

## EMERGENCY MANAGEMENT ORDINANCE

AN ORDINANCE OF THE HARRIS COUNTY BOARD OF COMMISSIONERS TO AMEND THE CODE OF ORDINANCES OF HARRIS COUNTY, CHAPTER 2 - ADMINISTRATION, ARTICLE III - EMERGENCY MANAGEMENT; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO SET AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

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

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

WHEREAS, to ensure an effective and coordinated response to disasters, the County wishes to coordinate EMA activities and responses with cities and towns located within the county; and

WHEREAS, the Board of Commissioners believes that an ordinance is necessary to protect the health and safety of persons and property during an emergency or disaster resulting from manmade or natural causes.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Harris County, Georgia, and it is hereby ordained by the authority of same as follows:

### **SECTION 1: AMENDMENT**

Chapter 2 Administration, Article III Emergency Management, of the Code of Ordinances of Harris County, is hereby deleted in its entirety and substituting in lieu thereof, the following:

**Section 2-51 Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Emergency management* shall mean the preparation for the carrying out of all emergency and disaster functions other than those functions for which military forces and state and federal agencies are primarily responsible to prevent, minimize and repair injury and damage resulting from emergencies or disasters of manmade or natural origin. These functions include, without limitation, firefighting services, police and sheriff services, medical and health services, rescue, engineering, warning services, communications, protection from radiological, chemical, biological and other special weapons to include weapons of mass destruction, evacuation of persons from stricken areas, emergency welfare and social services, emergency transportation, plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.

*Locally Declared Emergency or Declaration of Local Emergency* shall mean a declaration by the Chair of the Board of Commissioners enacting some or all of the local emergency powers addressed in this ordinance.

*Municipalities* shall mean the cities and towns of Hamilton, Pine Mountain, Shiloh and Waverly Hall, Georgia, and that portion of the city of West Point located in Harris County.

*State Declared Emergency* shall mean a declaration by the Governor of an actual or impending emergency or disaster of natural or human origin, or pandemic influenza emergency, or impending or actual enemy attack, or a public health emergency, within or affecting Georgia or against the United States. A declaration of emergency by the Governor may enact some or all of the emergency powers, local or otherwise, addressed in this ordinance.

## **Section 2-52 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 county and which is of sufficient severity and magnitude to warrant extraordinary assistance by federal, state and local departments and agencies to supplement the efforts of available public and private resources, the Chairman of the Board of Commissioners may declare a local emergency for Harris County. The form of the declaration shall be similar to that provided in subsection 4(b) of this section.
2. **Request for state assistance.** Consistent with a declaration of local emergency, the Chairman may request the Governor, through the EMA Director, to provide assistance, provided that the disaster or emergency is beyond the capacity of the county to meet adequately and state assistance is necessary to supplement local efforts to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster.
3. **Continuance.** The declaration of local emergency shall continue until the Chairman and EMA Director find that emergency conditions no longer exist, at which time, the Chairman shall execute and file with the Clerk of the Board of Commissioners a document marking the end of the emergency. No state or local emergency shall continue for longer than 30 days, unless renewed by the Chairman. The Board of Commissioners may, by resolution, end a state of local emergency at any time.
4. **Effect of Declaration of Emergency**
  - a. Activation of emergency operations plan. A declaration of emergency by the Governor, or a declaration of local emergency by the Chairman, shall automatically activate the county emergency operations plan and shall be the authority for deployment of personnel and use of any forces to which the plan applies and for use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled or arranged to be made available pursuant to the Georgia Emergency Management Act or any other laws applicable to emergencies or disasters.
    - (1) The Harris County Emergency Management Agency (EMA) Director shall have the legal authority to exercise the powers and discharge the duties conferred

upon the emergency management agency, including the implementation of the emergency operations plan, coordination of the emergency responses of public and private agencies and organizations, coordination of recovery efforts with state and federal officials, and inspection of emergency or disaster sites.

