

## DECLARATION OF LOCAL EMERGENCY

WHEREAS, the City of Perry Georgia has experienced an event of critical significance as a result of the significant weather event known as Hurricane Irma on September 9, 2017; and

WHEREAS, in the judgment of the Mayor of the City of Perry, there exist emergency circumstances located in the city limits of Perry, Georgia requiring extraordinary and immediate corrective actions for the protection of the health, safety and welfare of the citizens of the City of Perry, including individuals with household pets and service animals; and

WHEREAS, to prevent or minimize injury to people and damage to property resulting from this event;

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

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

WHEREFORE, IT IS ORDERED:

(1) That the local emergency operations plan is hereby activated;

(2) That the following sections of the City of Perry, Code be implemented: **Sec. 9A-5. -**

### **Overcharging prohibited.**

To preserve, protect or sustain the life, health or safety of persons or property within a designated area upon the declaration of emergency or disaster, it shall be unlawful, during the duration of the emergency or subsequent recovery period, for any person, firm or corporation located or doing business in the city to overcharge for any goods, materials, foods, equipment, supplies, services, labor, motel rooms, temporary lodging or houses sold or rented within the county.

(1)

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

*Overcharging* means charging prices for goods, materials, foods, equipment, supplies, services, labor, motel rooms, temporary lodging or houses, which exceed the customary charges by at least twenty-five (25) percent or, in applicable cases, which exceed by at least twenty-five (25) percent the suppliers' or providers' costs for such goods, materials, foods, equipment, supplies, services, labor, motel rooms, temporary lodging or houses. The existence of overcharging shall be presumed from a twenty-five-percent-or-greater increase in the price at which the merchandise or rate, fee or cost/rental of housing was offered in the usual course of business immediately prior to the onset of the emergency or disaster, but shall not include increases in cost to the supplier directly attributable to the higher cost of material, supplies and labor costs resulting from the emergency.

*Subsequent recovery period* means that period during which the emergency or disaster continues to cause disruptions in the area designated in the declaration of emergency, but shall not exceed three (3) months after the declaration has been terminated, unless extended by action of the city governing authority.

(2)

*Effective date.* This section shall become effective only upon the signing of a declaration of emergency, stating this section is in effect. Unless otherwise specified in the declaration of emergency or otherwise extended by the governing authority of the city, the provisions of this Code section shall remain in effect during the state of emergency and for a subsequent recovery period of three (3) months.

(Ord. No. 2012-12, 5-15-12)

## **Sec. 9A-6. - Registration of building and repair services.**

(a)

In accordance with O.C.G.A. § 38-3-56, before building, constructing, repairing, renovating or making improvements to any real property, including dwellings, homes, buildings, structures or fixtures within an area in the city designated in a declared emergency or disaster, any person, firm, partnership, corporation or other entity must register with the city clerk and secure a building permit that is posted at the work site. Each day any such entity does business in the city without complying with this section constitutes a separate offense.

(b)

The cost of registration fees in a declared emergency or disaster is fixed at fifty dollars (\$50.00) per annum. Registration is nontransferable. The cost of the emergency building permit shall be equal to the cost for a building permit under existing regulations. The permit shall only be authorized for repairs.

(c)

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

(1)

Name of applicant;

(2)

Permanent address and phone number of applicant;

(3)

Applicant's Social Security Number or Federal Employer Identification Number;

(4)

If applicant is a corporation, the state and date of incorporation;

(5)

Tag registration information for each vehicle to be used in the business;

(6)

List of cities and/or counties where the applicant has conducted business within the past twelve (12) months;

(7)

Georgia sales tax number or authorization;

(8)

Georgia business license number, if required.

(d)

*Effective date.* This section shall become effective only upon the signing of a declaration of emergency, stating this section is in effect. Unless otherwise specified in the declaration of emergency or otherwise extended by the city governing authority, the provisions of this Code section shall remain in effect during the state of emergency and for a subsequent recover period of three (3) months.

(Ord. No. 2012-12, 5-15-12)

## **Sec. 9A-7. - Closed or restricted areas and curfews during emergency.**

(a)

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

(b)

To promote order, protect lives, minimize the potential for looting and other crimes, and facilitate recovery operations during an emergency, the mayor shall have discretion to impose reentry restrictions on certain areas. The mayor shall exercise such discretion in accordance with the local emergency operations plan, which shall be followed during emergencies.

(c)

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

(1)

Authorized and essential law enforcement personnel;

(2)

Authorized and essential health care providers;

(3)

Authorized and essential personnel of the city;

(4)

Authorized National Guard or federal military personnel;

(5)

Authorized and essential firefighters;

(6)

Authorized and essential emergency response personnel;

(7)

Authorized and essential personnel or volunteers working with or through an emergency management agency (EMA);

(8)

Authorized and essential utility repair crews;

(9)

Citizens seeking to restore order to their homes or businesses while on their own property or place of business;

(10)

Other authorized and essential persons as designated on a list compiled by EMA, and the chief of police as provided through the EOC. (see subsection [9A-2\(a\)\(4\)a.1.](#)).

(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.

(Ord. No. 2012-12, 5-15-12)

and

(3) That the following measures also be implemented: **Sec. 9A-2. - Emergency management and response powers.**

(a)

*Declaration of local emergency.*

(1)

*Grant of authority.* In the event of an actual or threatened occurrence of a disaster or emergency, which may result in the large-scale loss of life, injury, property damage or destruction or in the major disruption of routine community affairs, business or governmental operations in the city and which is of sufficient severity and magnitude to warrant extraordinary assistance by federal, state and local departments and agencies to supplement the efforts of available public and private resources, the mayor may declare a local emergency for the City of Perry. The form of the declaration shall be similar to that provided in subsection (b) of this Code section.

