Chapter 7

EMERGENCY MANAGEMENT

Article I. In General

Sections 7.1 - 7.30 Reserved.

Article II. Emergency Management

Section 7.31 Definition of Emergency Management
Section 7.32 Regulations Continued in Effect
Section 7.33 Office of the City Emergency Management Director
Section 7.34 Emergency Management and Response Powers
Section 7.35 Enforcement and Remedies
Section 7.36 Authority to Waive Procedures and Fee Structures
Section 7.37 Registration of Building and Repair Services
Section 7.38 Closed or Restricted Areas and Curfews During Emergency
Section 7.39 Overcharging Prohibited
Section 7.40 Volunteers
Sections 7.41 - 7.50 Reserved.

ARTICLE I. IN GENERAL

Sections 7.1 - 7.30 **Reserved.**

ARTICLE II. EMERGENCY MANAGEMENT

Section 7.31 Definition of Emergency Management

As used herein, the term *Emergency management* shall have the meaning as set forth in Section 38-3-3 of the Official Code of Georgia Annotated, as amended.

Section 7.32 Regulations Continued in Effect.

All ordinances, resolutions, motions and orders pertaining to civil defense, emergency management and disaster relief, which are not in conflict with this chapter, are continued in full force and effect. Such ordinances, resolutions, motions, and orders are on file in the office of the City Clerk.

Section 7.33 Office of the City Emergency Management Director

a. Pursuant to Section 38-3-27 of the Official Code of Georgia Annotated, there is established the City emergency management office. The City council shall nominate for appointment by the Director of Emergency Management for the State of Georgia, a director of emergency management for the City. The Emergency Management Director must meet all the qualifications and other requirements of applicable law, including those set forth in O.C.G.A. § 38-3-27. The Emergency Management Director shall serve at the pleasure of the City Council. When appointed, the Emergency Management Director is charged with:

1. Representing the governing officials of the City on matters pertaining to emergency management.

2. Assisting City officials in organizing City departments for emergency operations.

3. Developing in conjunction with other City departments the plan for emergency functions/emergency operations plan. Such plan will be in consonant with the state emergency plan and shall be submitted to the City Council for approval and thence to the state director for approval.

4. Maintaining the emergency management office in carrying out the day-to-day administration of the emergency management and disaster program, including the rendering of required reports to the state emergency management office.

5. Rendering reports such as financial, daily activity, etc., as required by governing officials in keeping with good business practices.

6. Procuring, with authority of governing officials, a facility to be used as the

City emergency operating center.

7. Coordinating, during periods of a declared emergency and under the supervision of governing officials, the activities of the City emergency operation center staff.

Section 7.34 **Emergency Management and Response Powers**

a. *Declaration of local emergency.*

1. *Grant of Authority.* In the event of an actual or threatened occurrence of a disaster or emergency, which may result in the large-scale loss of life, injury, property damage or destruction or in the major disruption of routine community affairs, business or governmental operations in the City and which is of sufficient severity and magnitude to warrant extraordinary assistance by federal, state and local departments and agencies to supplement the efforts of available public and private resources, the Mayor may declare a local emergency. The form of the declaration shall be similar to that provided in subsection (b) of this Code section.

2. *Request for state assistance.* Consistent with a declaration of local emergency, the Mayor may request the Governor to provide assistance, provided that the disaster or emergency is beyond the capacity of the City to meet adequately and state assistance is necessary to supplement local efforts to save lives and protect property public health and safety, or to avert of lessen the threat of a disaster.

3. *Continuance.* The declaration of local emergency shall continue until the Mayor finds that emergency conditions no longer exist, at which time, the Mayor shall execute and file with the City Clerk a document marking the end of the state of emergency. No state of local emergency shall continue for longer than 30 days, unless renewed by the Mayor. The City governing authority may, by resolution, end a state of local emergency at any time.

4. *Effect of declaration of local emergency.*

(a) Activation of emergency operations plan. A declaration of emergency by the Governor or a declaration of local emergency by the Mayor shall automatically activate the local emergency operations plan and shall be authority for the deployment of personnel and use of any forces to which the plan applies and for use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled or arranged to be made available pursuant to the Georgia

Emergency Management Act or any other laws applicable to emergencies or disasters.

(1) The Emergency Management Director and his or her designees shall have the legal authority to exercise the powers and discharge the duties conferred by law, including the implementation of the applicable local emergency operations plan, coordination of the emergency responses of public and private agencies and organizations, coordination of recovery efforts with county, state and federal officials, and inspection of emergency or disaster sites.

(2) In responding to the emergency and conducting necessary and appropriate survey of the damages caused by the emergency, the Emergency Management Director or his/her designee is authorized to enter at a reasonable time upon any property, public or private, for the purpose of evaluating sites involved with emergency management functions to protect the health, safety, and welfare of the public.

