

# Oconee County, Georgia Emergency Management Ordinance

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

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

WHEREAS, Oconee 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 emergency management agency (EMA) activities and responses with the cities of Watkinsville, Bishop, Bogart, and North High Shoals; all of which are located within the county; and

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

NOW, THEREFORE, BE IT ORDAINED that the Code of Ordinances of Oconee County is amended by **deleting Chapter 18 Civil Emergencies Articles I, II, and III** and **creating a new Chapter 18 – Emergency Management** to read as follows:

## CHAPTER 18 EMERGENCY MANAGEMENT

### **SECTION 18-1. 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:

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

(b) “**STATE DECLARED EMERGENCIES.**” As used in this ordinance, a “state declared emergency” or a “state of emergency” shall mean a declaration by the Governor of an

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

(c) "EMERGENCY MANAGEMENT" shall mean the preparation for and the carrying out of all emergency and disaster functions, other than those functions for which military forces or state and federal agencies are primarily responsible for, to prevent, minimize, and repair injury and damage resulting from emergencies or disasters, or the imminent threat thereof of a technological or natural origin. These functions include, without limitation, fire fighting services; police services; medical and health services; rescue; engineering; warning services; communication; protection against the effects of radiological, chemical and other special weapons; evacuation of persons from stricken areas; emergency welfare services; emergency transportation; plant protection; shelter; temporary restoration of public utility services; and other functions related to the general population together with all other activities necessary or incidental to total emergency and disaster preparedness for carrying out the foregoing functions.

(d) "BUILDING CONTRACTOR" means 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.

(e) "CURFEW" means a regulation requiring the withdrawal from any person not otherwise exempt from this article from appearing in certain public areas during specified hours.

(f) "DOING BUSINESS" means any building contractor shall be deemed to be "doing business" subject to the requirements of this ordinance if:

- (i) He/She 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 dwelling or buildings or the making of improvements to real property or any fixtures attached thereto; or
- (ii) He/She 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.

(g) "EXEMPT INDIVIDUALS", unless otherwise specified in the resolution implementing the curfew, means and includes those individuals engaged in the provision of designated, essential services, such as emergency management, 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 the county ordinance concerning registration and licensing of building and repair services during a state of emergency, and performing activities related to construction, repair, renovation or improvement of buildings and other structures damaged during the disaster or emergency.

(h) "FEES" means any fee or rate charged by the county for building permits, land disturbance permits, zoning applications, special land use permits, variances, 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" 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.

(i) "OVERCHARGING" means charging prices for goods, materials, services, or housing which are substantially in excess of the customary charges or in applicable cases substantially in excess of the supplier's or provider's costs for such goods, materials, services, or housing. The existence of overcharging shall be presumed from a substantial increase in the price at which the goods, materials, services, or housing was offered in the usual course of business immediately prior to the onset of the emergency, but shall not include increases in costs to the supplier directly attributable to higher costs of materials, supplies, and labor costs resulting from the emergency.

(j) "STATE OF EMERGENCY" means, 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.

(k) "SUBSEQUENT RECOVERY PERIOD" means that period during which the disaster continues to cause disruptions in the disaster area, but shall not exceed six months after the emergency declaration has been terminated by the governor unless extended by official action of the governing authority of county.

(l) "TEMPORARY DWELLING" means any mobile or easily movable home, trailer, recreational vehicle, manufactured home, industrialized building or structure not otherwise permitted by the zoning ordinance in a particular zoning district.

## **SECTION 18-2. OCONEE COUNTY EMERGENCY MANAGEMENT AGENCY**

The Oconee County Emergency Management Agency shall be established around entities in and around Oconee County with capabilities to fulfill certain emergency duties as follows. No listed agency shall be construed as ordered to fulfill any particular role or task at any given time:

<b>Emergency Support Function (ESF)</b>	<b>Agency</b>
ESF-1- Transportation	(P) Oconee Schools (S) Oconee Parks & Recreation
ESF-2- Communications	(P) Oconee E-911 (S) Oconee Information Technology
ESF-3- Public Works & Engineering	(P) Oconee Public Works (S) Oconee Engineering (T) Oconee Planning & Code Enforcement
ESF-4- Fire Fighting	(P) Oconee Fire Rescue (S) Georgia Forestry Commission
ESF-5- Emergency Management	(P) Oconee Emergency Management
ESF-6- Mass Care, Housing & Human Services	(P) Oconee Family & Children Services (S) American Red Cross Southern Baptist Associations Oconee Schools
ESF-7- Resource Support	(P) Oconee Emergency Management (S) Oconee Planning & Code Enforcement Oconee Finance Department Oconee Human Resources
ESF-8- Public Health & Medical Services	(P) Oconee Public Health Department (S) Environmental Health Department Oconee Coroner National Emergency Medical Services
ESF-9- Search & Rescue	(P) Oconee Emergency Management (S) Oconee Fire Rescue Oconee Sheriff's Office
ESF-10- Hazardous Materials	(P) Oconee Fire Rescue (S) Athens-Clarke County Fire & Emergency Services

