

Chapter 6

(Bill No. 13)

An Act to add new Section 2-22A, to Chapter 2, Montgomery Council Code 1965, title "Administration," subtitle "Article II. Powers of Council Generally," to be subheaded "State of Public Emergency" to follow immediately after Section 2-22, thereof, so as to define Public Emergency, and to enlarge the powers of the Montgomery County Council to declare and proclaim a state of Public Emergency, and to authorize the Montgomery County Council to regulate and prescribe conduct during a Public Emergency and prescribe penalty for violations.

BE IT ENACTED BY THE COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND, that—

Section 1. Section 2-22A, title "State of Public Emergency," be and is hereby added to Chapter 2, of the Montgomery County Code 1965, to follow immediately after Section 2-22 thereof, and to read as follows:

2-22A. State of Public Emergency.

(a) Definitions.

1. A "Public Emergency" is hereby defined to be:

(i) 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 the same by an assembly of persons acting together without authority of law.

(ii) Any natural disaster or man-made calamity including flood, conflagration, cyclone, tornado, earthquake or explosion within the territorial limits of Montgomery County resulting in the death or injury of person or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

2. "Curfew" is hereby defined as a prohibition against any person or persons, being found or remaining, or congregating, upon any public street or place, or on any vacant premises, or on any public or private property within Montgomery County or part thereof designated as restricted during a public emergency. The prohibition applies to a person on foot, or in, or on a vehicle. Upon imposition of a curfew, a person shall remain at his place of residence, employment or business, unless the person is on official public emergency duty or has other valid authority.

(b) Emergency Powers.

1. When in the judgment of the County Council for Montgomery County, a Public Emergency, as herein defined, is deemed to exist, the Council has the authority forthwith to proclaim in writing the existence of the same.

2. After proclamation of a Public Emergency, the Council, in the interest of the public safety and welfare, may authorize the County Manager to, or may by its own order, issue and make, any or all, of the following provisions:

(i) *Curfew.* Order a general or partial curfew applicable to such geographical areas of the County or to the County as a whole, as deemed advisable, and applicable during such hours of the day or night as deemed necessary.

(ii) *Alcoholic Beverages.* Order the closing or partial closing of all retail liquor stores, beer taverns, private clubs or portions thereof wherein the consumption of intoxicating liquor and/or beer is permitted, and any