- (2) In responding to the emergency and conducting necessary and appropriate survey of the damages caused by the emergency, the Director or his/her designee is authorized to enter at a reasonable time upon any property, public or private, for the purpose of evaluating sites involved with emergency management functions to protect the public's health, safety or welfare.
  - (3) The Director is authorized to execute a right of entry and/or agreement to use property for these purposes on behalf of the County; however, any such document shall be later presented for ratification at a meeting of the Board of Commissioners.
  - (4) No person shall refuse entry or access to any authorized representative or agent of the county who requests entry for purposes of evaluating sites involved with emergency management functions to protect the public's health, safety, or welfare, and who presents appropriate credentials. Nor shall any person obstruct, hamper, or interfere with any such representative while that individual is in the process of carrying out his or her official duties.
- b. Emergency powers. Following a declaration of emergency and during the continuance of such state of emergency, the Chairman is authorized to implement local emergency measures to protect life and property or to bring the emergency situation under control.
- (1) State Declared State of Emergency. If the Governor declares a state of emergency for the County, the Chairman may cause the following provisions of this ordinance to become effective:
    - (a) Section 2-54. Authority to Waive Procedures and Fee Structures;
    - (b) Section 2-55. Registration of Building and Repair Services; and/or
    - (c) Section 2-56. Closed or Restricted Areas and Curfews.
  - (2) Locally Declared State of Emergency. If the Chairman declares a local emergency for the County, the Chairman may cause the following provisions of this ordinance to become effective:
    - (a) Section 2-54. Authority to Waive Procedures and Fee Structures; and/or
    - (b) Section 2-56. Closed or Restricted Areas and Curfews.

If any of these sections are included in a declaration of local emergency, the same shall be filed in the office of the Clerk of the Board of Commissioners and shall be in effect until the declaration of local emergency has terminated.

- c. Authority to waive procedures and fees. Pursuant to a declaration of emergency, the Board of Commissioners is authorized to cause to be effective any of the subsections of Section 2-54 of this chapter as appropriate. The implementation of such subsections shall be filed in the office of the Clerk of the Board of Commissioners.

d. Additional emergency powers. The Chairman of the Board of Commissioners shall have, and may exercise for such period as the declared emergency exists or continues, the following additional emergency powers:

- (1) To compel the evacuation of all or part of the population from any stricken or threatened area, for the preservation of life or other disaster mitigation, response or recovery;
- (2) To make provision for the availability and use of temporary emergency housing, emergency shelters and/or emergency medical shelters;
- (3) To transfer the direction, personnel or functions of any county departments for the purpose of performing or facilitating emergency services;
- (4) To utilize all available resources of the county and subordinate agencies over which the county has budgetary control as reasonably necessary to cope with the emergency or disaster;
- (5) To utilize public property when necessary to cope with the emergency or disaster or when there is compelling necessity for the protection of lives, health, and welfare, and/or the property of citizens;
- (6) To suspend any ordinance, resolution, order, rule or regulation prescribing the procedures for conduct of county business, or the orders, rules or regulations of any county department, if strict compliance with any ordinance, resolution, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency or disaster, provided that such suspension shall provide for the minimum deviation from the requirements under the circumstances and further provided that, when practicable, specialists shall be assigned to avoid adverse effects resulting from such suspension;
- (7) To provide benefits to citizens upon execution of an intergovernmental agreements for grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by an emergency or disaster in cases where the individuals or families are unable to meet the expenses or needs from other means, provided that such grants are authorized only when matching state or federal funds are available for such purposes;
- (8) To perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population, including individuals with household pets and service animals prior to, during, and following a major disaster or emergency.

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

DECLARATION OF LOCAL EMERGENCY

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

WHEREAS, the Governor *has/has not* declared a state of emergency for Harris County; and

WHEREAS, in the judgment of the Chairman of the Harris County Board of Commissioners, with advice from the Harris County Emergency Management Agency, there exist emergency circumstances located in *[describe geographic location]* requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of Harris County, including individuals with household pets and services animals; and

WHEREAS, to prevent or minimize injury to people and damage to property resulting from this event, certain actions are required.

NOW, THEREFORE, IT IS HEREBY DECLARED, pursuant to the authority vested in me by local and state law, that a local state of emergency exists and shall continue until the conditions requiring this declaration are abated.

THEREFORE, IT IS ORDERED, that the Harris County Emergency Management Agency activates the Emergency Operations Plan;

IT IS FURTHER ORDERED, that the following sections of the Harris County Code be implemented *[If deemed appropriate, choose from the following]*:

- \_\_\_ Section 2-54 Authority to Waive Procedures and Fee Structures
- \_\_\_ Section 2-55 Registration of Building and Repair Services (to be effective only if the Governor declares a state of emergency)
- \_\_\_ Section 2-56 Closed or Restricted Areas and Curfews
- \_\_\_ Section \_\_\_ *[Any other emergency management ordinances, such as an emergency purchasing ordinance, etc.]*

*[If deemed appropriate, select items from Section 2-58(A)(4)(c) or (d) or such other measures as appropriate]*

Entered at *[time]* on *[date]*.

