

**CHAPTER 22
BRYAN COUNTY EMERGENCY MANAGEMENT
(CIVIL DEFENSE) ORDINANCE**

**ARTICLE I
BRYAN COUNTY EMERGENCY MANAGEMENT**

- 22-101 Statutory Authorization.
- 22-102 Title and Jurisdiction.
- 22-103 Purpose and Objectives.
- 22-104 Definitions.
- 22-105 Emergency Management
- 22-106 Office of the Bryan County Emergency Management Director
- 22-107 Bryan County Emergency Management Agency and Emergency Plan
- 22-108 Role of Bryan County and Municipal; Governments During Non-Emergency Periods
- 22-109 Emergency Response Powers of Bryan County and Municipal Governments
- 22-110 Liberality of Construction, Enforcement, and Penalty for Violation
- 22-111 Repeal of Conflicting Ordinances and Resolutions
- 22-112 Conflict With Other Laws
- 22-113 Severability

**ARTICLE II
AUTHORIZING THE SUSPENSION OF PORTIONS OF THE CODE OF ORDINANCE
AND OTHER FORMALITIES DURING A STATE OF EMERGENCY**

- 22-201 Authority to Waive Procedures and Fee Structures
- 22-202 Definitions
- 22-203 Severability
- 22-204 Effective Date

**ARTICLE III
PROHIBIT OVERCHARGING FOR GOODS, MATERIALS, SERVICES AND
HOUSING DURING A STATE OF EMERGENCY**

- 22-301 Overcharging Prohibited
- 22-302 Definitions
- 22-303 Penalties
- 22-304 Severability
- 22-305 Effective Date

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

**ARTICLE IV
REQUIRE REGISTRATION OF BUILDING AND REPAIR SERVICES
DURING A STATE OF EMERGENCY**

- 22-401 Building Contractor Registration Required
- 22-402 Definitions
- 22-403 Registration; Certification
- 22-404 Registration Fees
- 22-405 Penalties
- 22-406 Transferability
- 22-407 Display of Registration Certification
- 22-408 Revocation; Suspension
- 22-409 Severability
- 22-410 Effective Date; Expiration

**ARTICLE V
AUTHORIZING THE IMPOSITION OF CURFEWS DURING
TIMES OF EMERGENCY OR DISASTER**

- 22-501 Institution of Curfew
- 22-502 Definitions
- 22-503 Prohibition
- 22-504 Penalties
- 22-505 Severability
- 22-506 Effective Date

Adopted: _____

Signed: _____
Donna M. Waters, County Clerk

CHAPTER 22
BRYAN COUNTY EMERGENCY MANAGEMENT ORDINANCE

ARTICLE I
(This article adopted June 2, 1998)

22-101 **Statutory Authorization.** The General Assembly of the State of Georgia, in the Official Code of Georgia Annotated, Title 38, Chapter 3 - Emergency Management ("Georgia Emergency Management Act of 1981, as amended), authorizes and directs each County to establish a local organization for emergency management in accordance with the State Emergency Management Plan and Program; and in the Georgia Constitution, Article 9, Section II - Home Rule for Counties delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of Bryan County, Georgia, acting under the authority granted to it by the Georgia Emergency Management Act, as amended, does ordain and enact into law the following Emergency Management Ordinance:

22-102 **Title and Jurisdiction.** This Emergency Management Ordinance shall apply to Bryan County, Georgia in its entirety. The Bryan Emergency Management Agency (BEMA) is the only such agency approved by Bryan County Commission for coordinating emergencies, and therefore, it shall serve all of the municipalities and unincorporated area of Bryan County plus all municipalities that agree to participate by signing the Bryan County Emergency and Disaster Operations Plan.

22-103 **Purpose and Objectives.**

1. General - Because of the existing and increasing possibility of the occurrence of emergencies or disasters resulting from man-made or natural causes or enemy attack, and in order to ensure that preparations of Bryan County will be adequate to deal with such emergencies or disasters, and generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of the County, it is found and declared to be necessary:
 - a. To create a Bryan Emergency Management Agency;
 - b. To confer upon the Chairman of the Bryan County Commission or the Chairman's designee the emergency powers provided in OCGA 38-3, Articles 1-3;

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

- c. To provide for the rendering of mutual aid among the political subdivisions of Bryan County, with other counties, and with the State and Federal Governments with respect to the carrying out of emergency management functions; and
 - d. To authorize the taking of such steps as are necessary and appropriate to carry out the requirements of OCGA 38-3, Articles 1-3.
2. Coordination - It is further declared to be the purpose of this Ordinance and the policy of Bryan County that all emergency management functions of the County be coordinated to the maximum extent possible with the comparable functions of the State and Federal governments, including their various departments and agencies, of other counties, states, and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation’s manpower, resources, and facilities for dealing with any emergency or disaster that may occur.

22-104

Definitions. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application. Words used in the singular shall include the plural, and the plural the singular; words used in the present tense shall include the future tense. The words “shall”, “will” and “must” are mandatory and not discretionary. The word “may” is permissive. As used in the Ordinance, the terms:

- 1. Bryan County Emergency and Disaster Management Plan means the officially adopted, and Georgia Emergency Management Agency approved, emergency and disaster management plan for Bryan County, Georgia.
- 2. Disaster means any happening that causes great harm or damage.
- 3. Emergency means a sudden generally unexpected occurrence or set of circumstances demanding immediate action.
- 4. Emergency interim successor means a person designated pursuant to this Ordinance, in the event an officer is unavailable to exercise the powers and discharge the duties of an office, until a successor is appointed or elected and qualified as may be prescribed by the Constitution, statutes,

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

laws, charters, and ordinances of the State and its political subdivisions, or until the lawful incumbent or his successor is able to resume the exercise of the powers and the discharge of the duties of the office.

- 5. Emergency management means the preparation for, and the carrying out of, all emergency and disaster functions, as more fully defined in Section V, A of this Ordinance.
- 6. Emergency management volunteer means any person officially recognized by the Director of the Bryan Emergency Management Agency and assigned duties as an emergency management volunteer.
- 7. Emergency readiness means the level of readiness for an anticipated or impending emergency as expressed as an operational readiness conditions (OPCONS) rating number.
- 8. Emergency operating procedures (SOP) means the standard operating procedures developed by each emergency response unit for the purpose of preplanning the unit’s response to a BEMA request for emergency assistance.
- 9. Energy emergency means a condition of danger to the health, safety, welfare, or economic well-being of the citizens of the County arising out of a present or threatened shortage of usable energy resources; also any condition of substantial danger to the health, safety, or welfare of the citizens of the County resulting from the operation of any electrical power-generating facility, the transport of any energy resource by any means whatsoever, or the production, use, or disposal of any source material, special nuclear material, or by-product, as defined by the Atomic Energy Act of 1954, 68 Stat. 919, 42 U.S.C. 2011 et seq.; also any nuclear incident, as defined by the Atomic Energy Act of 1954, occurring within or outside this State, substantially affecting the health, safety, or welfare of the citizens of this County.
- 10. Energy resources means all forms of energy or power including, without limitation to, oil, gasoline, and other petroleum products; natural or synthetic gas; electricity in all forms and from all sources; and other fuels or any description, except wood.

