

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

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

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

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

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

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

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

"Section I. Authority to Waive Procedures and Fee Structures.

(I) Meetings. Upon proclamation by the appropriate state official of an emergency or disaster of manmade or natural causes or enemy attack impending on or affecting Georgia or the United States, the affairs and business of Evans County may be conducted at places other than the regular or usual place thereof, within or outside of Evans County, when it is not prudent, expedient or possible to conduct business at the regular location. When such meetings occur outside of County, all actions taken by the local governing body shall be as valid and binding as if performed within Evans County. Such meetings may be called by the presiding officer or any two members of the governing body without regard to or compliance with time-consuming procedures and formalities otherwise required by law.

(2) Purchasing and Public Works Contracts. Upon the declaration of a state of emergency by the Governor, or upon the determination by the county governing authority, or its designee, of the existence of an emergency or disaster, the county governing authority, their designee or the emergency interim successor may contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract for four weeks; provided, however, that any public works contract entered into pursuant to this subsection shall be entered on the minutes of the county as soon as practical and the nature of the emergency described therein.

(3) Code Enforcement. Upon the declaration of a state of emergency by the Governor, or upon the determination by the county governing authority, or its designee, of the existence of an emergency or disaster, the county governing authority, their designee or the emergency interim successor may temporarily suspend the enforcement of the Code of Ordinances of Evans County, or any portion thereof, where: (a) the emergency or disaster is of such nature that immediate action outside the Code is required; (b) such suspension is consistent with the protection of the public health, safety and welfare; and (c) such suspension is not inconsistent with any federal or state statutes or regulations.

(4) Fees. Upon the declaration of a state of emergency by the Governor, or upon the determination by the county governing authority, or its designee, of the existence of an emergency or disaster, the county governing authority, their designee or the emergency interim successor may temporarily reduce or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of the area impacted by the disaster or emergency.

(5) Temporary Dwellings. Upon the declaration of a state of emergency by the Governor, or upon the determination by the county governing authority, or its designee, of the existence of an emergency or disaster, the county governing authority, their designee or the emergency interim successor may issue temporary mobile home, trailer, recreational vehicle or other temporary dwelling structures or parks in any zoning district while the primary dwelling is being repaired provided that such temporary dwellings or parks are designed by an engineer and the plans are approved by the Evans County Health Department and Evans County Building and Inspections Department. The temporary permit shall not exceed six (6) in duration. In the case of continuing hardship and in the discretion of the governing authority or its designee, the permit may be extended for a period for an additional six (6) months. Upon expiration of the temporary permit or an extension, the temporary dwelling shall be removed.

Section 2. Definitions.

(1) Fees. Any fee or rate charged by the county for building permits, land disturbance permits, zoning applications, special land use permits, temporary land use permits, and other fees relating to the reconstruction, repair and clean

up of areas impacted by the disaster or emergency. "Fees" shall not include those fees collected by the county on behalf of the federal or state government or those fees charged by the county pursuant to a federal or state statute or regulation.

(2) State of Emergency. As defined by O.C.G.A. § 38-3-3(5), a co declared by the Governor when, in his judgment, the threat or actual occurrence disaster, emergency, or energy emergency is of sufficient severity and magnitude to warrant extraordinary efforts in preventing or alleviating the damage, 10 hardship, or suffering threatened or caused thereby.

(3) Subsequent Recovery Period. The period of time that the disaster emergency continues to cause disruptions in the area impacted by the disaster emergency. The "subsequent recovery period" shall not exceed six (6) months the State of Emergency declaration by the Governor is terminated unless extended by official action of the governing authority of Evans County.

(4) Temporary Dwelling. Any mobile or easily movable home, trailer recreational vehicle or structure not otherwise permitted by the zoning regulations a particular zoning district.

Section 3. Severability.

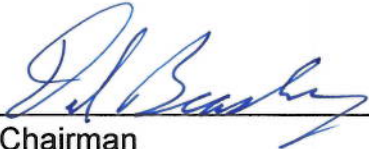
If any section, paragraph, sentence, clause, phrase or word of this ordinance is, for any reason, held to be unconstitutional, inoperative, or void by any competent jurisdiction, such holding shall not affect the remainder of this ordinance.

Section 4. Effective Date.

This ordinance shall become effective upon adoption by the local governing authority of Evans County."

APPROVED AND ADOPTED by the Evans County Board of Commissioners this

2nd day of October, 2012.


Chairman

ATTEST:

County Clerk

[Because portions of this ordinance may constitute an amendment to the zoning regulations, the county attorney should be consulted to determine the necessity of complying with the Procedures Act in adoption.]