(3) The Emergency Management Director is authorized to execute a right of entry and/or agreement to use property for these purposes on behalf of the city; however, any such document shall be later presented for ratification by the City governing authority.

(4) No person shall refuse entry or access to any authorized representative or agent of the City who requests entry for purposes of evaluating sites involved with emergency management functions to protect the health, safety, or welfare of the public, and who presents appropriate credentials. Nor shall any person obstruct, hamper or interfere with any such representative while that individual is in the process of carrying out his or her official duties.

(b) *Emergency powers.* Following a declaration of emergency and during the continuance of such state of emergency, the Mayor is authorized to implement local emergency measures to protect life and property or to being the emergency situation under control. In exercising this authority, the Mayor may cause to become effective any of the following sections of this chapter as appropriate: Section 7.37 regarding Registration of Building and Repair Services; Section 7.38 regarding Closed or Restricted Areas and Curfews during

Emergencies; Section 7.39 regarding prohibiting overcharging. If any of these sections is included in a declaration of local emergency, the same shall be filed in the office of the City Clerk and shall be in effect until the declaration of local emergency has terminated.

(c) *Authority to waive procedures and fees.* Pursuant to a declaration of emergency, the City Council is authorized to cause to be effective any of the subsections of Section 7.36 of this Chapter as appropriate. The implementation of such subsections shall be filed in the office of the City Clerk.

(d) *Additional emergency powers.* The Emergency Management Director shall have and may exercise for such period as the declared emergency exists or continues, the following additional emergency powers:

1. To direct and compel the evacuation of all or part of the population from any stricken or threatened area, for the preservation of life or other disaster mitigation, response or recovery;

2. To prescribe routes, modes of transportation and destinations in connection with evacuation;

3. To make provision for the availability and use of temporary emergency housing, emergency shelters and/or emergency medical shelters.

4. To transfer the direction, personnel or functions of any City departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

5. To utilize all available resources of the City and subordinate agencies over which the City has budgetary control as reasonably necessary to cope with the emergency or disaster;

6. To utilize public property when necessary to cope with the emergency or disaster or when there is compelling necessity for the protection of lives, health and welfare; and/or the property of citizens;

7. To suspend any law, code provision or regulation prescribing the procedures for conduct of City business, or the orders,

rules or regulations of any City agency, if strict compliance with any ordinance, resolution, order, rule or regulation would in any way prevent, hinder,

8. To provide benefits to citizens upon execution of an intergovernmental agreement for rants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by an emergency or disaster in cases where the individuals or families are unable to meet the expenses or needs from other means, provided that such grants are authorized only when matching state or federal funds are available for such purposes;

9. To perform and exercise such other functions, powers and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population, including individuals with household pets and service animals prior to, during, and following a major disaster or emergency.

b. *Form of declaration.* Upon the declaration of local emergency, an official "Declaration of Local emergency," in substantially the same form set forth below, shall be signed and filed in the office of the City Clerk and shall be communicated to the citizens of the affected area using the most effective and efficient means available. The declaration shall state the nature of the emergency or disaster, the conditions that require the declaration and any sections of this chapter which shall be in effect.

DECLARATION OF LOCAL EMERGENCY

WHEREAS, the City of _____, Georgia has experienced an event of critical significance as a result of *[DESCRIPTION OF EVENT]* ON *[DATE]*; and

WHEREAS, in the judgment of the Mayor, there exist emergency circumstances located in *[DESCRIBE GEOGRAPHIC LOCATION]* requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of the City, including individuals with household pets and service animals; and

WHEREAS, to prevent or minimize injury to people and damage to property resulting from this event;

NOW, THEREFORE, pursuant to the authority vested in me by local and state law;

IT IS HEREBY DECLARED that a local state of emergency exists and shall continue until the conditions requiring this declaration are abated.

WHEREFORE, IT IS ORDERED:

(1) That the applicable local emergency operations plan is hereby activated;

(2) That the following sections of the City Code of Ordinances be implemented; *[If deemed appropriate, choose from the following: Section 7.37, Registration of Building and Repair Services; Section 7.38, Closed or Restricted Areas and Curfews; Section 7.39; Overcharging Prohibited*]; and

(3) That the following measures also be implemented: *[If deemed appropriate, select items from Section 7.34(a)(4)(c), (d) or such other measures as appropriate.]*

SO ORDERED, this _____ day of _____, 20____ at [TIME].

_____
Mayor"

c. *Contracts with local governments.* In addition to the normal agreements embodied in the applicable local emergency operations plan for mutual emergency assistance, the City may contract with any municipality or county for the administration of a local emergency response program.