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

- 11. Local state of emergency means the condition declared by the County Commission Chairman or designee when, in the Chairman’s judgement, the threat or actual occurrence of a disaster, emergency, or energy emergency in any part of Bryan County is of sufficient severity and magnitude to warrant extraordinary assistance by the BEMA and other Bryan County departments and agencies to supplement the efforts and available resources of the several municipalities or private relief organizations in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.
- 12. Local offices and local officers means positions in the political subdivisions of the State.
- 13. Office means the position of head of any and all departments, agencies, boards, or commissions of the State or any of its political subdivisions; all constitutional General Assembly offices; all constitutional and other County offices; all of the judgeships of the State and its political subdivisions; and all of the positions in the legislative departments of the State or its political subdivisions.
- 14. Officer means the individual who shall an office.
- 15. Political subdivisions means cities, counties, towns, villages, authorities, and any other bodies created by the State and exercising any of the governmental powers of the State.
- 16. State of emergency means the condition declared by the Governor when, in his judgement, the threat or actual occurrence of a disaster, emergency, or energy emergency in any part of the State is of sufficient severity and magnitude to warrant extraordinary assistance by the State to supplement the efforts and available resources of the several localities and relief organizations in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.

22-105 Emergency Management.

- 1. Emergency Management Function - Emergency management means the preparation for, and the carrying out of, all emergency and disaster functions other than those functions for which military forces or other State and Federal agencies are primarily responsible to prevent, minimize, and repair injury and damage resulting from emergencies or disasters, or

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

the imminent threat there-of, of man-made or natural origin. These functions include, without limitation to, fire-fighting services, police services, medical and health services, rescue, engineering, warning services, communications, defense from radiological, chemical and other special weapons, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, plant protection, temporary, restoration of public utility services, and other functions related to civilian population, together with all other activities necessary or incidental to total emergency and disaster preparedness for carrying out the foregoing functions.

2. Emergency Management Concept of Operations

- a. Pre-emergency Phase - Planning and preparation for an emergency by the Bryan Emergency Management Agency (BEMA) is an on-going activity that is funded, staffed, and managed on a county-wide basis by Bryan County through its Bryan County Emergency Management Agency. Funding for BEMA is appropriated annually by the County Commission with supplementary matching Federal funding made available through the State from the Emergency Management Agency. BEMA's mission is to create the highest possible state of emergency readiness and to be prepared to react promptly to save life and property in the County or any of its municipalities when threatened or hit by an emergency or a major disaster of any type and to accomplish the missions assigned to each department or agency in the Plan.
- b. Emergency Phase - Emergency response plans are based upon the principle that local authorities bear the initial responsibilities for disaster relief. Each level of government accomplishes the functions for which it is responsible, requesting assistance from the next higher level of government only after resources at the requesting level have been expended or are clearly inadequate to cope with the effects of the emergency or disaster.
 - 1.) Increased Readiness Period. During the emergency phase, operational activities of BEMA switch from being a one man County agency engaged in emergency readiness activities to activation of the Bryan County Emergency and Disaster Plan. This is the time before the emergency or disaster strikes when severe weather conditions or domestic

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

unrest poses a threat of serious harm to Bryan County. During this period of time, the Plan is activated and the BEMA Director calls the Emergency Operations Center (EOC) coordination staff together and either activates or prepares to activate the EOC.

- 2.) Emergency Operations. During the period of time that the Plan is activated, BEMA and its Director perform the inter-governmental coordination role described in the Plan. Each local government is responsible for, and has the power and authority to perform, emergency management functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as it may have agreed to in the mutual aid agreements and so signified by signing the Bryan County Emergency and Disaster Operations Plan.

c. Recovery Phase.

- 1.) This is the time when BEMA begins to plan and carry out action to return the community to normal. This phase can be subdivided into four overlapping periods. In the first of these (first period), the **emergency period**, the emergency plan is normally in operation and attention is paid to pressing agent-generated demands. The problems caused directly and indirectly by destruction and by the associated needs of the dead, injured, homeless, and missing provide the focus of attention. During this period, normal, social, and economic activities are suspended or greatly modified. Depending on the nature of the disaster agent, scale of loss, and the preparedness and capacity of BEMA and this community to respond to the emergency, the emergency period may last for as little as a day or as long as several weeks. It can be considered over when search and rescue operations have ceased, major transportation arteries have been cleared and are functioning once more, emergency mass feeding has been reduced, and immediate temporary housing needs have been met.

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

- 2.) The emergency period gives way to the **restoration period** (second period) which is characterized by repairs to utilities, commercial, industrial, and residential structures. Those buildings that cannot be salvaged will be demolished and efforts will be made to return to relatively normal economic and social activities. By the end of this restoration period, major urban services, transportation, and utilities are functioning effectively again, debris has been removed, and those refugees who intend to return to their homes or temporary housing will have done so.
- 3.) The **replacement reconstruction** period is the period (third period) during which capital stores are rebuilt and the economy recovers to pre-disaster levels or higher. This phase ends when population has returned to its pre-disaster level and losses in jobs, residences, and urban activities have been compensated for. Certain types of reconstruction will be under-taken long after this phase is over, but these will be major projects. Typically, replacement reconstruction takes several years to complete.
- 4.) The last period (fourth period) in the recovery of a county or city from disaster has been termed the **commemorative, betterment, and developmental reconstruction** period. During this final recovery period, reconstruction serves three differing but often interrelated functions: (a) commemoration of the disaster, (b) formation of future growth and development, and (c) financing and marketing of betterment and improvement programs and projects. Characteristically, such projects are very large in scale and usually financed by public funds. Such projects are usually stimulated by the disaster recovery process and the community energy generated by the disaster. Not every disaster will have a fourth period to it, depending upon the nature and severity of the emergency or disaster.

