

EMERGENCY MANAGEMENT

Chapter 25

EMERGENCY MANAGEMENT

Sec. 25-1. 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.

Sec. 25-2. Emergency management and response powers.

(a) Declaration of local emergency.

(1) *Grant of authority.* The Mayor may declare a local emergency for the City of Forsyth 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 the major disruption of routine community affairs, business, or governmental operations in the city. Such a disaster or emergency must be 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 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 adequately meet 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.

(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 a document marking the end of the state of emergency and file said document with the City Clerk. No state of local emergency shall continue for longer than 30 calendar days, unless renewed by the Mayor. The City Council may, by resolution and in accordance with the city charter, 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. Such activation of the local emergency operations plan shall be authority for the deployment of personnel 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 Monroe County Emergency Management Director and/or his/her designees shall have the legal authority to exercise the powers and discharge the duties conferred by law, including the implementation of the local emergency operations plan, coordination of the emergency responses of public and private agencies and

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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 investigation of the damages caused by an emergency, the Emergency Management Director or his/her designee is authorized to enter at a reasonable time upon any public property, or private property (after first obtaining the consent of the owner or obtaining a Court Order for entry) for the purpose of investigating and inspecting sites involved with emergency management functions and to protect the health, safety, and welfare of the public.
3. The Emergency Management Director is authorized to request a Court Order for a right of entry and/or agreement to use property for these purposes on behalf of the city; however, any such document shall be presented for ratification by the city council at a later date.
4. No person shall refuse entry or access to any authorized representative or agent of the city who has a Court Order to enter for purposes of inspection, 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 bring the emergency situation under control. In exercising this authority, the Mayor may cause to become effective any of the sections of this chapter as appropriate. 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. *Additional emergency powers.* The Monroe County 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 immediately 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 or private property (upon proper compensation) when reasonably 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 provide assistance in obtaining state and/or federal welfare benefits to citizens

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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 and/or federal funds are available for such purposes;

- 8. To perform and exercise such other functions, powers, and duties as may be deemed reasonably 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 Forsyth, 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 of the City of Forsyth, there exist emergency circumstances located in the city requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of the City of Forsyth, 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 local emergency operations plan is hereby activated;
- (2) That the following sections of the City of Forsyth Code be implemented if deemed appropriate: Section 25-5, Authority to Waive Procedures and Fee Structures; Section 25-6, Registration of Building and Repair Services; Section 25-7, Closed or Restricted Areas and Curfews; and

ENTERED at [TIME] on [DATE]. [Signed]
Mayor, City of Forsyth."

(c) *Contracts with local governments.* In addition to the normal agreements embodied in the local emergency operations plan for mutual emergency assistance, the city may contract with any municipality

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or county for the administration of a local emergency response program.

Sec. 25-3. Enforcement and remedies.

(a) *Law enforcement.* In accordance with O.C.G.A. § 38-3-4, the 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 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 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 provided in this chapter, this ordinance may be enforced by the city police department.

Sec. 25-4. Applicability of subsequent sections.

Sections 25-5, 25-6, and 25-7 must be specifically invoked by the Mayor in a “Declaration of Local Emergency” in order to go into effect.

Sec. 25-5. 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 in accordance with the City Charter and state law.

(b) *Public works contracts.* Upon declaration of an emergency or disaster by the Governor or Mayor, the city may, but is not required to, 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 that the emergency must be of such nature that immediate action involving public works is required and that the action is necessary for the protection of the

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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 state law. 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, but are not required to 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 Council 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, but is not required to, 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, and temporary land use permits, as well as other charges relating to the reconstruction, repair, and cleanup 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 may allow temporary mobile home, trailer, recreational vehicle, or other temporary dwelling structures or parks in any zoning district, even though not otherwise permitted by the zoning code, while the primary dwelling is being repaired. Such temporary permit shall not exceed six months in duration. Upon expiration of the temporary permit and/or extension, the temporary dwelling must be removed.

Sec. 25-6. 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 to be 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 year. 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.

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(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 Council, the provisions of this Code section shall remain in effect during the state of emergency and for a subsequent recovery period of three months.

Sec. 25-7. 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. Such curfew hours shall be specified by the Mayor in the "Declaration of Local Emergency" or in a subsequent related declaration.

(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 re-entry restrictions on certain areas. The Mayor shall exercise such discretion in accordance with the 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 healthcare providers;
- (3) Authorized and essential personnel of the city;
- (4) Authorized National Guard or federal military personnel;

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- (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 Emergency Management Director.

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