Section 7.35 Enforcement and Remedies

a. *Law enforcement.* In accordance with O.C.G.A. § 38-3-4, City police department shall be authorized to enforce the orders, rules and regulations contained in this chapter and/or implemented by the Emergency Management Director or local governing authority during a declared emergency.

b. *Penalties.* Failure to comply with any of the requirements or provisions of the regulations contained in this chapter, or with any code section, order, rule or regulation made effective by the Emergency Management Director or local governing authority upon or after the declaration of an emergency shall constitute a violation of the provisions of this chapter. Any person who violates any provision in this chapter shall, upon conviction, thereof, be punishable by a fine not exceeding $1,000.00, imprisonment for a term not exceeding 180 days, or both such fine and imprisonment, for each violation. Each person assisting in the commission of a violation, shall be guilty of separate offense. Each day during which a violation or failure to comply continues shall constitute a separate violation.

c. *Injunctive relief.* In accordance with O.C.G.A. § 38-3-5, in addition to the remedies prescribed in this section, the Emergency Management Director is authorized to obtain an injunction to restrain violation of laws, code sections, orders, rules and regulations which are contained in the Georgia Emergency management Act and/or this code, and/or which are implemented by the local

governing authority during a declared emergency.

d. *Enforcement.* Except as otherwise provide in this chapter, this ordinance may be enforced by the City police department.

Section 7.36 Authority to waive procedures and fee structures.

a. *City business.* Upon declaration of an emergency or disaster by the Governor or Mayor, the affairs and business of the City may be conducted at places other than the regular or usual location, within or outside of the city, when it is not prudent, expedient or possible to conduct business at the regular location. When such meetings occur outside of the city, all actions taken by the City governing authority shall be as valid and binding as if performed within the city. Such meetings may be called by the presiding officer or any two members of the governing body without regard to or compliance with time-consuming procedures and formalities otherwise required by law.

b. *Public works contracts.* Upon declaration of an emergency or disaster by the Governor or Mayor, the City may contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract for four weeks; provided, however, that the emergency must be of such nature that immediate action is required and that the action is necessary for the protection of the public health, safety and welfare. Any public works contract entered into pursuant to this subsection shall be entered on the minutes of the City as soon as practical and the nature of the emergency described therein in accordance with O.C.G.A. § 36-91-22(e). Any E-Verify affidavit or other state required affidavit shall be obtained from any contractor if otherwise required by law.

c. *Purchasing.* Upon declaration of an emergency or disaster by the Governor or Mayor, the purchasing ordinances, regulations or policies may be suspended. City officials shall continue to seek to obtain the best prices during the state of local emergency.

d. *Code enforcement.* Upon declaration of a state of emergency or disaster by the Governor or the Mayor, the City governing authority may temporarily suspend the enforcement of the ordinances of the city, or any portion thereof, where the emergency is of such nature that immediate action outside the code is required, such suspension is consistent with the protection of the public health, safety and welfare, and such suspension is not inconsistent with any federal or state statutes or regulations.

e. *Fees.* Upon declaration of a state of emergency or disaster by the Governor or the Mayor, the City may temporarily reduce or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of the areas impacted by the disaster or emergency. The term "fees" include fees or rates charged by the City for building permits, land disturbance permits, zoning applications, special land use permits, temporary land use permits and other fees relating to the reconstruction, repair and clean up of areas impacted by the disaster or emergency. The term "fees" does not include fees collected by the City on behalf of the state or

federal government or fees charged by the city pursuant to a state or federal statute or regulation.

f. *Temporary dwellings.* Upon the declaration of a state of emergency or disaster by the Governor or Mayor, the City or its designees may issue temporary mobile home, trailer, recreational vehicle or other temporary dwelling structures or parks in any zoning district, even though not otherwise permitted by development code, while the primary dwelling is being repaired. The temporary permit shall not exceed six months in duration. Upon expiration of the temporary permit and/or extension, the temporary dwelling must be removed.

Section 7.37 Registration of Building and Repair Services

a. In accordance with O.C.G.A. § 38-3-56, before building, constructing, repairing, renovating or making improvements to any real property, including dwellings, homes, buildings, structures or fixtures within an area in the City designated in a declared emergency or disaster, any person, firm, partnership, corporation or other entity must register with the City clerk and secure a building permit that is posted at the work site. Each day any such entity does business in the City without complying with this ordinance constitutes a separate offense.

b. The cost of registration fees in a declared emergency or disaster is fixed at $50.00 per annum. Registration is nontransferable. The cost of the emergency building permit shall be equal to the cost for a building permit under existing regulations. The permit shall only be authorized for repairs.

c. When registering, any person, partnership, corporation or other entity making application must, under oath, complete an application, providing the following information:

1. Name of applicant;
2. Permanent address and phone number of applicant;
3. Applicant's Social Security number or federal Employer Identification number;
4. If applicant is a corporation, the state and date of incorporation;
5. Tag registration information for each vehicle to be used in the business;
6. List of cities and/or counties where the applicant has conducted business within the past 12 months;
7. Georgia sales tax number or authorization;
8. Georgia business license number, if required.

