



**Amherst County Board of Supervisors
County Ordinance No. 2020-0008**

AN ORDINANCE, NO. 2020-0008

Amending and reenacting the Code of Amherst county, 1987, as amended, by adding thereto a new section numbered 11.5-9, relating to the declaration of curfews in times of emergency.

Approved as to form and legality by the Amherst County Attorney

EMERGENCY ADOPTION: Board of Supervisors, June 2, 2020

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF AMHERST COUNTY, VIRGINIA:

§1. That the Code of Amherst County, 1987, as amended, be and the same is hereby amended and reenacted by adding thereto Section 11.5-9 as follows:

Sec.11.5-9. Curfews after declarations of emergency.

- (a) Pursuant to the police powers granted to the County by Sections 15.2-925, 15.2-1102, and 15.2-1200 of the Code of Virginia, 1950, as amended, and in the interest of promoting public safety, the county administrator or his or her designee is hereby authorized to impose a curfew after the declaration of an emergency, in accordance with the provisions of this section.
- (b) As used in this section:
 - (1) "Curfew" means an order issued by the county administrator prohibiting persons from being present on any street, road, alley, avenue, park, or other public place in the county or any portion thereof designated by the county administrator during specified times of the day or night;
 - (2) "County administrator" means the Amherst county administrator or his or her designee;
 - (3) "Natural disaster" means any hurricane, tornado, storm, flood, high water, wind driven water, tidal wave, earthquake, drought, fire, or other natural catastrophe resulting in damage, hardship, suffering or possible loss of life; and

(4) "Manmade disaster" means any condition following an attack by an enemy or foreign nation upon Amherst County that results in substantial damage of property or injury to persons in the United States, and may be by use of bombs, missiles, shell fire, nuclear, radiological, chemical, or biological means or other weapons or by overt paramilitary actions; terrorism, foreign and domestic; instances of unlawful activity or violence that could result in injuries to persons or damages to property; any industrial, nuclear, or transportation accident, explosion, conflagration, power failure, or other condition such as sabotage, oil spills, and other injurious environmental contaminations that threaten or cause damage to property, human suffering, hardship, or loss of life.

(c) The county administrator may declare a curfew if he or she deems such action necessary for the preservation of life or property, the implementation of emergency mitigation, preparedness, response actions, or recovery actions anticipated or resulting from the dangers caused by a natural or manmade disaster or the resulting effects thereof, pursuant to the following procedure:

- (1) The authority conferred upon the county administrator by this section shall arise only after either the Commonwealth or the county declares an emergency in accordance with the provisions of Section 44-146.19 or 44-146.21 of the Code of Virginia, 1950, as amended, for a geographical area located within the county;
- (2) The curfew shall be announced in such manner as is reasonably calculated to provide notice to the public of the imposition of the curfew. Termination of curfew shall be in like manner;
- (3) The declaration of a curfew, circumstances justifying its imposition, time, and areas of the county in which the curfew is in effect, and the means and time of the public announcement of the curfew shall be recorded in a written document signed by the county administrator and maintained in the records of the county;
- (4) No curfew shall be imposed except in areas and at times that can be justified as necessary for the public safety; and
- (5) The action of the county administrator in imposing a curfew during a natural or manmade disaster shall be ratified or cancelled by the board of supervisors at its next regularly scheduled meeting or at a special meeting held for the purpose.
- (6) After the declaration and public announcement of a curfew, it shall be unlawful for: Any person, after having been warned by a law-enforcement officer, to remain on any street, road, alley, avenue, park, or other public place in the city, or in any vehicle operating or parked thereon, in any portion of the county designated by the county administrator; and
- (7) The owner or proprietor of any retail, wholesale, or eating and drinking establishment,

entertainment venue or similar establishment, or other person in control of such establishment, to allow any person to remain on the premises without the express written permission of the county administrator; provided, however, that this prohibition shall not apply to lodging establishments serving registered guests.

(d) The following persons shall be exempt from the provisions of this section while on duty or traveling to and from work:

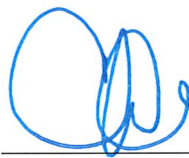
- (1) Persons traveling to and from home, work, or places of worship;
- (2) Hospital personnel;
- (3) Members of the press;
- (4) State and County employees and volunteers;
- (5) Military personnel including by not limited to national guard troops, when called into actual service by the commander-in-chief;
- (6) Employees of public utility companies;
- (7) Private emergency medical transport workers;
- (8) Other emergency workers as authorized by the county administrator;
- (9) Persons seeking emergency services; and
- (10) Homeless persons.

(e) Nothing in this section shall be construed to prohibit or restrict travel to a hospital in the event of a medical emergency, nor shall such travel be considered in violation of this section.

(f) A violation of this section shall be punishable as a Class 1 misdemeanor.

§2. This ordinance in the nature of an emergency ordinance. As set forth in Section 15.2-1427(F) of the Code of Virginia, 1950, as amended, this ordinance shall be in force for no more than 60 days from its adoption unless advertised and readopted as a permanent ordinance of Amherst County in accordance with law.

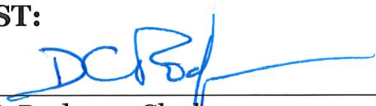
Adopted this 2nd day of June, 2020.



Claudia D. Tucker, Chair
Amherst County Board of Supervisors

Member	Vote
Claudia D. Tucker, Chair.....	<u>AYE</u>
Jennifer R. Moore, Vice-Chair.....	<u>AYE</u>
David W. Pugh, Jr.	<u>AYE</u>
Tom Martin	<u>AYE</u>
L. J. "Jimmy" Ayers III	<u>ABSENT</u>

ATTEST:



Dean C. Rodgers, Clerk
Amherst County Board of Supervisors