

Ordinance Regarding Emergency Management

WHEREAS, O.C.G.A. §§ 38-3-27 through 38-3-28 and 38-3-54 through 38-3-56 authorizes the Gordon County, Georgia, Board of Commissioners to provide emergency management within Gordon County, Georgia;

WHEREAS, the Georgia Emergency Management and Homeland Security Agency (GEMA/HS) is the state agency assigned responsibility for coordination of all organization for emergency management activities within the state;

WHEREAS, Gordon County Emergency Management Agency is an established emergency management agency; and

WHEREAS, to ensure an effective and coordinated response to disasters, Gordon County wishes to coordinate emergency management agency (EMA) activities and responses with cities located within the county; and

WHEREAS, the Gordon County Board of Commissioners believes that an ordinance should be adopted to protect the health and safety of persons and property during an emergency or disaster resulting from manmade or natural causes.

NOW, THEREFORE, BE IT ORDAINED that the Code of Ordinances of Gordon County is amended by creating a new Chapter __(#)__ Emergency Management to read as follows:

GORDON COUNTY ORDINANCES CHAPTER __: EMERGENCY MANAGEMENT

SECTION 1: DEFINITIONS. As used in this ordinance, the following terms

(a) “**LOCALLY DECLARED EMERGENCIES.**” As used in this ordinance, a “locally declared emergency” or a “declaration of local emergency” shall mean a declaration by the chair of the board of commissioners enacting some or all of the local emergency powers addressed in this ordinance.

(b) “**STATE DECLARED EMERGENCIES.**” As used in this ordinance, a “state declared emergency” or a “state of emergency” shall mean a declaration by the Governor of an actual or impending emergency or disaster of natural or human origin, or pandemic influenza emergency, or impending or actual enemy attack, or a public health emergency, within or affecting Georgia or against the United States. A declaration of emergency by the Governor may enact some or all of the emergency powers, local or otherwise, addressed in this ordinance.

SECTION 2: EMERGENCY MANAGEMENT AND RESPONSE POWERS

(a) DECLARATION OF LOCAL EMERGENCY.

(i) 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 county 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 Chair of the Board of Commissioners may declare a local emergency for Gordon County. The form of the declaration shall be similar to that provided in subsection (b) of this Code section.

(ii) Request for state assistance. Consistent with a declaration of local emergency, the chair may request the Governor to provide assistance, provided that the disaster or emergency is beyond the capacity of the county 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 or lessen the threat of a disaster.

(iii) Continuance. The declaration of local emergency shall continue until the chair finds that emergency conditions no longer exist, at which time, the chair shall execute and file with the clerk of the board of commissioners a document marking the end of the emergency. No state of local emergency shall continue for longer than 30 days unless renewed by the chair. The Gordon County Board of Commissioners may, by resolution, end a state of emergency at any time.

(iv) Effect of declaration of emergency.

(A) Activation of emergency operations plan. A declaration of emergency by the Governor or a declaration of local emergency by the chair shall automatically activate the county emergency operations plan and shall be the authority for 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 Gordon County Emergency Management Agency (“EMA”) Director shall have the legal authority to exercise the powers and discharge the duties conferred upon the emergency

management agency, including the implementation of the emergency operations plan, coordination of the emergency responses of public and private agencies and organizations, coordination of recovery efforts with 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 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 public's health, safety, or welfare.

(3) The director is authorized to execute a right of entry and/or agreement to use property for these purposes on behalf of the county; however, any such document shall be later presented for ratification at a meeting of the board of commissioners.

(4) No person shall refuse entry or access to any authorized representative or agent of the county who requests entry for purposes of evaluating sites involved with emergency management functions to protect the public's health, safety, or welfare, 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 chair is authorized to implement local emergency measures to protect life and property or to bring the emergency situation under control.