ORDINANCE

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

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

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

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

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

"Section 1. Institution of Curfew.

(1) Upon the declaration of a state of emergency by the Governor, or upon the determination by the county governing authority, or its designee, of the existence of an emergency or disaster, the county governing authority, its designee or the emergency interim successor may adopt a resolution instituting a curfew when it is determined necessary to protect and safeguard the people and property of Evans County.

(2) All of the territory of the unincorporated county shall be subject to the terms of the curfew, unless otherwise specified in the resolution.

(3) The resolution instituting the curfew shall include the dates and hours that the curfew shall be in effect.

Section 2. Definitions.

(1) Curfew. A 'curfew' is a regulation requiring the withdrawal from any person not otherwise exempt from this ordinance from appearing in certain public areas during specified hours.

(2) Exempt individuals. Unless otherwise specified in the resolution implementing the curfew, 'exempt individuals' include those individuals engaged

in the provision of designated, essential services, such as fire, law enforcement, emergency medical services and hospital services, military services, utility emergency repairs. The resolution may, in the discretion of the governing authority, also exempt regular employees of local industries traveling to and from their jobs with appropriate identification, news media employees, building and repair contractors, properly registered according to Evans County Ordinance No. _____ ("Ordinance to Require Registration and Licensing of Building and Repair Services During a State of Emergency"), performing activities related to construction, repair, renovation or improvement of buildings and other structures damaged during the disaster or emergency.

(3) State of Emergency. As defined by O.C.G.A. § 38-3-3(5), a condition declared by the Governor when, in his judgment, the threat or actual occurrence of a disaster, emergency, or energy emergency is of sufficient severity and magnitude as to warrant extraordinary efforts in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.

Section 3. Prohibition.

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

Section 4. Penalties.

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

Section 5. Severability.

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

Section 6. Effective Date.

This ordinance shall become effective upon adoption by the local governing authority of Evans County."


APPROVED AND ADOPTED by the Board of Commissioners of Evans County this

2nd day of October 2012.



Chairman

ATTEST:



County Clerk

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

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

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

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

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

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

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

"Section 1. 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 Evans County has been designated as a disaster area, for any person, firm, or corporation located or doing business in Evans County to overcharge for any goods, materials, services or housing sold within the County.

Section 2. Definitions.

(1) Overcharging. The term 'overcharging' is defined as 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.

(2) State of Emergency. The term 'state of emergency' is defined, pursuant to §38-3-3 (5) of the Official Code of Georgia Annotated, as a condition declared by the governor when, in his judgment, the threat or actual occurrence of a disaster or emergency is of sufficient severity and magnitude as to warrant extraordinary efforts in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.

(3) Subsequent Recovery Period. The term 'subsequent recovery period' is defined as that period during which the disaster continues to cause disruptions in the disaster area, but shall not exceed six (6) months after the emergency declaration has been terminated by the Governor unless extended by official action of the governing authority of Evans County.

Section 3. Penalties.

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

Section 4. Severability.

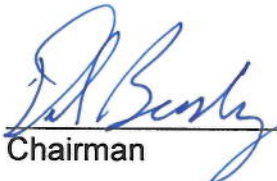
If any section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not the remainder of the ordinance.

Section 5. Effective Date.

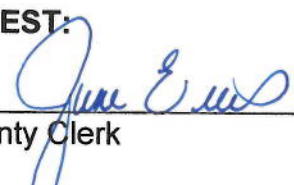
This ordinance shall take effect on the date of its being duly adopted but shall be operative only during the period of a declared state of emergency and any subsequent recovery periods."

APPROVED AND ADOPTED by the Board of Commissioners of Evans County this

2nd day of October, 2012.


Chairman

ATTEST:


County Clerk

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

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

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

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

"Section 1. Building Contractor Registration Required.

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

Section 2. Definitions.

- (1) Building contractor. As used in this ordinance the word or term 'building contractor' shall mean any person, firm, partnership, corporation or other entity engaging in, undertaking or carrying on any business consisting of or relating to building construction, repair, renovation or making improvements to real property including dwellings, homes, buildings, structures, or fixtures attached thereto.
- (2) Doing business. Any building contractor shall be deemed to be 'doing business' subject to the requirements of this ordinance if: (a) he has or operates an office, agency, project site or place of business located in the unincorporated areas of the county, whether permanently, temporarily, periodically, or otherwise, that provides the following activities in the unincorporated areas of the county

expressly including but not limited to the construction, renovation or repair of dwellings or buildings or the making of improvements to real property or any fixtures attached thereto; or (b) he performs the following activities or services in the unincorporated areas of the county expressly including but not limited to the construction, renovation or repair of dwellings or buildings or the making of improvements to real property or any fixtures attached thereto regardless of the location of the principal office.

