

## **Chapter 22**

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## **ARTICLE I.**

### **IN GENERAL**

**Sec. 22-1. Definitions.**

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

*Emergency management* means the preparation for the carrying out of all emergency functions, other than functions for which military forces are primarily responsible; to prevent, minimize and repair injury and damage resulting from emergencies, energy emergencies, disasters or their imminent threat, of manmade or natural origin caused by enemy attack, sabotage, civil disturbance, fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, riot or other hostile action, or other causes. These functions include, without limitation:

- (1) Firefighting services;
- (2) Police services;
- (3) Medical and health services;
- (4) Rescue;
- (5) Engineering;
- (6) Warning services;
- (7) Communications;
- (8) Defense from radiological, chemical and other special weapons;
- (9) Evacuation of persons from stricken areas;
- (10) Emergency welfare services;
- (11) Emergency transportation;
- (12) Plant protection;
- (13) Temporary restoration of public utility services; and
- (14) Other functions related to civilian protection;

together with all other activities necessary or incidental to the preparation for and carrying out of these functions.

**Cross References:** Definitions generally, § 1-2.

**Secs. 22-2--22-35. Reserved.**

## ARTICLE II.

### EMERGENCY MANAGEMENT\*

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\* **Editors Note:** Ord. No. 2005-4, adopted March 1, 2005, amended art. II in its entirety to read as herein set out. Former art. II, §§ 22-36--22-42, pertained to emergency management agency.

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#### **Sec. 22-36. Emergency management policy.**

Because of the existing and increasing possibility of the occurrence of emergencies or disasters resulting from man-made or natural causes; in order to ensure that preparations in Camden County (including the cities of Kingsland, Woodbine, and St. Marys, if adopted by the mayor and city councils of the cities of Kingsland, Woodbine, and St. Marys) will be adequate to deal with such emergencies or disasters; generally to protect the public peace, health and safety; and to preserve the lives and property of the people in Camden County, it is found and declared necessary:

- (1) To create an emergency management agency for emergency management in Camden County.
- (2) To confer upon the board of commissioners of Camden County and the chairman of the board of commissioners the emergency powers provided for in this article.
- (3) To authorize the establishment of an emergency management agency and the taking of such steps as are reasonable and necessary to implement the provisions of this article.

(Ord. of 3-1-2005(1))

#### **Sec. 22-37. Definitions.**

As used in this article, the terms:

*Agency* means the emergency management agency enacted by the board of commissioners of Camden County.

*Emergency management* means the preparation for the carrying out of all emergency functions to prevent, minimize and repair injury and damage resulting from emergencies, disasters or imminent threat thereof, of man-made or natural origin caused by civil disturbance, fire, flood, earthquake, wind, storm, wave action or similar physical conditions. These functions include without limitation, firefighting services, police services, medical and health services, rescue, engineering, warning services, communications, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.

*State of emergency* means the conditions declared by chairman of the commissioners when after conferring with the mayors of Kingsland, St. Marys and Woodbine, and in their judgment, the threat or actual occurrence of a disaster or emergency is sufficient severity and magnitude to warrant extra ordinary action to prevent or alleviate the loss of human life or damage to public or private property.

(Ord. of 3-1-2005(1))

### **Sec. 22-38. Enforcement.**

The law enforcement authorities of the State of Georgia, the Camden County sheriff's department, and the Cities of Kingsland and St. Marys police department shall enforce the orders, rules and regulations issued pursuant to the terms and conditions of this article. During a declared state of emergency, the Camden County sheriff and the chiefs of police in Kingsland and St. Marys, Georgia shall have the authority and power to increase the number of and swear in additional police officers during the declared state of emergency. Such officers' tenure shall expire at the conclusion of the state of emergency.

(Ord. of 3-1-2005(1))

### **Sec. 22-39. Organization.**

(a) There is hereby established pursuant to the provisions of this article an agency which shall be known as the Camden County Emergency Management Agency, hereinafter called the emergency management agency, with a director of emergency management who shall be the head thereof.