(1) State Declared State of Emergency. If the Governor declares a state of emergency for the county, the chair may cause the following provisions of this ordinance to become effective:

(a) Section 4. Authority to Waive Procedures and Fee Structures;

(b) Section 5. Registration of Building and Repair Services; and/or

(c) Section 6. Closed or Restricted Areas and Curfews.

(d) Section 7. Overcharging for Goods, Materials, Services and Housing During a State of Emergency

(2) Locally Declared State of Emergency. If the chair declares a local emergency for the county, the chair may cause the following provisions of this ordinance to become effective:

(a) Section 4. Authority to Waive Procedures and Fee Structures; and/or

(b) Section 6. Closed or Restricted Areas and Curfews.

(c) Section 7. Overcharging for Goods, Materials, Services and Housing During a State of Emergency

If any of these sections are included in a declaration of local emergency, the same shall be filed in the office of the clerk of the board of commissioners 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 board of commissioners is authorized to cause to be effective any of the subsections of Section 4 of this chapter as appropriate. The implementation of such subsections shall be filed in the office of the clerk of the board of commissioners.

(D) Additional emergency powers. The chair of the board of commissioners 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 county departments for the purpose of performing or facilitating emergency services;

(5) To utilize all available resources of the county and subordinate agencies over which the county 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 ordinance, resolution, order, rules, or regulation prescribing the procedures for conduct of county business, or the orders, rules, or regulations of any county department, if strict compliance with any ordinance, resolution, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster, provided that such suspension shall provide for the minimum deviation from the requirements under the circumstances and further provided that, when practicable, specialists shall be assigned to avoid adverse effects resulting from such suspension;

(8) To provide benefits to citizens upon execution of an intergovernmental agreement for grants 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 purpose;

(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 OF LOCAL EMERGENCY. 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 county 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 that shall be in effect.

Declaration of Local Emergency

WHEREAS, Gordon County, Georgia has experienced an event of critical significance as a result of [description of event] on [date];

WHEREAS, the Governor has/has not declared a state of emergency for Gordon County;

WHEREAS, in the judgment of the Chair of the Gordon County Board of Commissioners, with advice from the Gordon County Emergency Management Agency, there exists 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 Gordon County, 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, certain actions are required.

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.

THEREFORE, IT IS ORDERED:

- (1) That the Gordon County Emergency Management Agency activates the Emergency Operations Plan;
- (2) That the following sections of the Gordon County Code be implemented. [If deemed appropriate, choose and check from the following]:

_____ Section 4. Authority to Waive Procedures and Fee Structures

_____ Section 5. Registration of Building and Repair Services (to be effective only if the Governor declares a state of emergency)

_____ Section 6. Closed or Restricted Areas and Curfews

_____ Section 7. Overcharging for Goods, Materials, Services and Housing During a State of Emergency

_____ Section __. [Any other emergency management ordinances such as an emergency purchasing ordinance, etc.]

(3) That the following measures also be implemented:

[If deemed appropriate, select items from Section 2(a)(iv)(C) or (D) or such other measures as appropriate.]

ENTERED at [time] on [date].

[Signed]

Chair, Gordon County Board of Commissioners”

(c) CONTRACTS WITH MUNICIPALITIES. In addition to the normal agreements embodied in the county’s emergency operations plan for mutual emergency assistance, the board of commissioners may contract with any municipality for the administration of an emergency response program.

SECTION 3: ENFORCEMENT AND REMEDIES

(a) LAW ENFORCEMENT. In accordance with O.C.G.A. § 38-3-4, the Gordon County Sheriff’s Office shall be authorized to enforce the orders, rules, and regulations contained in this ordinance and/or implemented by the Chair or board of commissioners during a declared emergency.