HARRIS COUNTY BOARD OF COMMISSIONERS  
*[signed]* Chairman

**C. Contracts with Municipalities.** In addition to the normal agreements embodied in the county’s emergency operations plan for mutual emergency assistance, the Board of Commissioners may contract with any municipality for the administration of an emergency response program.

**Section 2-53. Enforcement and Remedies**

**A. Law Enforcement.** In accordance with O.C.G.A. § 38-3-4, the Harris County Sheriff’s Office shall be authorized to enforce the orders, rules and regulations contained in this ordinance and/or implemented by the Chairman or Board of Commissioners during a declared emergency.

- B. Penalties.** Failure to comply with any of the requirements or provisions of the regulations contained in this ordinance, or with any code section, order, rule or regulation made effective by the Chairman or Board of Commissioners upon or after the declaration of an emergency shall constitute a violation of the provisions of this ordinance. Any person who violates any provision in this ordinance shall, upon conviction thereof, be guilty of a misdemeanor punishable by a fine not exceeding \$1,000, imprisonment for a term not exceeding 60 days, or both such fine and imprisonment, for each violation. Each person assisting in the commission of a violation shall be guilty of separate offenses. Each day during which a violation or failure to comply continues shall constitute a separate violation.
- C. Injunctive Relief.** In accordance with O.C.G.A. § 38-3-5, in addition to the remedies prescribed in this section, the EMA Director is authorized to obtain an injunction to restrain violation of laws, code sections, orders, rules and regulations that are contained in the Georgia Emergency Management Act and/or this ordinance, and/or are implemented by the Board of Commissioners during a declared emergency.
- D. Enforcement.** Except as otherwise provided in this chapter, this ordinance may be enforced by the Sheriff's Office and the EMA Director.

#### **Section 2-54. Authority to Waive Procedures and Fee Structures**

- A. County Business.** Upon declaration of an emergency or disaster by the Governor or the Chairman of the Board of Commissioners, the affairs and business of the county may be conducted at places other than the regular or usual location, within or outside of the county, when it is not prudent, expedient or possible to conduct business at the regular location. When such meetings occur outside of the county, all actions taken by the Board of Commissioner shall be as valid and binding as if performed within the county. Such meetings may be called by the presiding officer or any two members of the Board of Commissioners without regard to or compliance with time-consuming procedures and formalities otherwise required by law.
- B. Public Works Contracts.** Upon declaration of an emergency or disaster by the Governor or the Chairman of the Board of Commissioners, the Board of Commissioners may contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract for four weeks; provided, however, that the emergency must be of such nature that immediate action is required and that the action is necessary for the protection of the public health, safety and welfare. Any public works contract entered into pursuant to this subsection shall be entered on the minutes of the county as soon as practical and the nature of the emergency described therein in accordance with O.C.G.A. § 36-91-22(e). Contracts entered into pursuant to this subsection for the physical performance of services as defined in O.C.G.A. § 13-10-90 may also require the submission of an E-Verify Contractor Affidavit.
- C. Purchasing.** Upon declaration of an emergency or disaster by the Governor or Chairman of the Board of Commissioners, the purchasing ordinances, regulations, or policies may be suspended. County officials shall continue to seek to obtain the best prices during the state of local emergency.
- D. Code Enforcement.** Upon declaration of a state of emergency or disaster by the Governor or Chairman of the Board of Commissioners, the Board of Commissioners may temporarily suspend the enforcement of the ordinances of the county, or any portion thereof, where the

emergency is of such nature that immediate action outside the code is required, such suspension is consistent with the protection of the public health, safety and welfare, and such suspension is not inconsistent with any federal or state statutes or regulations.

