

EMERGENCY MANAGEMENT

Chapter 25

EMERGENCY MANAGEMENT

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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.* 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 for the City of Forsyth. 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 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 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 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 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/or his/her designees (the Emergency Management Director) 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 organizations, coordination of recovery efforts with county, state and federal officials, and inspection of emergency or disaster sites.
2. In responding and conducting necessary and appropriate investigations, the Emergency Management Director or his/her designee is authorized to

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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. 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 later presented for ratification by the city government authority.

3. 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 following sections of this chapter as appropriate: Section 25-5 (overcharging prohibited), Section 25-6 (registration of building and repair services), and Section 25-7 (closed or restricted areas and curfews). 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 governing authority is authorized to cause to be effective any of the subsections of Section 25-4 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 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 coordinate 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 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

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disaster in cases where the individuals or families are unable to meet the expenses or needs from other means;

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, Overcharging; Section 25-6, Registration of Building and Repair Services; Section 25-7, Closed or Restricted Areas and Curfews; and
- (3) That the following measures also be implemented if deemed appropriate: Section 25-2(a)(4)c, d or such other measures as appropriate.

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 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

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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 120 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. 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 the Georgia open meetings laws.

(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; 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).

(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) *Fees.* Upon declaration of a state of emergency or disaster by the Governor or the Mayor, the city may but is not require to temporarily reduce or suspend any permit fees, application fees

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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 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.

(e) *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 upon proper request, 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. 25-5. Overcharging prohibited.

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.

(a) *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.

(b) *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 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.

Sec. 25-6. Registration of building and repair services.

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(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 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.

(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.

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, 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 local emergency operations plan, which shall be followed during emergencies.

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(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 Emergency Management Director

(d) *Enforceability.* This section shall be enforced by officers of the law enforcement personnel approved to provide aid and assistance during 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.