

**ARTICLE 543
State of Emergency**

<p>543.01 When state of emergency deemed to exist.</p> <p>543.02 Declaration of emergency by Mayor.</p> <p>543.03 Specific restrictions authorized.</p> <p>543.04 Extension, alteration and rescission of proclamation.</p>	<p>543.05 Compliance with restrictions.</p> <p>543.06 Authority to request State forces.</p> <p>543.07 End of emergency period.</p> <p>543.99 Penalty.</p>
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CROSS REFERENCES

Crimes against the peace – see W. Va. Code Art. 61-6
Emergency services – see ADM. Art. 109

543.01 WHEN STATE OF EMERGENCY DEEMED TO EXIST.

For the purposes of this article, a state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe or similar public civil emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property.

(1975 Code 6-1)

543.02 DECLARATION OF EMERGENCY BY MAYOR.

(a) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the City or threatening damage to or destruction of property, the Mayor is hereby empowered to issue a public proclamation declaring to all persons the existence of such state of emergency, and, in order to more effectively protect the lives and property of people within the City, to place in effect any or all of the restrictions authorized by this article.

(b) The Mayor is hereby authorized and empowered to limit by such proclamation the application of all or any part of such restrictions to any area specifically designated or described within the City and to specific hours of the day or night; and to exempt from all or any part of such restrictions law enforcement officers, firemen and other public employees, physicians, 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; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the City.

(1975 Code 6-2)

543.03 SPECIFIC RESTRICTIONS AUTHORIZED.

During the existence of a proclaimed state of emergency, the Mayor may impose by proclamation any or all of the following restrictions:

- (a) Prohibit or regulate the possession off one's own premises of explosives, firearms, ammunition or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof;
- (b) Prohibit or regulate the buying or selling of beer, wine or intoxicating beverages of any kind, and their possession or consumption off one's own premises;
- (c) Prohibit or regulate any demonstration, parade, march, vigil or participation therein from taking place on any of the public ways or upon any public property;
- (d) Prohibit or regulate the sale or use of gasoline, kerosene, naphtha or any other explosive or flammable fluids or substances;
- (e) Prohibit or regulate travel upon any public street or upon any other public property, except by those in search of medical assistance, food or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof;
- (f) Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment and other places of public assembly;

- (g) Establish hours during which a curfew shall be in effect.

(1975 Code 6-3)

543.04 EXTENSION, ALTERATION AND RESCISSION OF PROCLAMATION.

Any proclamation of emergency promulgated pursuant to this article may be extended, altered or rescinded in any particular during the continued or threatened existence of a state of emergency by the issue of a subsequent proclamation.

(1975 Code 6-4)

543.05 COMPLIANCE WITH RESTRICTIONS.

During the existence of a proclaimed state of emergency, no person shall violate any provision of any restriction imposed by any proclamation authorized by this article.

(1975 Code 6-5)

543.06 AUTHORITY TO REQUEST STATE FORCES.

If, in the sound discretion of the Mayor, it appears that the emergency is, or that the threatened emergency is likely to be, of such proportions that the means available to the City to maintain law and order within the police jurisdiction of the City are insufficient for such purpose, the Mayor, shall promptly and by the most expeditious means of communication, inform the Governor of the situation and request that the necessary police or military forces of the State be provided promptly; and if, during an actual state of emergency the Mayor finds that the civil courts within the police jurisdiction of the City are unable to perform their lawful duties and that, by reason of widespread lawlessness, writs and other process cannot be served or executed, the Mayor shall inform the Governor of his findings and may recommend to him that a state of martial law be proclaimed within the police jurisdiction of the City.

(1975 Code 6-6)

543.07 END OF EMERGENCY PERIOD.

The Mayor shall proclaim the end of such state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by Council.

(1975 Code 6-7)

543.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for general Code penalty if no specific penalty if provided.)