- E. Fees.** Upon declaration of a state of emergency or disaster by the Governor or the Chairman of the Board of Commissioners, the Board of Commissioners may temporarily reduce or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of the areas impacted by the disaster or emergency. The term “fees” includes fees or rates charged by the county for building permits, land disturbance permits, zoning applications, special land use permits, temporary land use permits and other fees relating to the reconstruction, repair and clean up of areas impacted by the disaster or emergency. The term “fees” does not include fees collected by the county on behalf of the state or federal government or fees charged by the county pursuant to a state or federal statute or regulation.
- F. Temporary Dwellings.** Upon the declaration of a state of emergency or disaster by the Governor or the Chairman of the Board of Commissioners, the Board of Commissioners or its designees may issue temporary permits for mobile homes, trailers, recreational vehicles or other temporary dwelling structures or parks in any zoning district, even though not otherwise permitted by development code, while the primary dwelling is being repaired, provided that such temporary dwellings or parks are designed by an engineer and the plans are approved by the county Health Department and Community Development. The temporary permit shall not exceed six months in duration. In the case of a continuing hardship, and in the discretion of the Board of Commissioners or its designee, the permit may be extended for a period of up to an additional six months. Upon expiration of the temporary permit and/or extension, the temporary dwelling must be removed.

## **Section 2-55. Registration of Building and Repair Services**

- A. Registration.** In accordance with O.C.G.A. § 38-3-56, before building, construction, repairing, renovating or making improvements to any real property, including dwellings, homes, buildings, structures or fixtures within an area in the unincorporated area of the county designated in a declared emergency or disaster, any person, firm, partnership, corporation or other entity, except for out-of-state utility businesses and employees which are exempted as provided for in O.C.G.A § 48-2-100(d)(1) and (2), must register with the Harris County Community Development Department and secure a building permit that is posted at the work site. Each day any such entity does business in the unincorporated areas of the county without complying with this ordinance constitutes a separate offense.
- B. Registration Fees.** A permit shall be applied for within ninety (90) days of the declared emergency or disaster. No fees shall be assessed for such permits or inspections related to a declared emergency or disaster. Registration is non-transferable. The permit shall only be authorized for repairs.
- C. Registration Information.** When registering, any person, partnership, corporation or other entity making application must, under oath, complete an application, providing the following information:

  1. Name of applicant;
  2. Permanent address and phone number of applicant;
  3. Applicant’s Social Security number or federal Employer Identification number;
  4. If applicant is a corporation, the state and date of incorporation;

5. Tag registration information for each vehicle to be used in the business;
6. List of cities and/or counties where applicant has conducted business in the past 12 months;
7. Georgia sales tax number or authorization;
8. Georgia business license number, if required;
9. Copy of license from the Secretary of State, if required;
10. A signed and sworn affidavit verifying the applicant's legal presence in the United States as required by O.C.G.A. § 50-36-1;
11. At least one secure and verifiable document as defined in O.C.G.A. § 50-36-2, if required by O.C.G.A. § 50-36-1;
12. A signed and sworn affidavit, or statement or number as applicable, verifying the business's utilization of or exemption from the federal work authorization program as provided for in O.C.G.A. § 36-60-6.

**D. Effective Date.** This section shall become effective only upon a declaration of emergency by the Governor and a local declaration stating this section is in effect. Unless otherwise specified in the declaration of emergency or otherwise extended by the Board of Commissioners, the provisions of this section shall remain in effect during the state of emergency and for a subsequent recovery period of three months.

## **Section 2-56. Closed or Restricted Areas and Curfews During Emergency**

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

**B. Re-Entry Restrictions.** To promote order, protect lives, minimize the potential for looting and other crimes, and facilitate recovery operations during an emergency, the Chairman shall have discretion to impose re-entry restrictions on certain areas. The Chairman shall exercise such discretion in accordance with the county emergency operations plan, which shall be followed during emergencies.

**C. Provisions Not Applicable.** 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 county;
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 the county 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 EMA and/or the Sheriff.

- D. Enforceability.** This section shall be enforced by officers of the law enforcement personnel approved to provide aid and assistance during the emergency. Nothing contained in this section shall prohibit a law enforcement officer from bringing other charges under state law.
- E. Effective Date.** This section shall become effective only upon the signing of a declaration of emergency, stating this section is in effect.

### **Section 2-57. Penalties**

Any violation of any provision of this article, or any rule, order or regulation made pursuant to this article, shall, upon conviction thereof, be punishable as provided in Chapter I, Section 1-7.