22-106 **Office of the Bryan Emergency Management Director.** There is hereby established the Bryan Emergency Management Office which shall perform emergency management functions county-wide in Bryan County. The County Commissioners shall nominate to the State Director of Emergency Management

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

for appointment by the Governor, a Director of Emergency Management for the entire County of Bryan. When appointed, the Director is charged with the following duties:

1. To represent the governing officials of Bryan County and its municipalities on matters pertaining to emergency management;
2. To assist County and municipal officials in organizing County and municipal departments for emergency operations;
3. To assist County department and municipal officials and directors with the development of “emergency operating procedures (SOP’s)” for each of the local governmental, private, or volunteer organizations that will be responding to the emergency. Each organization must develop its own emergency response plan with BEMA assistance, and it shall be closely coordinated with BEMA’s Emergency and Disaster Operations Plan which is an overall coordination plan;
4. To develop in conjunction with municipal and County departments and agencies, the Bryan County Emergency and Disaster Plan for emergency functions as defined in Section 22-104 of this Ordinance. The Plan will be in consonance with the State Natural Disaster Operations Plan and Nuclear Emergency Operations Plan, and shall be submitted to the governing officials of Bryan County and its municipalities for approval, and thence to the State Emergency Management Director for approval;
5. To maintain the Bryan Emergency Management Agency and/or Department at the highest possible state of emergency readiness as defined herein, and carry out the day-to-day administration of the County emergency management program, including the submission of required reports to the State Emergency Management Agency;
6. To submit reports and plans as required by Federal, State, and local authorities in keeping with good management practices (e.g. financial, management activities, etc.);
7. To operate and manage a facility to be used as the Bryan Emergency Operations Center (EOC); and
8. To coordinate the activities of the Bryan Emergency Operations Center staff during periods of a declared emergency.

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

22-107 Bryan Emergency Management Agency and Emergency Plan.

1. BEMA - The Bryan Emergency Management Agency (BEMA) shall be established around existing municipal and County departments and agencies, and the emergency functions listed in Section 21-105 above are assigned as follows:

<u>Department</u>	<u>Emergency Functions</u>
County and Municipal Elected Officials	Policy Direction/Financial Resources
County and Municipal Managers	Direction & Control, Public Information, Administration
Sheriff, City Police Departments	Traffic Control, Security, Law Enforcement, Mass Detention, Search,
Communications, Warning, and Evacuation.	
Fire Services, County and Cities	Fire Services, Rescue, Hazardous Materials, Clearing Operations
Public Works & Engineering	Public Services Damage Restoration, Debris Removal
Human Resources including: 1. Department of Family and Child Svc's 2. County Health Department 3. County EMS Units 4. Board of Education	Human Needs, including: Welfare, Social Services, Shelter and Feeding, Health Services, Medical & Casualty Transportation, Evacuation Transportation
County Tax Assessor, Planning & Zoning Depts	Damage Assessment Teams

Adopted: _____

Signed: _____
Donna M. Waters, County Clerk

Emergency Management

Emergency Planning, Shelter,
 Radiological Defense,
 Rescue, Assistance in
 Industrial Emergency
 Planning Evacuation
 Planning, Emergency
 Transportation, Hazards
 Analysis, Damage
 Assessment,
 Communications, Volunteer
 Rescue Services

The Director of BEMA shall have direct responsibility for the organization, administration, and operation of the local organization for emergency management, subject to the direction and control of the County Commission Chairman and County Administrator or their designee. Because the Bryan Emergency Management Agency is a county-wide organization that coordinates the activities of each municipal and County department or agency, each local government retains authority over its own staff and equipment resources but subordinates itself to the overall coordination and direction of BEMA during an emergency. The extent of the participation of each local government during an emergency is determined in advance by the Plan.

The Director is responsible for ensuring that all of the duties and responsibilities assigned to BEMA by the "Georgia Emergency Management Act of 1981" and subsequent changes are fulfilled to the highest degree possible given the resources provided for BEMA, including the specific duties listed in Section 22-107 of this Ordinance.

BEMA is responsible for assisting each participating municipal, County, private and volunteer organization, agency, or department that agrees to assist BEMA or participate in the emergency management program with the development of simple, workable, and understandable emergency standing operating procedures (SOP). The purpose of having such an emergency SOP is to ensure that the emergency response unit (department, agency, etc.) is organized and knows exactly what, when, and how it is to do its emergency response function. Such emergency SOPs will be submitted through the BEMA Director to the appropriate local governing body for approval.

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

2. The Emergency and Disaster Plan.

- a. The Bryan Emergency Management Agency shall develop and periodically update the emergency and disaster plan for the purpose of establishing policies, procedures, programs, and projects to implement this Ordinance and enable the County and municipal governments to respond to natural and man-made emergency situations.
- b. The Director BEMA is responsible for the development execution, and coordination of the Bryan County Emergency and Disaster Plan. The Plan shall be developed in close coordination with the Georgia Emergency Management Agency. It shall also be based on recommended principles and practices promulgated by the Federal Emergency Management Agency and other recognized emergency and disaster preparedness agencies and relief organizations.
- c. The Plan shall be submitted to the Bryan County Administrator and Georgia Emergency Management Agency for review, comment, and recommendation to the Bryan County Commission. The Plan shall be adopted by the County Commission by resolution and may be changed and updated periodically by resolution.

3. Activation of the Bryan County Emergency and Disaster Plan - The Bryan County Emergency and Disaster Plan shall become operative as follows:

- a. Automatically by the declaration of a “state of emergency” by the Governor of the State of Georgia as either a state-wide, regional, or local area emergency or emergency alert; or
- b. Automatically by the declaration of a “local state of emergency” or threat thereof by the Bryan County Commission Chairman or Vice Chairman, or other successor to the Chairman in the event of his unavailability; or
- c. On order of the BEMA Director provided that the existence or threatened existence of a local emergency has been declared by the Governor; or the Director is acting as the designee of the Chairman of the County Commission.

