhancement of local recreational and open space opportunities;  
14 enhancement of public access to estuarine and ocean beaches.~~

15 b. ~~Enhancement and restoration of local natural ecosystems.~~

16 c. ~~Reduction of traffic congestion, noise and other transportation related  
17 problems.~~

18 d. ~~Enhancement of the longterm economic vitality of the local commercial  
19 and industrial base.~~

20 e. ~~Other goals which further the stated goals and policies of the town.~~

21  
22 (c) *Composition of the reconstruction task force.* The reconstruction task force will be  
23 composed of the following individuals reflecting a broad-based representation of  
24 community interest and shall be appointed ~~annually~~ as needed by the town council:

25 (1) ~~Two elected officials~~ Mayor and Mayor Pro Tem or other elected official.

26 (2) Town manager.

27 (3) ~~Two planning board members~~ Planning Board Chairman and Vice Chairman.

28 ~~(4) One board of adjustment member.~~

29 ~~(54)~~ One representative each from Southern Shores Civic Association (SSCA) and  
30 Chicahauk Civic Association.

31 ~~(65)~~ Building inspector.

32 ~~(76)~~ Police chief or his representative.

33 ~~(87)~~ Fire chief or his representative.

34 ~~(98)~~ One representative from either the realty or the construction community.

35  
36 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**  
37 **Reasonableness.**



1  
2 The Town’s adoption of this ordinance amendment is consistent with the Town’s adopted  
3 comprehensive zoning ordinance, land use plan and any other officially adopted plan that  
4 is applicable. For all of the above-stated reasons and any additional reasons supporting the  
5 Town’s adoption of this ordinance amendment, the Town considers the adoption of this  
6 ordinance amendment to be reasonable and in the public interest.

7  
8 **ARTICLE V. Severability.**

9  
10 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are  
11 hereby repealed. Should a court of competent jurisdiction declare this ordinance  
12 amendment or any part thereof to be invalid, such decision shall not affect the remaining  
13 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the  
14 Town of Southern Shores, North Carolina which shall remain in full force and effect.

15  
16 **ARTICLE VI. Effective Date.**

17  
18 This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of  
19 \_\_\_\_\_, 2022.

20  
21  
22 \_\_\_\_\_  
Elizabeth Morey, Mayor

23 ATTEST:

24  
25 \_\_\_\_\_  
26 Town Clerk

27  
28  
29 APPROVED AS TO FORM:

30  
31 \_\_\_\_\_  
32 Town Attorney

33  
34 Date adopted:

35  
36 \_\_\_\_\_  
37 Motion to adopt by Councilmember:

38  
39 \_\_\_\_\_  
Motion seconded by Councilmember:

40  
41  
42 Vote: \_\_\_AYES\_\_\_NAYS