- (3) State of Emergency. The term 'state of emergency' is defined, pursuant to §38-3-3(5) of the Official Code of Georgia Annotated, as a condition declared by the governor when, in his judgment, the threat or actual occurrence of a disaster or is of sufficient severity and magnitude as to warrant extraordinary efforts in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.
- (4) Subsequent Recovery Period. The term 'subsequent recovery period' is defined as that period during which the disaster continues to cause disruptions in the disaster area, but shall not exceed three (3) months after the emergency declaration has been terminated by the Governor.

Section 3. Registration; Certification.

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

Section 4. Registration Fees.

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

Section 5. Penalties.

Any building contractor required by this ordinance to pay a registration fee who engages in business without first registering and receiving a registration certification from the county as required shall be in violation of this ordinance. Violation of this ordinance, upon conviction, shall be punishable by a fine not to exceed \$1,000 per violation and/or imprisonment not to exceed sixty (60) days. Each day a building contractor does business in the unincorporated areas of the county without complying with this ordinance shall constitute a separate offense.

Section 6. Transferability.

Each certification issued under this ordinance is granted to, and shall be accepted by, the building contractor under the condition that the same is not transferable and after issuance no such certification shall be transferred by the county or the building contractor to another individual or entity.

Section 7. Display of Registration Certification.

Each certification issued hereunder shall be posted conspicuously by the building contractor in the place of business of the building contractor or shall be carried on his person or vehicle used in such business. Such certification shall be exhibited to any authorized enforcement officer when so requested.

Section 8. Revocation; Suspension.

Each certification granted under this ordinance is a mere permit to engage in the business only so long as said business is conducted in a lawful manner. The county governing authority hereby reserves the right to revoke or suspend any certification granted hereunder, if the building contractor, or the building contractor's agent or employee acting within the scope of his employment, violates this ordinance or any other county, state or federal law .If after issuance of a certification, the county desires to revoke such certification, written notice thereof shall be given to the building contractor, which notice shall specify the violation with which the building contractor is charged and a date, time and place at which a hearing shall be held with regard to the violation. The building contractor shall have an opportunity to be heard at such hearing, shall have the right to be represented by counsel, and shall have the right to introduce and submit evidence in opposition to such revocation.

Section 9. Severability.

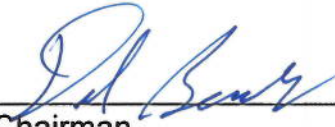
If any section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held by the court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder to the ordinance.

Section 10. Effective Date; Expiration.

This ordinance shall take effect on the date of its being duly adopted and shall apply to all building contractors doing business in the unincorporated areas of Evans County on that date and doing business on any date thereafter. However, this ordinance and any certification issued pursuant to it shall be operative only during the period of a declared state of emergency and any subsequent recovery periods."


APPROVED AND ADOPTED by the Board of Commissioners of Evans County, this

2nd day of October, 2012.



Chairman

ATTEST:



County Clerk

(MODEL AGREEMENT)
GENERAL RELEASE AGREEMENT

STATE OF GEORGIA
COUNTY OF Georgia

FOR AND IN CONSIDERATION OF work performed by _____ County on subject property located at _____. I/we, the owners of subject property acknowledge and do forever release, acquit, discharge and covenant to hold harmless _____ County and any of its officers, agents, and employees from any and all action, causes of action, claims, demands, damages, costs, loss of services, compensation, and losses and expenses of whatsoever kind or nature in law or equity, for and on account of, or in any way growing out of, any and all known and unknown personal injuries and/or property damages that the undersigned may now or hereafter have as owners of the subject property resulting from work being performed on the subject property on or about _____, 20____.

It is further understood and agreed that this Release Agreement extends to and includes indemnification for the negligence, if any, of the county, its officers, agents, servants and employees either direct or vicarious, or for its or their own act or omission that would or may constitute negligence of which would or may constitute the creation or maintenance of a nuisance.

I/we have carefully read the foregoing and fully understand and agree to the same and have executed the same freely and voluntarily. Furthermore, I/we have consulted or been given the opportunity to consult with an attorney of my/our own choosing prior to the execution of this document.

IN WITNESS WHEREOF, the undersigned has/have hereunto set his/their hand and seal this _____ day of _____, 20____.

Owner _____

Owner _____

Signed, sealed and sworn to and subscribed
before the undersigned unofficial witness and notary public,

Witness

Notary Public, State of Georgia

My Commission Expires: _____