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

- 1.) The BEMA Director is hereby authorized to order the mobilization of any appropriate emergency response organization, or any portion thereof, as required to provide for increased readiness in the event of the threatened existence of an emergency prior to the activation of the Bryan County Emergency and Disaster Plan.
 - 2.) The BEMA Director is further authorized to order the activation of the full Bryan County Emergency and Disaster Plan and all emergency response organization in the event that an emergency has already occurred but neither the County Commission Chairman nor his successor are available, nor can they be communicated with in a timely fashion; or, upon the request of the Mayor, legally appointed successor, or the governing body of any Bryan County municipality or adjacent local government experiencing an emergency or disaster within their jurisdiction.
4. Local Mutual Aid Arrangements - The BEMA Director, in collaboration with other public and private agencies within the State, may develop or cause to be developed mutual aid arrangements or agreements for reciprocal emergency management aid and assistance in case of emergency or disaster too great to be dealt with unassisted. The arrangements shall be consistent with the state emergency management plan and program, and in time of emergency, it shall be the duty of each local organization for emergency management to render assistance in accordance with the mutual aid arrangements or agreements.
 5. Sovereign Immunity Granted Those Who Allow Premises To Be Used For Emergency Management Purposes - When any person, firm, or corporation owning or controlling any real estate or other premises authorizes and permits any emergency management agency, board, or other authority of this State or of any political subdivision of the State to use the premises without charge therefore for the purpose of sheltering persons during an actual or practice emergency or disaster as contemplated by the Georgia Emergency Act, the person, firm, or corporation, at such times and for such periods during which the premises are occupied and actually employed for purpose of emergency management, shall be clothed with the sovereign immunity of the State. No civil action shall be brought or maintained against any such person, firm, or corporation to recover

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

damages for personal injuries or death of any person while on the premises during an actual or practice emergency, disaster, or enemy attack, or for the loss or destruction of personal property brought upon the premises by any person seeking shelter thereon during an actual or practice emergency or disaster.

6. Immunity of State and Political Subdivisions; of Emergency Management Workers.
- a. Neither the State, nor any political subdivision of the State, nor the agents or representatives of the State nor any political subdivision thereof, shall be liable for personal injury or property damages sustained by any person appointed or acting as a volunteer emergency management worker or member of any agency engaged in emergency management activity. The foregoing shall not affect the right of any person to receive benefits or compensation to which such person might otherwise be entitled under OCGA Chapter 9 of Title 34, Section 38-3-3-, any pension law, or any act of Congress.
- b. Neither the State, nor any political subdivision of the State, nor, except in cases of willful misconduct, gross negligence, or bad faith, the employees, agents, or representatives of the State, nor any political subdivision thereof, nor any volunteer or auxiliary emergency management worker or member of any agency engaged in any emergency management activity complying with or reasonably attempting to comply with Articles 1 through 3 of the Georgia Emergency Management Act, nor any order, rule, or regulation promulgated pursuant to Articles 1 through 3 of the Georgia Emergency Management Act or pursuant to any ordinance relating to precautionary measures enacted by any political subdivision shall be liable for the death of, or the injury to, any person or for damages to property as a result of any such activity.
7. Immunity Granted Those Who Provide Equipment in Emergencies - Any person, including anyone in the business of selling or leasing new or used equipment, who provides equipment to the State or to any political subdivision of the State at no cost during an emergency or disaster situation, whether or not officially declared as such, for use in meeting any

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

exigency caused by the emergency or disaster situation shall not be liable for any civil damages as a result of any act or omission by the person in providing the equipment.

8. Emergency Management Personnel; Qualifications; Oath; Who May Administer.

a. No person shall be employed or associated in any capacity in any emergency management organization established under Articles 1 through 3 of the Georgia Emergency Management Act of 1981 who advocates a change by force or violence in the constitutional form of the government of the United States, this State or any government in this State by force or violence; or who has been convicted of, or is under indictment for or accusation of, any subversive act against the United States.

b. Each person who is appointed to serve in an organization for emergency management shall take an oath in writing before a person authorized to administer oaths in the State, which oath shall be substantially as follows:

“I _____(name), do solemnly swear or affirm that I will support and defend the Constitution of the United States and the Constitution of the State of Georgia against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

I do further swear or affirm that I do not advocate, nor am I a member of, any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am a member of the Bryan Emergency Management Agency, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.”

Adopted: _____

Signed: _____
Donna M. Waters, County Clerk

- c. The Chairman of the County Commission, the County Administrator, and the BEMA Director are authorized to administer oaths to emergency management personnel.

9. Director to License Non-Governmental Rescue Organizations; Exception.

- a. Except as otherwise provided all non-governmental rescue organizations, associations, groups, teams, or individuals, whether or not they are holders of a charter issued by this State or officers thereof, shall be prohibited from performing any rescue or emergency management type activity until the organization, association, group, team, or individual has been licensed by the Georgia Emergency Management Agency to perform the activities.
- b. Exception, any marine rescue squadron sponsored by or operating under the direction and control of the Sheriff of the County and chartered as a Marine Rescue Squadron of America, which was so chartered on January 1, 1960, or prior to that date, and which performs only water or boat safety rescue missions within this State, shall be deemed to be a governmental rescue organization and need not be licensed by the Georgia Emergency Management Agency.

22-108

Role of Bryan County and Municipal Governments During Non-Emergency Periods.

1. Powers and Duties of Local Governments Generally.

- a. It is the duty of each local government to provide for the public health, safety, and welfare of its citizens by making provision for emergencies and disasters that may occur at some future date. Each local government within Bryan County is authorized and empowered by the Georgia Emergency Management Act, as amended, to make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes. All such orders, rules, and regulations must be consistent with any orders, rules, or regulations promulgated by the Governor or by any State agency exercising a power delegated to it by the Governor.

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

- b. All orders, rules, and regulations so promulgated shall have the full force and effect of law when a copy thereof is filed in the Office of the Clerk of the County Commission or the appropriate municipal clerk's office. All laws, ordinances, rules, and regulations inconsistent with the Georgia Emergency Management Act ,or with any order, rule, or regulations issued under the authority of the Georgia Emergency Management Act or this Ordinance shall be suspended during the period of time and to the extent that the conflict exists.
- c. In order to attain uniformity so far as practicable throughout the United States in measures taken to aid emergency management, all actions taken under the authority of the Georgia Emergency Management Act and this Ordinance and all orders, rules, and regulations made pursuant thereto shall be taken or made with due consideration to the orders, rules, regulations, actions, recommendations, and requests of Federal authorities relevant thereto and, to the extent permitted by law, shall be consistent with such orders, rules, regulations, actions, recommendations, and requests.

2. Aid Rendered by Local Employees to Other Political Subdivisions; Reimbursement of Personnel and Equipment Expenses by Aided Locality; Procedure.

- a. Whenever the employees of any political subdivision are rendering outside aid pursuant to the authority contained in the Georgia Emergency Management Act and this Ordinance, the employees shall have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the political subdivisions in which they are normally employed.
- b. The political subdivision in which any equipment is used pursuant to this Ordinance shall be liable for any loss or damage thereto and shall pay any expense incurred in the operation and maintenance thereof. No claim for the loss, damage, or expense shall be allowed unless, within sixty (60) days after the same is sustained or incurred, an itemized notice of the claim under oath is served by mail or otherwise upon the chief fiscal officer of the political subdivision where the equipment was used. The political subdivision which is aided pursuant to this Ordinance shall also

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

pay and reimburse the political subdivision furnishing the aid for the compensation paid to employees furnished under this Ordinance during the time of the rendition of the aid and shall defray the actual traveling and maintenance expense of the employees while they are rendering the aid. The reimbursement shall include any amounts paid while the employees are engaged in rendering the aid. The term "employee" as used in this Ordinance, shall mean (and this Ordinance shall apply with equal effect to) paid, volunteer, and auxiliary employees and emergency management workers.