### **Section 2-58. County Emergency Management Agency**

In agreement with the governing officials of the municipalities within the County, a County Emergency Management Agency was established in 1986. The Harris County Emergency Director shall:

1. Represent the governing officials of the County and municipalities therein on matters pertaining to emergency preparedness;
2. Assist county and municipal officials in organizing county and municipal departments for emergency operations;
3. Develop and/or maintain the Harris County Emergency Operations Plan for emergency functions set forth in section 2-52 of this article. Such plan will be in consonance with the state emergency plan and shall be submitted to the governing officials of the county and the municipalities therein for approval and thence to the director of the state emergency management agency for approval;
4. Maintain the emergency management office in carrying out the day-to-day administration of the county emergency preparedness and disaster program, including the rendering of required reports to the state emergency management agency;
5. Render reports such as financial and daily activity as required by the governing officials in keeping with good business practices;
6. Procure with the authority of governing officials, a facility to be used as the county emergency operating center;
7. Coordinate the activities of the county emergency operating center staff during periods of a declared emergency under the supervision of the governing officials of the county and the municipalities.

### **Section 2-59. County Emergency Management Organization**

The County emergency management organization shall be established around existing departments and agencies of the county and the municipalities, and the emergency functions listed in section 2-52 are assigned as follows:

1. County Board of Commissioners and Mayors of Municipalities: Direction and control.
2. County Manager: Administrative services, direction and control.
3. County Sheriff's Department: Search, rescue and recovery; police services.
4. County Fire Departments: Fire control; hazardous materials control.
5. County Superintendent of Schools, Office of: Transportation services; food services.
6. County Road/Public Works Department: Engineering; petroleum and solid fuel.
7. County Department of Family & Children Services: Sheltering and temporary housing; social services.

8. County Community Development Director: Utilities; public information.
9. County Health Department: Health and medical services.
10. County Emergency Management Agency: Evacuation; radiological protection; training; damage assessment; public property assistance; specific hazards; state military support.
11. County 911 Center: Communications and warnings.

Heads of departments listed in this section are responsible for developing the plan and standing operating procedure (SOP) for their assigned emergency functions. Such plans and SOPs shall be submitted through the Emergency Management Director to the County Commissioners and the governing officials of the municipalities for approval.

### **Section 2-60. Emergency Powers; Police Powers**

In the event of a manmade or natural disaster, actual enemy attack upon the United States, or any other emergency which may affect the lives and property of the citizens of the county, the Chairman of the Board of Commissioners jointly with the Mayors of the municipalities, or in their absence, a legally appointed successor, may declare that a state of emergency exists and thereafter, for such period as such state of emergency exists or continues, may:

1. Enforce all rules, laws and regulations relating to emergency management and assume direct operational control over all emergency management resources;
2. Seize, take for temporary use or condemn any property for the protection of the public;
3. Sell, lend, give or distribute all or any such property or supplies among the inhabitants of the county, and shall maintain a strict accounting of property or supplies distributed and for funds received for such property or supplies; and
4. Perform and exercise such other functions and duties and take such emergency actions as may be necessary to promote and secure the safety, protection and well-being of the inhabitants of the county.

### **Section 2-61. Volunteers**

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

### **SECTION 2: UNCONSTITUTIONALITY**

If any part of this ordinance shall be deemed to be unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment and the remainder thereof shall remain in full force and effect.

**SECTION 3: CONSTRUCTION.** This Ordinance shall be construed liberally in order to effectuate its purpose.

**SECTION 4: FULL FORCE & EFFECT**

All ordinances, resolutions, motions, and orders pertaining to civil defense, emergency management and disaster relief that are not in conflict with this chapter are continued in full force and effect.

**SECTION 5: EFFECTIVE DATE**

This Ordinance shall be become effective upon approval by the Board of Commissioners of Harris County.

INTRODUCED AND FIRST READING:	_____	06/04/2019
SECOND READING:	_____	06/18/2019
ADOPTED/ <del>REJECTED</del> :	_____	06/18/2019

**HARRIS COUNTY BOARD OF COMMISSIONERS**

/s/ Becky Langston, Chairman  
/s/ Andrew Zuerner, Vice-Chairman

/s/ Susan Andrews, Commissioner  
/s/ Rob Grant, Commissioner  
/ns absent/ J. Harry Lange, Commissioner

Attest:  
/s/ Nancy D. McMichael, County Clerk