

Adopted October 2, 2012

**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 delegate;

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 \$1,000.00 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.