



CITY OF RALEIGH
NORTH CAROLINA

EMERGENCY PROCLAMATION

August 27, 2020

WHEREAS, events occurring on the weekend of May 30 during and following a protest over the death of George Floyd while he was in the custody of Minneapolis police resulted in significant property damage to downtown Raleigh businesses and buildings and endangered the lives, safety, health and welfare of the people within the City; and

WHEREAS, events in the last week related to protests in other cities around the country have resulted in property destruction, violence, and loss of life in those jurisdictions; and

WHEREAS, it is anticipated that protests may occur within the City over the week-end of August 28-29, 2020 and thereafter, and it is the desire of the City that these protests occur peacefully and in a manner that is safe for all within the City, including those participating in protests and those not participating in protests; and

WHEREAS, to encourage public safety and peaceable assembly and to avoid non-peaceful actors instigating damage to persons and property amid and following such peaceful activities, a curfew shall be imposed as described within this Proclamation; and

WHEREAS, the threat of civil unrest has created a state of emergency in the City of Raleigh; and

WHEREAS, immediate attention is required to protect the public health and welfare, prevent damage to property, ensure public safety, and render emergency relief; and

WHEREAS, Article 1A of Chapter 166A of the General Statutes, entitled the "North Carolina Emergency Management Act", sets forth the authority and responsibility of the Governor, State agencies, and local governments in prevention of, preparation for, response to, and recovery from natural or man-made emergencies; and

WHEREAS, G.S. § 166A-19.22 and G.S. § 166A-19.31, authorize municipalities to declare states of emergency and to impose prohibitions and restrictions under conditions and following procedures contained in G.S. § 166A-19.22 and G.S. § 166A-19.31; and

WHEREAS, Section 1-1051 of the City of Raleigh Code of Ordinances authorizes the Mayor to declare a state of emergency within the City of Raleigh to protect the lives and property of the people, which includes the power to impose a curfew within the City or any part thereof; and

WHEREAS, to reduce the threat of the above-described civil unrest, I, Mary-Ann Baldwin, Mayor of the City of Raleigh, North Carolina, do find that the aforementioned conditions constitute an imminent threat to the safety and welfare of the City and its residents, that imminent conditions may cause widespread and severe damage, injury, or loss of life or property, and public safety authorities may be unable to maintain public order or afford adequate protection for lives or property, and thus, constitute a state of emergency;

WHEREAS, declaring a state of emergency and imposing the restrictions and prohibitions ordered herein is necessary to maintain order and protect public health, safety, and welfare, and to secure property.

NOW, THEREFORE, pursuant to the authority vested in me as the Mayor of the City of Raleigh, under Article 1A of Chapter 166A of the North Carolina General Statutes and Section 1-1051 of the City of Raleigh Code of Ordinances, I, Mary-Ann Baldwin, Mayor of the City of Raleigh, North Carolina, hereby proclaim and declare a state of emergency exists within the City.

Section 1. Emergency Area Established. The emergency area covered by this Emergency Proclamation shall be the entire jurisdiction of the City of Raleigh.

Section 2. Implementation. I hereby order all City of Raleigh law enforcement officers and employees and all other emergency management personnel subject to the City's control to cooperate in the enforcement and implementation of the provisions of this declaration, all applicable local ordinances, State and federal laws, and the City of Raleigh Emergency Operations Plan.

Section 3. Curfew. A curfew shall be imposed requiring every person who is located within the corporate limits of the City of Raleigh to be inside a house or dwelling between the hours of 10 p.m. and 5 a.m.

This curfew does not apply to:

- a) Law enforcement officers, licensed security guards, firefighters and other

public employees in the performance of their job duties;

- b) Doctors, nurses, and employees of hospitals and other medical facilities in the performance of their job duties;
- c) On-duty military personnel, whether state or federal;
- d) On-duty employees of public or private utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations;
- e) Package and freight delivery companies which package goods and deliver them to homes, and businesses operating lawfully under the curfew, including but not limited to Amazon, FedEx and UPS and their employees while on duty; and
- f) On-site manufacturing and operations centers.

Section 4. Restricted Access. Travel upon any public street, alley, roadway or upon any other public property, within the corporate limits of the City of Raleigh is prohibited during the stated hours of curfew, except by those:

- a) in search of medical assistance or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof; and
- b) traveling directly to or directly from their home or dwelling to or from their place of employment.

Section 5. Distribution. I hereby order this declaration: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be filed with the City Clerk, (c) to be posted as required by law; and (d) to be distributed to others as necessary to ensure proper implementation of this declaration.

Section 6. Effective Date and Time. This declaration shall take effect at 10 p.m., August 28, 2020, and shall remain in effect until modified or rescinded.

[Signature page follows this page]

DECLARED on this 27 day of August 2020, at 3:30 pm.

CITY OF RALEIGH, NORTH CAROLINA

By: Mary-Ann Baldwin
Mary-Ann Baldwin, Mayor

Attest: Gail G. Smith
Gail G. Smith, City Clerk

Prepared by the Raleigh City Attorney's Office