9. Copy of license from Secretary of State, if required.

10. A signed and sworn affidavit verifying the applicant's legal presence in the United States as required by O.C.G.A. § 50-36-1.

11. At least one secure and verifiable document as defined in O.C.G.A. § 50-36-2.

(d) *Effective date.* This section shall become effective only upon the signing of a declaration of emergency, stating this section is in effect. Unless otherwise specified in the declaration of emergency or otherwise extended by the City governing authority, the provisions of this Code section shall remain in effect during the state of emergency and for a subsequent recover period of three months.

Section 7.38 Closed or Restricted Areas and Curfews during Emergency

a. To preserve, protect or sustain the life, health, welfare or safety of persons, or their property, within a designated area under a declaration of emergency, it shall be unlawful for any person to travel, loiter, wander or stroll in or upon the public streets, highways, roads, lanes, parks or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any other place during a declared emergency between hours specified by the Mayor until the curfew is lifted.

b. To promote order, protect lives, minimize the potential for looting and other crimes, and facilitate recovery operations during an emergency, the Mayor shall have discretion to impose reentry restrictions on certain areas. The Mayor shall exercise such discretion in accordance with the applicable local emergency operations plan, which shall be followed during emergencies.

c. The provisions of this section shall not apply to persons acting in the following capacities:

1. Authorized and essential law enforcement personnel;

2. Authorized and essential health care providers;

3. Authorized and essential personnel of the city;

4. Authorized National Guard or federal military personnel;

5. Authorized and essential firefighters;

6. Authorized and essential emergency response personnel;

7. Authorized and essential personnel or volunteers working with or through an emergency management agency (EMA);

8. Authorized and essential utility repair crews;

9. Citizens seeking to restore order to their homes or businesses while on their own property or place of business;

10. Other authorized and essential persons as designated on a list compiled by the Emergency Management Director.

d. *Enforceability.* This section shall be enforced by officers of the law enforcement personnel approved to provide aid and assistance during the emergency. Nothing contained in this section shall prohibit a law enforcement officer from bringing other charges under state law.

e. *Effective date.* This section shall become effective only upon the signing of a declaration of emergency, stating this section is in effect.

Section 7.39 Overcharging Prohibited

a. To preserve, protect or sustain the life, health or safety of persons or property within a designated area upon the declaration of emergency or disaster, it shall be unlawful, during the duration of the emergency or subsequent recovery period, for any person, firm or corporation located or doing business in the City to overcharge for any goods, materials, foods, equipment, supplies, services, labor, motel rooms, temporary lodging or houses sold or rented within the county.

b. *Definitions.* The following words, terms and phrases, when used in this section shall have the meanings ascribed, except where the context clearly indicates a different meaning:

1. "Overcharging" means charging prices for goods, materials, foods, equipment, supplies, services, labor, motel rooms, temporary lodging or houses, which exceed the customary charges by at least 25 percent or, in applicable cases, which exceed by at least 25 percent the suppliers' or providers' costs for such goods, materials, foods, equipment, supplies, services, labor, motel rooms, temporary lodging or houses. The existence of overcharging shall be presumed from a 25 percent or greater increase in the price at which the merchandise or rate, fee or cost/rental of housing was offered in the usual course of business immediately prior to the onset of the emergency or disaster, but shall not include increases in cost to the supplier directly attributable to the higher cost of material, supplies and labor costs resulting from the emergency.

2. "Subsequent recovery period" means that period during which the emergency or disaster continues to cause disruptions in the area designated in the declaration of emergency, but shall not exceed three months after the declaration has been terminated, unless extended by action of the City governing authority.

c. *Effective date.* This section shall become effective only upon the signing of a declaration of emergency as set out in this Chapter, stating this section is in effect. Unless otherwise specified in the declaration of emergency or otherwise extended by the governing authority of the city, the provisions of this Code section shall remain in effect during the state of emergency and for a subsequent recovery period of three months.

Section 7.40 Volunteers

All persons, other than officers and employees of the city, performing emergency functions pursuant to this article shall serve with or without compensation. While engaged in such emergency functions, volunteers shall have the same immunities as City officers and employees.

Sections 7.41 - 7.50 Reserved.