ESF-11- Agriculture & Natural Resources	(P) Oconee Cooperative Extension Services (S) Oconee Animal Services (T) Oconee Public Health Department
ESF-12-Energy-Utility	(P) Oconee Water Resources, Georgia Power, Walton EMC, Rayle EMC
ESF-13- Public Safety & Security	(P) Oconee Sheriff's Office (S) Watkinsville Police Department
ESF-14-Long Term Recovery & Mitigation	(P) Oconee Emergency Management (S) Oconee Planning & Code Enforcement (S) Oconee Oconee County Board of Commissioners
ESF-15-External Affairs	(P) Oconee Emergency Management (S) Oconee Office of Communications

**SECTION 18-3 APPOINTMENT OF DIRECTOR**

In agreement with the governing officials of the cities within the county, there is hereby established the county emergency management agency. The Oconee County Administrator shall appoint an Emergency Management Agency Director. The appointment of said Director must then receive ratification by the Oconee County Oconee County Board of Commissioners. Finally, approval must be conferred by the Georgia Emergency Management and Homeland Security Agency.

**SECTION 18-4. EMERGENCY MANAGEMENT AND RESPONSE POWERS**

(a) DECLARATION OF LOCAL EMERGENCY.

(i) Grant of authority. In the event of an actual or threatened occurrence of a disaster or emergency, which may result in the large-scale loss of life, injury, property damage or destruction or in the major disruption of routine community affairs, business, or governmental operations in the county and which is of sufficient severity and magnitude to warrant extraordinary assistance by federal, state, and local departments and agencies to supplement the efforts of available public and private resources, the Chairperson of the Oconee County Board of Commissioners may declare a local emergency for Oconee County. The form of the declaration shall be similar to that provided in subsection (b) of this Code section. In the absence of availability or capability of the Chairperson to exercise this authority, the authority is delegated to any Commissioner with whom the EMA Director can gain contact in order to effect the declaration.

(ii) Request for state assistance. Consistent with a declaration of local emergency, the Chairperson may request the Governor to provide assistance, provided that the disaster or emergency is beyond the capacity of the county to meet adequately and state assistance is necessary to supplement local efforts to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster.

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

(iv) Effect of declaration of emergency.

(A) Activation of emergency operations plan. A declaration of emergency by the Governor or a declaration of local emergency by the Chairperson 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 Oconee 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 Oconee County Oconee County 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 Chairperson has authorization to implement local emergency measures to protect life and property or to bring the emergency under control.

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

- (a) Section 18-6. Authority to Waive Procedures and Fee Structures;
- (b) Section 18-7. Registration of Building and Repair Services; and/or
- (c) Section 18-8. Closed or Restricted Areas and Curfews.

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

- (a) Section 18-6. Authority to Waive Procedures and Fee Structures; and/or
- (b) Section 18-7. Registration of Building and Repair Services; and/or
- (c) Section 18-8. 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 Oconee County Oconee County 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 Oconee County Oconee County Board of Commissioners is authorized to cause to be effective any of the subsections of Section 18-6 of this chapter as appropriate. The implementation of such subsections shall be filed in the office of the clerk of the Oconee County Oconee County Board of Commissioners.

(D) Additional emergency powers. The Chairperson or designee of the Oconee County Board of Commissioners shall have, and may exercise for such period as the declared emergency exists or continues, the following additional emergency powers:

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

safety and protection of the civilian population, including individuals with household pets and service animals prior to, during, and following a major disaster or emergency.

(b) FORM OF DECLARATION OF LOCAL EMERGENCY. Upon the declaration of local emergency, an official “Declaration of Local Emergency,” in substantially the same form set forth below, shall be signed and filed in the office of the county clerk and shall be communicated to the citizens of the affected area using the most effective and efficient means available. The declaration shall state the nature of the emergency or disaster, the conditions that require the declaration, and any sections of this chapter that shall be in effect.