(b) PENALTIES. Failure to comply with any of the requirements or provisions of the regulations contained in this ordinance, or with any code section, order, rule, or regulation made effective by the chair or board of commissioners upon or after the declaration of an emergency shall constitute a violation of the provisions of this ordinance. Any person who violates any provision in this ordinance shall, upon conviction thereof, be guilty of a misdemeanor punishable by a fine not exceeding \$1,000, imprisonment for a term not exceeding 60 days, or both such fine and imprisonment, for each violation. Each person assisting in the commission of a violation shall be guilty of separate offenses. 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 EMA director is authorized to obtain an

injunction to restrain violation of laws, code sections, orders, rules, and regulations that are contained in the Georgia Emergency Management Act and/or this ordinance, and/or are implemented by the board of commissioners during a declared emergency.

(d) ENFORCEMENT. Except as otherwise provided in this chapter, this ordinance may be enforced by the Gordon County Sheriff's Office, Gordon County Ordinance Office and any and all law enforcement assigned duties in Gordon County during a declared state of emergency.

SECTION 4: AUTHORITY TO WAIVE PROCEDURES AND FEE STRUCTURES

(a) COUNTY BUSINESS. Upon declaration of an emergency or disaster by the Governor or Chair of the Gordon County Board of Commissioners, the affairs and business of the county may be conducted at places other than the regular or usual location, within or outside of the county, when it is not prudent, expedient, or possible to conduct business at the regular location. When such meetings occur outside of the county, all actions taken by the board of commissioners shall be as valid and binding as if performed within the county. Such meetings may be called by the presiding officer or any two members of the board of commissioners 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 Chair of the Gordon County Board of Commissioners, the board of commissioners 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 county as soon as practical and the nature of the emergency described therein in accordance with O.C.G.A. § 36-91-22(e). Contracts entered into pursuant to this subsection for the physical performance of services as defined in O.C.G.A. § 13-10-90 may also require the submission of an E-Verify Contractor Affidavit.

(c) PURCHASING. Upon declaration of an emergency or disaster by the Governor or Chair of the Gordon County Board of Commissioners, the purchasing ordinances, regulations, or policies may be suspended. County 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 Chair of the Gordon County Board of Commissioners, the board of

commissioners may temporarily suspend the enforcement of the ordinances of the county, 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 Chair of the Gordon County Board of Commissioners, the board of commissioners 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" includes fees or rates charged by the county 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 county on behalf of the state or federal government or fees charged by the county 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 Chair of the Gordon County Board of Commissioners, the board of commissioners or its designees may issue temporary permits for mobile homes, trailers, recreational vehicles, 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, provided that such temporary dwellings or parks are designed by an engineer and the plans are approved by the county health department and development services. The temporary permit shall not exceed six months in duration. In the case of a continuing hardship, and in the discretion of the board of commissioners or its designee, the permit may be extended for a period of up to an additional six months. Upon expiration of the temporary permit and/or extension, the temporary dwelling must be removed.

SECTION 5: 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 unincorporated area of the county designated in a declared emergency or disaster, any person, firm, partnership, corporation, or other entity, except for out-of-state utility businesses and employees which are exempted as provided for in O.C.G.A. § 48-2-100(d)(1) and (2), must register with the Gordon County Building Inspector's Office and secure a building permit that is

posted at the work site. Each day any such entity does business in the unincorporated areas of the county without complying with this ordinance constitutes a separate offense.

(b) The cost of registration fees in a declared emergency or disaster is fixed at \$____ 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:

- (i) Name of applicant;
- (ii) Permanent address and phone number of applicant;
- (iii) Applicant's Social Security number or federal employer identification number;
- (iv) If applicant is a corporation, the state and date of incorporation;
- (v) Tag registration information for each vehicle to be used in the business;
- (vi) List of cities and/or counties where the applicant has conducted business within the past 12 months;
- (vii) Georgia sales tax number or authorization;
- (viii) Georgia business license number, if required;
- (ix) Copy of license from the Secretary of State, if required;
- (x) A signed and sworn affidavit verifying the applicant's legal presence in the United States if required by O.C.G.A. § 50-36-1;
- (xi) At least one secure and verifiable document as defined in O.C.G.A. §50-36-2, if required by O.C.G.A. §5036-1;
- (xii) A signed and sworn affidavit, or statement or number as applicable, verifying the business's utilization of or exemption from the federal work authorization program as provided for in O.C.G.A. § 36-60-6.

