

## 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 Wilkinson County Board of Commissioners to provide emergency management within Wilkinson County;

**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;

**WHEREAS**, Wilkinson 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 cities located within the county; and

**WHEREAS**, the 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 Wilkinson County is amended by creating a new Chapter \_\_\_\_\_ Emergency Management to read as follows:

### CHAPTER \_\_\_ EMERGENCY MANAGEMENT

SECTION 1. DEFINITIONS. As used in this ordinance, the following terms

(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 chair of the 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.

### SECTION 2. 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 Chair of the Board of Commissioners may declare a local emergency for Wilkinson County. The form of the declaration shall be similar to that provided in subsection (b) of this Code section.

(ii) Request for state assistance. Consistent with a declaration of local emergency, the chair 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 chair finds that emergency conditions no longer exist, at which time, the chair shall execute and file with the clerk of the 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 chair. The 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 chair 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 Wilkinson 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 chair 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 chair may cause the following provisions of this ordinance to become effective:

- (a) Section 4. Authority to Waive Procedures and Fee Structures;
- (b) Section 5. Registration of Building and Repair Services; and/or
- (c) Section 6. Closed or Restricted Areas and Curfews.

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

- (a) Section 4. Authority to Waive Procedures and Fee Structures; and/or
- (b) Section 6. 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 4 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 chair 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 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

Declaration of Local Emergency

**WHEREAS**, Wilkinson 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 Wilkinson County;

**WHEREAS**, in the judgment of the Chair of the Wilkinson County Board of Commissioners, with advice from the Wilkinson 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 Wilkinson 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 Wilkinson County Emergency Management Agency activates the Emergency Operations Plan;

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

\_\_\_\_\_ Section 4. Authority to Waive Procedures and Fee Structures

\_\_\_\_\_ Section 5. Registration of Building and Repair Services (to be effective only if the Governor declares a state of emergency)

\_\_\_\_\_ Section 6. 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:

\_\_\_\_\_

\_\_\_\_\_ [ 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] Chair, \_\_\_\_\_ Wilkinson County’s 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 board of

commissioners may contract with any municipality for the administration of an emergency response program. SECTION 3. ENFORCEMENT AND REMEDIES (a) LAW ENFORCEMENT. In accordance with O.C.G.A. § 38-3-4, t