## “Declaration of Local Emergency

WHEREAS, Oconee County, Georgia has experienced an event of critical significance as a result of

[ description of event ] on [ date ];

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

WHEREAS, in the judgment of the Chairperson of the Oconee County Oconee County Board of Commissioners, with advice from the Oconee County Emergency Management Agency, there exists emergency circumstances located in [ describe geographic location ] requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of \_\_\_\_\_ County, including individuals with household pets and service animals; and

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

NOW, THEREFORE, pursuant to the authority vested in me by local and state law;

IT IS HEREBY DECLARED that a local state of emergency exists and shall continue until the conditions requiring this declaration are abated.

THEREFORE, IT IS ORDERED:

(1) That the Oconee County Emergency Management Agency activates the Emergency Operations Plan;

(2) That the following sections of the Oconee County Code be implemented. [ If deemed appropriate, choose from the following ]:

\_\_\_\_\_ Section 18-6. Authority to Waive Procedures and Fee Structures

\_\_\_\_\_ Section 18-7. Registration of Building and Repair Services (to be effective only if the Governor declares a state of emergency)

\_\_\_\_\_ Section 18-8. Closed or Restricted Areas and Curfews

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

(3) That the following measures also be implemented:

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

ENTERED at [ time ] on [ date ].

[ Signed ]

Chairperson, Oconee County Oconee County Board of Commissioners”

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

## **SECTION 18-5. ENFORCEMENT AND REMEDIES**

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

(d) ENFORCEMENT. Except as otherwise provided in this chapter, this ordinance may be enforced by the Oconee County Sheriff's Office, Oconee County Planning and Code Enforcement, and the Oconee County EMA Director.

#### **SECTION 18-6. AUTHORITY TO WAIVE PROCEDURES AND FEE STRUCTURES**

(a) COUNTY BUSINESS. Upon declaration of an emergency or disaster by the Governor or Chairperson of the Oconee County Board of Commissioners, the affairs and business of the county may be conducted at places other than the regular or usual location, within or outside of the county, when it is not prudent, expedient, or possible to conduct business at the regular location. When such meetings occur outside of the county, all actions taken by the Oconee County Board of Commissioners shall be as valid and binding as if performed within the county. Such meetings may be called by the presiding officer or any two members of the Oconee County 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 Chairperson, the Oconee County 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 Chairperson of the Oconee County Board of Commissioners, the purchasing ordinances, regulations, or policies may be suspended. County officials shall continue to seek to obtain the best prices during the state of local emergency.

(d) CODE ENFORCEMENT. Upon declaration of a state of emergency or disaster by the Governor or the Chairperson of the Oconee County Board of Commissioners, the Oconee County 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 Chairperson of the Oconee County Board of Commissioners, the Board 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 Chairperson of the Oconee County Board of Commissioners, the Oconee County 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 are designed by an engineer and the plans are approved by the Oconee County Health Department and Oconee County Planning & Code Enforcement. The temporary permit shall not exceed six months in duration. In the case of a continuing hardship, and in the discretion of the Oconee County 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 or completion of the primary dwelling, the temporary dwelling must be removed.

## **SECTION 18-7. REGISTRATION OF BUILDING AND REPAIR SERVICES**

(a) In accordance with O.C.G.A. § 38-3-56, before building, constructing, repairing, renovating, or making improvements to any real property, including dwellings, homes, buildings, structures, or fixtures within an area in the unincorporated area of the county designated in a declared emergency or disaster, any person, contractor, 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 Oconee County Office of Planning & Code Enforcement and secure a building permit that is posted at the work site. Each day any such entity does business in the unincorporated areas of the county without complying with this ordinance constitutes a separate offense.

(b) The cost of registration fees in a declared emergency or disaster is fixed at \$100 per annum. Registration is nontransferable. The cost of the emergency building permit shall

be equal to the cost for a building permit under existing regulations. The permit shall only be authorized for repairs.

(c) When registering, any person, partnership, corporation, or other entity making application must, under oath, complete an application providing the following information:

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

(d) EFFECTIVE DATE. This section shall become effective only upon a declaration of emergency by the Governor and a local declaration stating this section is in effect. Unless otherwise specified in the declaration of emergency or otherwise extended by the Oconee County Board of Commissioners, the provisions of this Code section shall remain in effect during the state of emergency and for a subsequent recovery period of three months.