3. Authority of County and Municipal Government to Accept Services, Grants, Loans, etc., from State, Federal, or Private Sources.
- a. Whenever the Federal Government, or any agency or officer thereof, offers to the State or through the State, or to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of emergency management, the political subdivision acting on the consent of the Governor and through its executive officer or governing body, may accept the offer. Upon the acceptance, the executive officer or governing body of the political subdivision may authorize any officer of the political subdivision to receive the service, equipment, supplies, materials, or funds on behalf of the State or the political subdivision, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.
 - b. Whenever any person, firm, or corporation offers to the political subdivision services, equipment, supplies, materials, or funds by way of gifts, grant, or loan for the purpose of emergency management, the political subdivision, acting through its executive officer or governing body, may accept the offer. Upon the acceptance, the executive officer or governing body of the political subdivision may authorize any officer of the political subdivision to receive the services, equipment, supplies, materials, or funds on behalf of the political subdivision, subject to the terms of the offer.

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

22-109 Emergency Response Powers of Bryan County and Municipal Governments.

1. Declaration of Local State of Emergency or Disaster and Proclamation Thereof.
 - a. In the event of actual or impending emergency or disaster or natural or man-made origin, or impending or actual enemy attack, anywhere within Bryan County, the County Commission Chairman or Vice Chairman or designee may declare that a “local state of emergency or disaster” exists. The local state of emergency or disaster shall continue until the County Commission Chairman or designee finds that the threat or danger has passed or the emergency or disaster has been dealt with, to the extent that emergency or disaster conditions no longer exist, and terminates the local state of emergency or disaster.

No local state of emergency or disaster may continue for longer than 45 days unless renewed by the County Commission Chairman or successor in the event of his unavailability. The Bryan County Commission, by resolution, may terminate a local state of emergency or disaster at any time. Thereupon, the County Commission Chairman shall, by appropriate action, end the local state of emergency or disaster.
 - b. A declaration of a local state of emergency or disaster shall automatically activate the Bryan County Emergency and Disaster Plan. Further, such declaration shall automatically activate the response and recovery aspects of the Plan as applicable to the political subdivision or area in question and shall be authority for the deployment and use of any forces to which the Plan(s) apply and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to Article 1 through 3 of the Georgia Emergency Management Act or any other law(s) relating to emergencies or disasters.
 - c. Upon the declaration of a local state of emergency or upon activation of the Bryan County Emergency and Disaster Plan, in accordance with any of the procedures established in this Ordinance, the County Commission Chairman, County Administrator, BEMA Director, or their designee should normally

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

prepare an official proclamation of the establishment of the local state of emergency and communicate said proclamation to the citizens of Bryan County using the most effective and efficient means available. The proclamation shall indicate the nature of the local emergency or disaster, the geographic area(s) affected by the proclamation, the conditions which required the proclamation to be established and the conditions under which it will be terminated.

2. Emergency Powers of Bryan County and Municipal Governments

- a. Emergency Power of Bryan County Government - The County Commission Chairman shall have and may exercise for such period as the local state of emergency or disaster exists or continues, unless the State government assumes direct control of the emergency or disaster and the County's efforts are subordinated to the State, the following additional emergency powers within the unincorporated areas of Bryan County are:
- 1.) To enforce all laws, rules, and regulations relating to emergency management and to assume direct operational control of all civil forces and helpers in the unincorporated area of the County;
 - 2.) To seize, take for temporary use, or condemn property for the protection of the public in accordance with condemnation proceedings as provided by State Law;
 - 3.) 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 of the County.
 - 4.) To coordinate the exercise of the above emergency powers within the incorporated areas of Bryan County with the Mayors of the municipalities that may be affected by the emergency or disaster.
 - 5.) To appropriate and expend funds, execute contracts, and obtain and distribute equipment, materials, and supplies as required for the emergency or disaster.

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

- 6.) In addition to any other emergency powers conferred upon the County Commission Chairman by law, he may specifically:
- (a.) Authorize, the removal of fallen trees, debris and wreckage caused by any emergency or disaster within 50 feet from the center line of driveway, private roads or vehicle access lanes (if county right-of-way extends beyond the 50 feet center line specified, work forces can go up to 20 feet beyond right-of-way) and within 100 feet of any primary residential dwelling, office, commercial or Industrial structure. When working on private property, assurance must be given by the property owner(s) that they will hold the County, State, and Federal Governments harmless for damages that may occur.
 - (b.) Suspend any regulatory statute prescribing the procedures for conduct of County business, or the orders, rules, or regulations of any County agency, 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;
 - (c.) Utilize all available resources of the Bryan County government and subordinate agencies over which it has budgetary control as reasonably necessary to cope with the emergency or disaster;
 - (d.) Transfer the direction, personnel, or functions of any Bryan County department and agencies or units thereof for the purpose of performing or facilitating emergency services;
 - (e.) Commandeer or utilize any private property if the County Commission Chairman or his successor or designee finds this necessary to cope with the emergency or disaster;

Adopted: _____

Signed: _____
Donna M. Waters, County Clerk

- (f) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the County, if the Chairman deems this action necessary, for the preservation of life or other disaster mitigation, response, or recovery;
- (g) Prescribe routes, modes of transportation, and destinations in connection with evacuation;
- (h) Control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein;
- (i) Make provision for the availability and use of temporary emergency housing.

3. Emergency Location for Bryan County Government; Who may Call Meeting; Effect of Acts - Whenever, due to an emergency or disaster resulting from man-made or natural causes or enemy attack, it becomes imprudent, inexpedient, or impossible to conduct the affairs of local government at the regular or usual place or places thereof, the governing body of each political subdivision, including, but not limited to, each and every city, county, and municipality of the State, may meet at any place within or outside the territorial limits of the political subdivision on the call of the presiding officer or any two members of the governing body and shall proceed to establish and designate by ordinance, resolution, or other manner alternate or substitute sites or places as the emergency temporary location or locations of government where all of any part of the public business may be transacted and conducted during the emergency or disaster situation. The sites or places may be within or outside the territorial limits of the political subdivision and may be within or outside this State. During the periods when the public business is being conducted at the emergency temporary location or locations, the governing body and other officers of a political subdivision of this State shall have and possess and shall exercise at the location or locations all of the executive, legislative, and judicial powers and functions conferred upon such body and officers by or under the laws of this State. The powers and functions may be exercised in the light of the exigencies of the emergency situation with regard to or compliance with time-consuming procedures and

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

formalities prescribed by law and pertaining thereto, and all acts of the body of officers shall be as valid and binding as if performed within the territorial limits of their political subdivision.