(2)

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

(3)

*Continuance.* The declaration of local emergency shall continue until the mayor finds that emergency conditions no longer exist, at which time, the mayor shall execute and file with the city clerk a document marking the end of the state of emergency. No state of local emergency shall continue for longer than thirty (30) days, unless renewed by the mayor. The city governing authority may, by resolution and in accordance with the City Charter, end a state of local emergency at any time.

(4)

*Effect of declaration of local emergency.*

a.

Activation of emergency operations plan. A declaration of emergency by the Governor or a declaration of local emergency by the mayor shall automatically activate the local emergency operations plan and shall be authority for the deployment of personnel and use of any forces to which the plan applies and for use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled or arranged to be made available pursuant to the Georgia Emergency Management Act or any other laws applicable to emergencies or disasters.

1.

The mayor or the Director of the Houston County Emergency Management Agency and/or his/her designees shall have the legal authority to exercise the

powers and discharge the duties conferred by law, including the implementation of the local emergency operations plan, coordination of the emergency responses of public and private agencies and organizations, coordination of recovery efforts with county, state and federal officials, and inspection of emergency or disaster sites.

2.

In responding and conducting necessary and appropriate investigations, the mayor or the director (see subsection [9A-2\(a\)\(4\)a.1.](#)) or his/her designee is authorized to enter at a reasonable time upon any property, public or private, for the purpose of investigating and inspecting sites involved with emergency management functions. The mayor and or director (see subsection [9A-2\(a\)\(4\)a.1.](#)) is authorized to execute a right of entry and/or agreement to use property for these purposes on behalf of the city; however, any such document shall be later presented for ratification by the city governing authority.

3.

No person shall refuse entry or access to any authorized representative or agent of the city 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 that individual is in the process of carrying out his or her official duties.

b.

*Emergency powers.* Following a declaration of emergency and during the continuance of such state of emergency, the mayor is authorized to implement local emergency measures to protect life and property or to bring the emergency situation under control. In exercising this authority, the mayor may cause to become effective any of the following sections of this chapter as appropriate: [section 9A-5](#) (overcharging prohibited), [section 9A-6](#) (registration of building and repair service and [section 9A-7](#) (closed or restricted areas and curfews). If any of these sections is included in a declaration of local emergency, the same shall be filed in the office of the city clerk and shall be in effect until the declaration of local emergency has terminated.

c.

*Authority to waive procedures and fees.* Pursuant to a declaration of emergency, the city governing authority is authorized to cause to be effective any of the subsections of [section 9A-4](#) of this chapter as appropriate. The implementation of such subsections shall be filed in the office of the city clerk.

d.

*Additional emergency powers.* The mayor and or director (see subsection [9A-2\(a\)\(4\)a.1.](#)) 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.

4. To suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and flammable liquids and substances;
5. To make provision for the availability and use of temporary emergency housing, emergency shelters and/or emergency medical shelters.
6. To transfer the direction, personnel or functions of any city departments and agencies or units thereof for the purpose of performing or facilitating emergency services;
7. To utilize all available resources of the city and subordinate agencies over which the city has budgetary control as reasonably necessary to cope with the emergency or disaster;
8. To commandeer or utilize public or private 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;
9. To suspend any law, code provision or regulation prescribing the procedures for conduct of city business, or the orders, rules or regulations of any city 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, 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;
10. To provide welfare benefits to citizens upon execution of an intergovernmental agreement for grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by an emergency or 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;
10. 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.* Upon the declaration of local emergency, an official "Declaration of Local Emergency," in substantially the same form set forth below, shall be signed and filed in the office of the city clerk and shall be communicated to the citizens of the affected area using the most effective and efficient means available. The declaration shall state the nature of the emergency or disaster, the conditions that require the declaration and any sections of this chapter which shall be in effect.

## DECLARATION OF LOCAL EMERGENCY

WHEREAS, the City of Perry Georgia has experienced an event of critical significance as a result of [DESCRIPTION OF EVENT] on [DATE]; and

WHEREAS, in the judgment of the Mayor of the City of Perry, 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 the City of Perry, including individuals with household pets and service animals; and

WHEREAS, to prevent or minimize injury to people and damage to property resulting from this event;

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

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

WHEREFORE, IT IS ORDERED:

(1) That the local emergency operations plan is hereby activated;

(2) That the following sections of the City of Perry, Code be implemented: [If deemed appropriate, choose from the following: [Section 9A-5](#), Overcharging; [Section 9A-6](#), Registration of Building and Repair Services; [Section 9A-7](#), Closed or Restricted Areas and Curfews]; and

(3) That the following measures also be implemented: [If deemed appropriate, select items from [Section 9A-2\(a\)\(4\)c, d](#) or such other measures as appropriate.]

ENTERED at [TIME] on [DATE].

[Signed]

Mayor, City of Perry

(c)

*Contracts with local governments.* In addition to the normal agreements embodied in the local emergency operations plan for mutual emergency assistance, the city may contract with any municipality or county for the administration of a local emergency response program.

(Ord. No. 2012-12, 5-15-12)

ENTERED at 8:00 PM, September 9, 2017.

James E. Faircloth, Jr.  
Mayor, City of Perry