

**AN ORDINANCE ESTABLISHING TEMPORARY
ACCOMMODATIONS FOR REGULATIONS DURING
A DECLARED EMERGENCY**

Ordinance 20-03

WHEREAS, Chapter 166A of the North Carolina General Statutes, *North Carolina Emergency Management Act*, authorizes local governments to take action in prevention of, preparation for, response to, and recovery from natural or man-made disasters and to reduce the vulnerability of people and property to damage, injury, and loss of life and property; and

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town of Duck may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chapter 160A, Article 19 et. seq, the Town has adopted a comprehensive zoning ordinance and has codified the same as Chapter 156 of the Town's Code of Ordinances; and

WHEREAS, pursuant to N.C.G.S. § 160A-174, the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

WHEREAS, due to the damaging effects of certain declared emergencies, actions may be necessary to protect the public health, safety, welfare, and economic well-being of residents and businesses in the Town of Duck; and

WHEREAS, adopted zoning and development standards may place unreasonable limitations on community and business operations subject to restrictions due to physical conditions or Federal, State and Local health and safety regulations that establish restrictions under which community activities and business operations cannot adequately function; and

WHEREAS, temporary accommodations to zoning and development standards can allow greater flexibility for local businesses and the community to alter and continue operations in a safe and effective manner during times of emergency; and

WHEREAS, adopted standards for the use of public properties, special events, business operations, and other regulations may place unreasonable limitations on community and business operations subject to restrictions due to physical conditions or Federal, State and Local health and safety regulations that establish restrictions under which community activities and business operations cannot adequately function; and

WHEREAS, temporary accommodations to standards for the use of public properties, special events, business operations, and other regulations can allow reasonable and flexible measures for use of these resources in a safe and effective manner during times of emergency; and

WHEREAS, these emergency situations may require timely and responsive action by the Town of Duck to enact temporary standards that will allow for sustainable, yet safe, operation of local businesses and community activities; 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, morals and general welfare for the Town to amend the Town's Zoning Ordinance and Town Code of Ordinances as stated below; and

WHEREAS, the Duck Town Council found this ordinance to be consistent with the recommendations and intent of the Town of Duck CAMA Land Use Plan.

NOW THEREFORE BE IT ORDAINED by the Town Council for the Town of Duck, North Carolina:

PART I. The following wording shall be added as Chapter 113 of the Town Code:

CHAPTER 113: TEMPORARY ACCOMMODATIONS DURING A DECLARED EMERGENCY

113.01 TEMPORARY PROVISIONS.

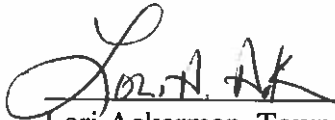
In the event of an emergency declared by the Town of Duck or Dare County pursuant to NCGS 166A-19.22, the Mayor may authorize the Town Manager or his designee to allow for reasonable temporary accommodations in town regulations consistent with and furthering the purposes of the emergency declaration and in the interests of public health, safety and welfare, including the economic prosperity of the community. Such temporary accommodations shall not extend beyond the termination of the declaration of emergency or the end of the circumstances under the declaration causing the need for accommodations. Such temporary accommodations may include, but shall not be limited to amendments to the following chapters of the Town Code:

- (A) Chapter 93, Parks
- (B) Chapter 95, Special Events
- (C) Chapter 110, Peddlers and Vendors
- (D) Chapter 156, Zoning
 - (1) Permitted uses;
 - (2) Lot coverage;
 - (3) Structure setbacks;
 - (4) Parking requirements;
 - (5) Signs.

PART II. This ordinance shall be effective upon its adoption.


Don Kingston, Mayor

ATTEST:


Lori Ackerman, Town Clerk

Date adopted: May 20, 2020

Motion to adopt by: Nancy Business

Vote: 5 AYES 0 NAYS