22-110 Liberality of Construction, Enforcement, and Penalty for Violation.

1. Liberality of Construction - This Ordinance shall be liberally construed in favor of the governing body of Bryan County and deemed neither to limit nor repeal any other powers granted under State statutes.

2. Enforcement - The BEMA Director shall have the legal authority to conduct such necessary and appropriate investigations to carry out the duties prescribed in this Ordinance or properly assigned by the County, and for this purpose to enter at a reasonable time upon an property, public or private, for the purpose of investigating and inspecting the sites involved with emergency management functions. No person shall refuse entry or access to any authorized representative or agent of the County who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out their official duties. The law enforcement authorities of the State and of the political subdivisions thereof shall enforce the orders, rules, and regulations issued pursuant to Articles 1 through 3 of the Georgia Emergency Management Act and this Ordinance.

3. Penalties for Violation - Violations of this ordinance shall be tried in the Magistrate Court of Bryan County. Failure to comply with any of the requirements and provisions of these regulations shall constitute a violation of this Ordinance. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$1000 or imprisoned for not more than 60 days, or both, and in addition, shall pay all costs and expenses involved in the case. The owner of land upon which a violation occurs and each person assisting in the commission of a violation shall be guilty of a separate offense. Each day during which the violation or failure to comply continues shall be a separate violation. The court shall have the power and authority to place any person found guilty of violating this Ordinance on probation and to suspend or modify any fine or sentence. As a condition of said suspension, the court may require payment of restitution or impose other punishment allowed by law. Nothing herein contained shall prevent Bryan County from taking such other lawful action as is necessary to prevent or

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

remedy any violation of this Ordinance. The Director of BEMA or any person, corporation, firm, or association, in addition to the remedies set forth in Articles 1 through 3 of the Georgia Emergency Management Act may obtain from a court of competent jurisdiction an injunction to restrain violation of the provisions of this Ordinance and Articles 1 through 3 of the Georgia Emergency Management Act. The grant of an injunction is authorized notwithstanding the availability of adequate remedies at law.

- 22-111** **Repeal of Conflicting Ordinances and Resolutions** -All ordinances or resolutions or parts thereof in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.
- 22-112** **Conflict With Other Laws** - Whenever the provisions of this ordinance are more restrictive than the standards required in, or under, any other ordinance , or resolution, the provisions of this ordinance shall govern. Whenever the provisions of any other statute, ordinance, or resolution are more restrictive than the standards required in this ordinance, the provisions of said statute, etc., shall govern.
- 22-113** **Severability** - Should any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part or provisions thereof, other than the part so decided to be invalid or unconstitutional.

Adopted: _____

Signed: _____
Donna M. Waters, County Clerk

**AN ORDINANCE AUTHORIZING THE SUSPENSION OF PORTIONS OF THE CODE
OF ORDINANCES AND OTHER FORMALITIES DURING A STATE OF
EMERGENCY**

ARTICLE II

(This article adopted May 1, 2007)

WHEREAS, the health, safety and welfare of the citizens and property of Bryan County may be jeopardized during an emergency disaster or the subsequent recovery period by the inability for the local governing authority to act expediently without regard to certain formalities;

WHEREAS, the local governing authority of Bryan County is authorized pursuant to O.C.G.A. § 38-3-27(b) and 38-3-28 to take actions necessary to provide for the health and safety of persons and property during periods of emergency or disaster, provided that such actions are not inconsistent with any orders, rules, or regulations promulgated by the Governor or his delegatee;

WHEREAS, the powers and functions exercised by the local governing authority necessary to conduct the business and affairs of Bryan County during an emergency or disaster proclaimed as such by the appropriate state official may continue without the regard to compliance with time consuming procedures and formalities pursuant to O.C.G.A. § 38-3-54;

WHEREAS, in accordance with O.C.G.A. § 36-10-4(c)(5) and 32-4-63(6), certain formalities concerning public works contracts may be waived when necessitated by emergency;

WHEREAS, the Bryan County Board of Commissioners believes that it is desirable to have legislation in place authorizing the Board to waive certain formalities and procedures as necessary in case of emergency, natural disaster or the subsequent recovery period.

NOW, THEREFORE, BE IT RESOLVED that the governing authority of Bryan County hereby enacts the following ordinance to authorize the waiver of certain formalities and procedures in case of emergency, natural disaster or the subsequent recovery period:

22-201 Authority to Waive Procedures and Fee Structures.

1. Meetings. Upon proclamation by the appropriate state official of an emergency or disaster of manmade or natural causes or enemy attack impending on or affecting Georgia or the United States, the affairs and business of Bryan County may be conducted at places other than the regular or usual place thereof, within or outside of Bryan County, when it is not prudent, expedient or possible to conduct business at the regular

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

location. When such meetings occur outside of the County, all actions taken by the local governing body shall be as valid and binding as if performed within Bryan County. 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.

2. Purchasing and Public Works Contracts. Upon the declaration of a state of emergency by the Governor, or upon the determination by the county governing authority, or its designee, of the existence of an emergency or disaster, the county governing authority, their designee or the emergency interim successor 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 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.
3. Code Enforcement. Upon the declaration of a state of emergency by the Governor, or upon the determination by the county governing authority, or its designee, of the existence of an emergency or disaster, the county governing authority, their designee or the emergency interim successor may temporarily suspend the enforcement of the Code of Ordinances of Bryan County, or any portion thereof, where: (a) the emergency or disaster is of such nature that immediate action outside the Code is required; (b) such suspension is consistent with the protection of the public health, safety and welfare; and (c) such suspension is not inconsistent with any federal or state statutes or regulations.
4. Fees. Upon the declaration of a state of emergency by the Governor, or upon the determination by the county governing authority, or its designee, of the existence of an emergency or disaster, the county governing authority, their designee or the emergency interim successor may temporarily reduce or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of the area impacted by the disaster or emergency.
5. Temporary Dwellings. Upon the declaration of a state of emergency by the Governor, or upon the determination by the county governing authority, or its designee, of the existence of any emergency or disaster, the county governing authority, their designee or the emergency interim

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

successor may issue temporary mobile home, trailer, recreational vehicle or other temporary dwelling structures or parks in any zoning district 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 Bryan County Health Department and Bryan County Building and Inspections Department. The temporary permit shall not exceed six (6) months in duration. In the case of continuing hardship and in the discretion of the governing authority or its designee, the permit may be extended for a period for an additional six (6) months. Upon expiration of the temporary permit or an extension, the temporary dwelling shall be removed.

