

ORDINANCE NO. 1123

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PRICHARD TO PROCLAIM THE EXISTENCE OF A CIVIL EMERGENCY AND GRANTING TO THE MAYOR OF THE CITY OF PRICHARD CERTAIN POWERS DURING SUCH CIVIL EMERGENCY, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE OR ANY EXECUTIVE ORDER ISSUED BY THE MAYOR PURSUANT THERETO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRICHARD, ALABAMA, AS FOLLOWS:

SECTION ONE: As used herein the following words and terms shall have the meanings herein stated:

(a) A civil emergency is hereby defined to be:

(1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law.

(2) Any natural disaster or man-made calamity including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the City of Prichard resulting in the death or injury of persons or the destruction of property to such an extent that extra-ordinary measures must be taken to protect the public health, safety and welfare.

(b) Curfew is hereby defined as a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the City of Prichard, excepting persons officially designated to duty with reference to said civil emergency.

SECTION TWO: When in the judgment of the Mayor a civil emergency as defined herein is deemed to exist he shall forthwith proclaim in writing the existence of same.

SECTION THREE: After proclamation of a civil emergency by the Mayor, he may order a general curfew applicable to such geographical areas of the City or to the City as a whole, as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.

SECTION FOUR: After proclamation of a civil emergency, the Mayor of the City of Prichard may also in the interest of public safety and welfare make any or all of the following orders:

(a) Order the closing of all retail liquor stores.

(b) Order the closing of all beer taverns.

(c) Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor and/or beer is permitted.

(d) Order the discontinuance of the sale of beer.

(e) Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(f) Order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution or dispensing of liquid flammable or combustible products.

(g) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(h) Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms and/or ammunition.

(i) Issue such other orders as are imminently necessary for the protection of life and property.

SECTION FIVE: Any person found guilty of violating any provision of the ordinance, or any executive order issued by the Mayor Pursuant to the authority herein contained, shall be guilty of an offense against the City of Prichard, Alabama, and shall be punished by a fine not exceeding \$100.00, or may be imprisoned in the City Jail or sentenced to hard labor for the City for a period of not exceeding six (6) months, or by both such fine and imprisonment or sentenced to hard labor, at the discretion of the Judge trying the case.

SECTION SIX: It is hereby declared to be the intention of the City Council of the City of Prichard that the sections, paragraphs, sentences, clauses and phrases of this ordinance or any executive order issued by the Mayor pursuant hereto, are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance or any executive order issued by the Mayor pursuant hereto shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, or any executive order issued by the Mayor pursuant hereto, it being hereby determined that the same would have been enacted by the Prichard City Council without the incorporation in this Ordinance of any invalid or unconstitutional phrase, clause, sentence, paragraph or section, and that the remaining portions of any executive order issued pursuant hereto by the Mayor would have been issued by the Mayor without the incorporation in such executive order of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION SEVEN: This Ordinance shall be effective on the 6th day of April, 1968.

ADOPTED this 7th day of April, 1968.


V. O. CAPPS, MAYOR

ATTEST:


BERNIECE H. CENTANNE, CITY CLERK