**SECTION 18-8. CLOSED OR RESTRICTED AREAS AND CURFEWS DURING EMERGENCY**

(a) To preserve, protect, or sustain the life, health, welfare, or safety of persons or their property within a designated area under a declaration of emergency, it shall be unlawful for any person, other than exempt individuals, 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 Chairperson until the curfew is lifted.

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

(c) The provisions of this section shall not apply to persons acting in the following capacities:

- (i) Authorized and essential law enforcement personnel;
- (ii) Authorized and essential health care providers;
- (iii) Authorized and essential personnel of the county;
- (iv) Authorized National Guard or federal military personnel;
- (v) Authorized and essential firefighters;
- (vi) Authorized and essential emergency response personnel;
- (vii) Authorized and essential personnel or volunteers working with or through the county emergency management agency (EMA);
- (viii) Authorized and essential utility repair crews;
- (ix) Citizens seeking to restore order to their homes or businesses while on their own property or place of business;
- (x) Other authorized and essential persons as designated on a list compiled by EMA Director 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 18-9. POST DISASTER DEBRIS COLLECTION**

- a) In the event of a natural or manmade emergency or disaster that has been declared a state of emergency, the Oconee County Board of Commissioners, or the Chairperson of same in their absence, may exercise Oconee County's authority to implement the measures set forth in this Section 2-2-31.
- b) The Oconee County Board of Commissioners shall have the authority and responsibility to protect the public health and safety. The Oconee County Board of Commissioners, or Chairperson of same in their absence, shall have the authority to clear and remove Disaster-Generated Debris, and/or to authorize the clearance and removal of Disaster-Generated Debris on its behalf, which poses an immediate threat to life, public health, and safety, poses an immediate threat of significant damage to improved public or private property, and/or threatens the economic recovery of Oconee County.
- c) Oconee County is hereby authorized to enter upon and clear and remove Disaster-Generated Debris from public and private roads, rights-of-way, storm drainage easements, and ingress/egress easements within the unincorporated area of Oconee County, including private residential communities, for the purposes of emergency vehicle travel, stormwater conveyance, protecting public health and safety, facilitating response and recovery operations, and for any other purpose that the Oconee County Board of Commissioners, or the Chairperson of same in their absence, determines is necessary to eliminate an immediate threat to life, public health, and safety, eliminate an immediate threat of significant damage to improved public or private property, and/or ensure the economic recovery of the affected community to the benefit of the community-at-large.
- d) This Section 18-10 shall apply only during a state of emergency and the subsequent recovery period thereafter and is to be construed and interpreted in conjunction, and not in conflict, with other ordinances, plans, resolutions, and policies of Oconee County pertaining to debris management and governmental access to public and private roads. It is not intended, nor shall it be construed, to diminish or lessen any other authority or authorizations of Oconee County pertaining to debris management and governmental access to public and private roads, including but not limited to nuisance and abatement authority

### **SECTION 18-10. 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 the Oconee County has been designated as a disaster area, for any person, contractor, firm, or corporation located or doing business in Oconee County to overcharge for any goods, materials, services or housing sold within the areas of the county.

**SECTION 18-11. PENALTIES**

Violation of the provisions of Section 18-10, upon conviction, shall be punishable by a fine not to exceed \$1,000.00 per violation or imprisonment not to exceed 60 days, or both such fine and imprisonment. Each sale shall constitute a separate offense.

**SECTION 18-12. REGULATIONS CONTINUED IN EFFECT**

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

BE IT FURTHER ORDAINED that this ordinance shall become effective upon its approval. So ordained this 5th day of February, 2019.

**Board of Commissioners of Oconee County, Georgia**



Attest:

A handwritten signature in blue ink, appearing to read "Kathy Hayes", written over a horizontal line.

Kathy Hayes, County Clerk

A handwritten signature in blue ink, appearing to read "John Daniell", written over a horizontal line.

John Daniell, Chairman

A handwritten signature in blue ink, appearing to read "Mark Thomas", written over a horizontal line.

Mark Thomas, Commissioner

A handwritten signature in black ink, appearing to read "Chuck Horton", written over a horizontal line.

Chuck Horton, Commissioner

A handwritten signature in black ink, appearing to read "W.E. Wilkes", written over a horizontal line.

W.E. "Bubber" Wilkes, Commissioner

A handwritten signature in black ink, appearing to read "Mark Saxon", written over a horizontal line.

Mark Saxon, Commissioner