22-202 Definitions.

1. Fees. Any fee or rate 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. "Fees" shall not include those fees collected by the county on behalf of the federal or state government or those fees charged by the county pursuant to a federal or state statute or regulation.
2. State of Emergency. As defined by O.C.G.A. § 38-3-3(5), a condition declared by the Governor when, in his judgment, the treat or actual occurrence, disaster, emergency, or energy emergency is of sufficient severity and magnitude to warrant extraordinary efforts in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.
3. Subsequent Recovery Period. The period of time that the disaster emergency continues to cause disruptions in the area impacted by the disaster emergency. The "subsequent recovery period" shall not exceed six (6) months after the State of Emergency declaration by the Governor is terminated unless extended by official action of the governing authority of Bryan County.
4. Temporary Dwelling. Any mobile or easily movable home, trailer recreational vehicle or structure not otherwise permitted by the zoning regulations in a particular zoning district.

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

22-203 **Severability.** If any section, paragraph, sentence, clause, phrase or word of this ordinance is, for any reason, held to be unconstitutional, inoperative, or void by any competent jurisdiction, such holding shall not affect the remainder of this ordinance.

22-204 **Effective Date.** This ordinance shall become effective upon adoption by the local governing authority of Bryan County.

Adopted: _____

Signed: _____
Donna M. Waters, County Clerk

**AN ORDINANCE TO PROHIBIT OVERCHARGING FOR GOODS, MATERIALS,
SERVICES AND HOUSING DURING A STATE OF EMERGENCY**

ARTICLE III

(This article adopted May 1, 2007)

WHEREAS, the health, safety and welfare of the citizens of Bryan County depend upon the availability and afford ability of certain essential goods, materials, services and housing; and

WHEREAS, during certain periods of emergency resulting from natural or manmade disaster, citizens of Bryan County are at risk from dramatic and unjustified increases in the prices of said goods, materials, services and housing; and

WHEREAS, such increases in price may be excessive and unconscionable during a state of emergency and may hinder the ability of the community to recover from the disaster; and

WHEREAS, legislation is necessary to prohibit any person from raising prices for goods, materials, services and housing to excessive, unconscionable or unfair levels during a declared state of emergency or subsequent recovery period; and

WHEREAS, limitations on price overcharging during a declared emergency is authorized pursuant to the police powers of Bryan County and § 38-3-28 of the Official Code of Georgia Annotated.

NOW, THEREFORE, BE IT RESOLVED that the governing authority of Bryan County hereby enacts the following ordinance relative to the prohibition of overcharging for goods, materials, services and housing during periods of declared emergency or subsequent recovery periods:

22-301 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 subsequent recovery period in which Bryan County has been designated as a disaster area, for any person, firm, or corporation located or doing business in Bryan County to overcharge for any goods, materials, services or housing sold within the County.

22-302 Definitions.

1. Overcharging. The term ‘overcharging’ is defined as charging prices for goods, materials, services, or housing which are substantially in excess of

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

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.

2. State of Emergency. The term 'state of emergency' is defined, pursuant to § 38-3-3(5) of the Official Code of Georgia Annotated, 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.
3. 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 Bryan County.

22-303 Penalties. Violation of the provisions of this ordinance upon conviction shall be punishable by a fine not to exceed \$1,000 per violation or imprisonment not to exceed sixty (60) days, or both such fine and imprisonment. Each sale shall constitute a separate offense.

22-304 Severability. If any section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of the ordinance.

22-305 Effective Date. This ordinance shall take effect on the date of its being duly adopted but shall be operative only during the period of a declared state of emergency and any subsequent recovery periods.

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

AN ORDINANCE TO REQUIRE REGISTRATION OF BUILDING AND REPAIR SERVICES DURING A STATE OF EMERGENCY

ARTICLE IV

(The article adopted May 1, 2007)

WHEREAS, during and following periods of emergency resulting from natural or manmade disaster, the public is at risk from unscrupulous building contractors and repair services, scams, and other unconscionable activities related to constructing, repairing, renovating and making improvements to buildings and other structures damaged during the disaster; and

WHEREAS, registration of building construction and repair contractors during a declared emergency, as authorized pursuant to the police powers of Bryan County and §§ 38-3-28 and 38-3-56 of the Official Code of Georgia Annotated, will provide a means to protect the public from unscrupulous and criminal building and repair contractors.

NOW, THEREFORE, BE IT RESOLVED, that the governing authority of Bryan County hereby enacts the following ordinance to require persons, firms, partnerships, corporations and other entities who provide building, construction, repair, renovation and related services to register with Bryan County prior to doing business within the unincorporated areas of Bryan County during any state of emergency and during any subsequent recovery period:

22-401 Building Contractor Registration Required. No person, firm, partnership, corporation or other entity shall engage in, undertake or carry on any business in whole or in part within the unincorporated areas of Bryan County, consisting of or relating to building, constructing, repairing, renovating or making improvements to real property including dwellings, homes, buildings, structures, or fixtures attached thereto without having registered the name of the business with the governing authority of the county and having paid fees as provided by this ordinance.

22-402 Definitions.

1. Building Contractor. As used in this ordinance the word or term 'building contractor' shall mean any person, firm, partnership, corporation or other entity engaging in, undertaking or carrying on any business consisting of or relating to building construction, repair, renovation or making improvements to real property including dwellings, homes, buildings, structures, or fixtures attached thereto.

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

2. Doing Business. Any building contractor shall be deemed to be ‘doing business’ subject to the requirements of this ordinance if: (a) he has or operates an office, agency, project site or place of business located in the unincorporated areas of the county, whether permanently, temporarily, periodically, or otherwise, that provides the following activities in the unincorporated areas of the county expressly including but not limited to the construction, renovation or repair of dwellings or buildings or the making of improvements to real property or any fixtures attached thereto; or (b) he performs the following activities or services in the unincorporated areas of the county expressly including but not limited to the construction, renovation or repair of dwellings or buildings or the making of improvements to real property or any fixtures attached thereto regardless of the location of the principal office.

3. State of Emergency. The term ‘state of emergency’ is defined, pursuant to § 38-3-3(5) of the Official Code of Georgia Annotated, as a condition declared by the Governor when, in his judgment, the threat or actual occurrence of a disaster 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.