(d) **EFFECTIVE DATE:** This section shall become effective only upon a declaration of emergency by the Governor and a local declaration stating this section is in effect. Unless otherwise specified in the declaration of emergency or otherwise extended by the board

of commissioners, 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 6: 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 Chair of the Gordon County Board of Commissioners until the curfew is lifted.
- (b) All unincorporated areas of the county shall be subject to the terms of the curfew, unless otherwise specified in the resolution
- (c) To promote order, protect lives, minimize the potential for looting and other crimes, and facilitate recovery operations during an emergency, the Chair of the Gordon County Board of Commissioners shall have discretion to impose re-entry restrictions on certain areas. The chair shall exercise such discretion in accordance with the county emergency operations plan, which shall be followed during emergencies.
- (d) The provisions of this section shall not apply to persons acting in the following capacities:
 - (i) Authorized and essential law enforcement personnel;
 - (ii) Authorized and essential health care providers;
 - (iii) Authorized and essential personnel of the county;
 - (iv) Authorized National Guard or federal military personnel;
 - (v) Authorized and essential firefighters;
 - (vi) Authorized and essential emergency response personnel;
 - (vii) Authorized and essential personnel or volunteers working with or through the county emergency management agency (EMA);
 - (viii) Authorized and essential utility repair crews;
 - (ix) Citizens seeking to restore order to their homes or businesses while on their own property or place of business;

(x) Other authorized and essential persons (such as regular employees of local industries traveling to and from their jobs with appropriate identification, news media employees and building contractors) as designated on a list compiled by the Gordon County Sheriffs' Office, Gordon County EMA, or directors of local public safety agencies.

(e) 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.

(f) EFFECTIVE DATE. This section shall become effective only upon the signing of a declaration of emergency, stating this section is in effect.

SECTION 7 - OVERCHARGING FOR GOODS, MATERIALS, SERVICES AND HOUSING DURING A STATE OF EMERGENCY

(a) OVERCHARGING PROHIBITED. In order to preserve, protect, or sustain the life, health, or safety of persons or their property, it shall be unlawful during the duration of a state of emergency or upon the determination by the Chair of the Gordon County Board of Commissioners of the existence of an emergency or disaster, or subsequent recovery period in which Gordon County has been designated as a disaster area, for any person, firm, or corporation located or doing business in Gordon County to overcharge for any goods, materials, services or housing sold within the county.

(b) DEFINITIONS

- a. *Overcharging.* The term "overcharging" is defined as charging prices for goods, materials, services, or housing which are substantially in excess of the customary charges or in applicable cases substantially in excess of the supplier's or provider's costs for such goods, materials, services or housing. The existence of overcharging shall be presumed from a substantial increase in the price at which the goods, materials, services, or housing was offered in the usual course of business immediately prior to the onset of the emergency, but shall not include increases in costs to the supplier directly attributable to higher costs of materials, supplies, and labor costs resulting from the emergency.
- b. *State of emergency.* The term "state of emergency" is defined, pursuant to O.C.G.A. § 38-3-3(5), as a condition declared by the governor when, in his judgment, the threat or actual occurrence of a disaster or emergency is of sufficient severity and magnitude as to warrant extraordinary efforts in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.
- c. *Subsequent recovery period.* The term "subsequent recovery period" is defined as that period during which the disaster continues to cause disruptions in the disaster area, but shall not exceed six (6) months after the

emergency declaration has been terminated by the governor unless extended by official action of the governing authority of Gordon County.

SECTION 7: REGULATIONS CONTINUED IN EFFECT

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

BE IT FURTHER ORDAINED that this ordinance shall become effective upon its approval.

So ordained this ____ day of _____, _____ by the Board of Commissioners of Gordon County, Georgia.

Chair, Gordon County Board of Commissioners

Attest:

County Clerk, Gordon County