

April 7, 1968  
Minute Book 50 - Page 194

A Special Call Meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber of the City Hall, on Sunday, April 7, 1968, at 4:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

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PURPOSE OF MEETING.

Mayor Brookshire stated this is a Special Meeting of the City Council called for the purpose of considering an ordinance amending Chapter 13, Article I, of the Code of the City of Charlotte which authorizes the Mayor to call for a curfew in the City of Charlotte under given considerations as outlined in the purposed amendment to the ordinance. In order to make the business of this Special Meeting official he asked for the unanimous consent of all members of Council. All seven members voted unanimously by raising their right hands.

Mayor Brookshire declared the unanimous consent of City Council to consider the proposed amendment to the Ordinance.

ORDINANCE NO. 832 AMENDING CHAPTER 13, ARTICLE I, OF THE CODE OF THE CITY OF CHARLOTTE BY ADDING NEW SECTION 13-43 ENTITLED STATE OF EMERGENCY: CURFEW AUTHORIZED.

Motion was made by Councilman Whittington and seconded by Councilman Tuttle to adopt the following ordinance:

ORDINANCE NO. 832 AMENDING CHAPTER 13,  
ARTICLE I

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE I, OF THE CODE OF THE CITY OF CHARLOTTE

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina:

Section 1. Chapter 13, Article I, of the Code of the City of Charlotte is hereby amended by the addition of a new section to read as follows:

"Sec. 13-43. State of emergency; curfew authorized.

(a) A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, municipal public safety authorizies are unable to maintain public order or afford adequate protection for lives, safety or property.

(b) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the City of Charlotte, North Carolina, or threatening damage to or destruction of property, the Mayor of the City of Charlotte is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and in order more effectively to protect the lives, safety and property of people within the City of Charlotte, to define and impose a curfew applicable to all persons within the jurisdiction of the City.

(c) The Mayor is hereby authorized and empowered to limit the application of such a curfew to any area specifically designated and described within the corporate limits of the City of Charlotte and to specific hours of the day or night; and to exempt from the curfew policemen, firemen, doctors, nurses, and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the City.

(d) The Mayor shall proclaim the end of such state and curfew as soon as circumstances warrant or when directed to do so by the City Council.

(e) During the existence of a proclaimed state of emergency when a curfew has been imposed, it shall be unlawful for anyone subject to such curfew:

(1) to be or travel upon any public street, alley or roadway or upon public property, unless in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of himself or his family or some member thereof.

(2) to possess off one's own premises, buy, sell, give away, or otherwise transfer or dispose of any explosives, firearms, ammunition, or dangerous weapon of any kind;

(3) to sell beer, wines, or intoxicating beverages of any kind; or to possess or consume the same off one's own premises;

(4) to sell gasoline or any other similar petroleum products, or any other inflammable substances, except as expressly authorized by the provisions of the curfew imposed.

(f) Any person violating any provision of this ordinance shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding fifty dollars (\$50) or imprisonment not exceeding thirty (30) days, as provided by G. S. 14-4."

Section 2. All ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be effective upon its adoption.

Councilman Smith stated he thinks the curfew should start at 6:00 o'clock p.m., rather than 9:00 o'clock p.m.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, beginning on Page 250.

PROCLAMATION AND STATEMENT BY MAYOR STAN R. BROOKSHIRE.

At the request of Mayor Brookshire the following proclamation and statement are made a part of the Minutes:

PROCLAMATION

WHEREAS, the City Council of the City of Charlotte has duly adopted an ordinance providing that when there exists within the City a state of emergency, extraordinary measures are authorized to cope with any widespread illegal activity endangering the lives, safety and property of persons within the City; and

WHEREAS, by ordinance duly adopted by the City Council of the City of Charlotte, the Mayor is authorized to proclaim the existence of such a state of emergency to all citizens and to impose a curfew for the protection of the lives and property;

NOW, THEREFORE, I, Stan R. Brookshire, Mayor of the City of Charlotte, do hereby proclaim that:

I.

A state of emergency exists within the City of Charlotte.

II.

All persons shall, from and after 9 p.m. on this the 7th day of April, 1968, observe a curfew and remain in their homes, offices or business during the hours from 9 p.m. until 5 a.m., 1968, until such curfew is terminated.

III.

This curfew shall apply to the entire City of Charlotte.

IV.

All persons are, during the existence of the aforesaid emergency, admonished not to violate any ordinances of the City

of Charlotte, or any laws of the State of North Carolina or of the United States, and particularly to observe the provisions of the emergency ordinance adopted by the City Council on the 7th day of April, 1968, authorizing the imposition of this curfew and limiting travel and forbidding the sale of certain items, such as explosives, firearms, ammunition, gasoline and intoxicating beverages.

IN WITNESS WHEREOF I have hereto set my hand and caused the seal of the City of Charlotte to be affixed this the 7th day of April, 1968.

Stan R. Brookshire  
Mayor

STATEMENT BY MAYOR BROOKSHIRE

"Steps have been initiated to impose a curfew throughout the City of Charlotte from 9:00 tonight until 5:00 a.m. tomorrow and continuing on this same nightly scheduled until terminated.

This curfew is being established as a precautionary measure to protect the lives and property of Charlotte citizens.

We will not surrender our city to irresponsible citizens bent on disturbing the peace and the destruction of property.

The trouble we have had in Charlotte in the past few days has been caused by less than one percent of our citizens and this action is being taken on behalf of all law abiding citizens who want law and order maintained.

Fortunately no lives have been lost here and property damages has been slight, but what has occurred is without justification.

I call on all the good citizens of Charlotte to help maintain law and order throughout our city and to help promote a peaceful community climate in which further human and material progress can be made.

The events of the past few days show that the Charlotte Police Department is well trained, well equipped, and well disciplined. All residents of Charlotte can be assured that the Department has acted with good judgement, restraint and in a most professional manner. All members of the Department deserve commendation and support from all Charlotteans."

Mayor Stanford R. Brookshire  
April 7, 1968

ADJOURNMENT.

Upon motion of Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, the meeting was adjourned.

*Ruth Armstrong*  
Ruth Armstrong, City Clerk