4. 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 three (3) months after the emergency declaration has been terminated by the Governor.

22-403 Registration; Certification. All building contractors doing business or proposing to do business in the unincorporated areas of Bryan County during a state of emergency or the subsequent recovery period shall register and file applications with the clerk of the governing authority of the county or such other person designated by the governing authority at the county courthouse or such other place or places designated by the county. The building contractor shall, under oath, provide the county governing authority with a statement describing the general nature of the business to be conducted and give true and correct information as may be called for on the registration form, application or certificate provided by the county.

22-404 Registration Fees. Building contractor registration fees are hereby fixed under the terms and conditions of this ordinance at \$50.00 per annum. Registration fees shall be paid in full at the time of issuance of the registration certification.

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

- 22-405 Penalties.** Any building contractor required by this ordinance to pay a registration fee who engages in business without first registering and receiving a registration certification from the county as required shall be in violation of this ordinance. Violation of the ordinance, upon conviction, shall be punishable by a fine not to exceed \$1,000 per violation and/or imprisonment not to exceed sixty (60) days. Each day a building contractor does business in the unincorporated areas of the county without complying with this ordinance shall constitute a separate offense.
- 22-406 Transferability.** Each certification issued under this ordinance is granted to, and shall be accepted by, the building contractor under the condition that the same is not transferable and after issuance no such certification shall be transferred by the county or the building contractor to another individual or entity.
- 22-407 Display of Registration Certification.** Each certification issued hereunder shall be posted conspicuously by the building contractor in the place of business of the building contractor or shall be carried on his person or vehicle used in such business. Such certification shall be exhibited to any authorized enforcement officer when so requested.
- 22-408 Revocation; Suspension.** Each certification granted under this ordinance is a mere permit to engage in the business only so long as said business is conducted in a lawful manner. The county governing authority hereby reserves the right to revoke or suspend any certification granted hereunder, if the building contractor, or the building contractor's agent or employee acting within the scope of his employment, violates this ordinance or any other county, state or federal law. If after issuance of a certification, the county desires to revoke such certification, written notice thereof shall be given to the building contractor, which notice shall specify the violation with which the building contractor is charged and a date, time and place at which a hearing shall be held with regard to the violation. The building contractor shall have an opportunity to be heard at such hearing, shall have the right to be represented by counsel, and shall have the right to introduce and submit evidence in opposition to such revocation.
- 22-409 Severability.** If any section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held by the court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of the ordinance.
- 22-410 Effective Date; Expiration.** This ordinance shall take effect on the date of its being duly adopted and shall apply to all building contractors doing business in the unincorporated areas of Bryan County on that date and doing business on any

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

date thereafter. However, this ordinance and any certification issued pursuant to it shall be operative only during the period of a declared state of emergency and any subsequent recovery periods.

Adopted: _____

Signed: _____
Donna M. Waters, County Clerk

**AN ORDINANCE AUTHORIZING THE IMPOSITION OF CURFEWS
DURING TIMES OF EMERGENCY OR DISASTER**

ARTICLE V

(This article adopted May 1, 2007)

WHEREAS, the health, safety and welfare of the citizens and property of Bryan County may be jeopardized during an emergency, disaster or imminent threat thereof, by the presence of looters, vandals, thieves and others who would take advantage of the confusion and devastation that accompanies such an event;

WHEREAS, the local governing authority of Bryan County is authorized pursuant to O.C.G.A. §§ 38-3-27(b)(2) and 38-3-28 to take actions necessary to provide for the health and safety of persons and property during periods of emergency or disaster, provided that such actions are not inconsistent with any orders, rules, or regulations promulgated by the Governor or his delegatee;

WHEREAS, the Bryan County Board of Commissioners believes that it is desirable to have legislation to place authorizing the Board to enact a curfew when it is determined necessary to maintain order and to protect either the citizens or their property during an emergency or disaster in certain areas of the county.

NOW, THEREFORE, BE IT RESOLVED that the governing authority of Bryan County hereby enacts the following ordinance relative to the imposition of curfew during periods of emergency or disaster:

22-501 Institution of Curfew.

1. Upon the declaration of a state of emergency by the Governor, or upon the determination by the county governing authority, or its designee, of the existence of an emergency or disaster, the county governing authority, its designee or the emergency interim successor may adopt a resolution instituting a curfew when it is determined necessary to protect and safeguard the people and property of Bryan County.
2. All of the territory of the unincorporated county shall be subject to the terms of the curfew, unless otherwise specified in the resolution.
3. The resolution instituting the curfew shall include the dates and hours that the curfew shall be in effect.

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

22-502 Definitions.

1. Curfew. A ‘curfew’ is a regulation requiring the withdrawal from any person not otherwise exempt from this ordinance from appearing in certain public areas during specified hours.
2. Exempt Individuals. Unless otherwise specified in the resolution implementing the curfew, ‘exempt individuals’ include those individuals engaged in the provision of designated, essential services, such as fire, law enforcement, emergency medical services and hospital services, military services, utility emergency repairs. The resolution may, in the discretion of the governing authority, also exempt regular employees of local industries traveling to and from their jobs with appropriate identification, news media employees, building and repair contractors, properly registered according to Bryan County Ordinance Chapter 22, Section 400 (“Ordinance to Require Registration and Licensing of Building and Repair Services During a State of Emergency”), performing activities related to construction, repair, renovation or improvement of buildings and other structures damaged during the disaster or emergency.
3. State of Emergency. As defined by O.C.G.A. § 38-3-3(5), a condition declared by the Governor when, in his judgment, the threat or actual occurrence of a disaster, emergency, or energy 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.

22-503 Prohibition. It shall be prohibited for any person, other than exempt individuals, to appear in public in the territory subject to the curfew, including but not limited to, streets, highways, alleys, sidewalks, vacant lots, parks, public buildings or any other public places in all or a delineated part of unincorporated Bryan County during the stated hours of the curfew.

22-504 Penalties. Any individual violating this ordinance, upon conviction, shall be punishable by a fine not to exceed \$1000 per violation or imprisonment not to exceed sixty (60) days, or both.

22-505 Severability. If any section, paragraph, sentence, clause, phrase or word of this ordinance is, for any reason, held to be unconstitutional, inoperative, or void by any court of competent jurisdiction, such holding shall not affect the remainder of this ordinance.

Adopted: _____

Signed: _____

Donna M. Waters, County Clerk

22-506 **Effective Date.** This ordinance shall become effective upon adoption by the local governing authority of Bryan County.

Adopted: _____

Signed: _____
Donna M. Waters, County Clerk