(b) The board of commissioners of Camden County shall nominate a director of emergency management who shall be appointed in accordance with the provisions of O.C.G.A. § 38-3-27. The director shall be subject to the direction and control of the board of commissioners, through the county manager and shall be responsible for the carrying out of the programs for emergency management in Camden County. The county manager shall act as the acting director of emergency management in the event of the absence or disability of the director for any reason. The compensation of the director shall be fixed by the board of commissioners and the director shall hold the office at the pleasure of the board of commissioners.

(c) The director may employ such technical, clerical, stenographic and other personnel, may fix their compensation and may make such expenditures with the appropriations therefor, or from other funds made available to him for the purpose of emergency management as may be necessary to carry out the purposes of this article.

(d) The director, subject to the direction and control of the board of commissioners, shall be responsible for carrying out the programs for emergency management in Camden County. He shall coordinate the activities of all organizations called upon to assist in a state of emergency in Camden County, shall maintain liaison with and cooperate with the emergency management agency of the State of Georgia and that of the federal government.

(e) The sheriff, the police chiefs and fire chiefs shall be the disaster coordinators and shall act for the chairman of the board of commissioners when requested to do so by the chairman of the board of commissioners or the vice chairman in the chairman's absence.

(Ord. of 3-1-2005(1))

### **Sec. 22-40. Emergency powers.**

(a) Prior to declaring any state of emergency within the geographical boundaries of Camden County, the chairman of the board of commissioners after advice and council with the other members of the board, the mayor of Kingsland, the mayor of St. Marys and the mayor of Woodbine and with concurrence with the

Georgia Emergency Management Agency shall be vested the sole authority to declare a state of emergency.

(b) A declaration of a state of emergency or disaster shall activate the emergency and disaster response and recovery aspects of the local emergency operation plans applicable to Camden County and shall be the authority for the development and use of force to which the plans apply and for the use or distribution or any supplies, equipment and materials and facilities assembled, stockpiled or arranged to be made available pursuant to provisions of this article.

(c) The chairman of the board of commissioners shall have and may exercise for such periods as the state of emergency or disaster exists or continues the following emergency powers:

- (1) Command or utilize any private property if he finds this necessary to cope with the emergency or disaster;
- (2) Direct and compel the evacuation of all or a part of the population from any stricken or threatened area within Camden County if he deems this action necessary for the preservation of life or other disaster mitigation or response;
- (3) Prescribe routes, modes of transportation and destinations in connection with the evacuation;
- (4) Control ingress and egress to and from the disaster area and the occupancy of premises therein;
- (5) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives or combustibles;
- (6) Make provision for the availability and use of temporary emergency housing;
- (7) Suspend any regulatory ordinance prescribing the procedure for conduct of county business, or the orders, rules and regulations of any county agency, if strict compliance with any ordinance, order, rule, or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency or disaster;
- (8) Utilize all available resources of Camden County as may be reasonably necessary to cope with the emergency or disaster;
- (9) To perform and exercise such other functions, powers and duties as may be necessary to promote and secure the safety and protection of the public;
- (10) To ensure all laws, rules and regulations relating to emergency management and to assume direct operational control of all civil forces and helpers in Camden County; and
- (11) To seize or take for temporary use, property for the protection of the public.

(d) Any power or authority granted to the chairman of the board of commissioners by this article may be exercised by the vice chairman of the board of commissioners so long as the chairman of the board of commissioners is absent from Camden County or otherwise unable to perform the duties of the office of the

chairman. If the chairman and vice chairman of the board of commissioners are both absent from Camden County or otherwise unable to perform the duties of the office of chairman, any power or authority granted to the chairman of the board of commissioners by this article may be exercised by the member of the board of commissioners designated by the chairman of the commission. The chairman, during the committee appointments, shall designate a line of authority setting forth the order of succession of the commissioners for exercising the powers and duties until either the chairman or vice chairman are able to exercise those powers and duties.

(Ord. of 3-1-2005(1))

**Sec. 22-41. Regulations.**

(a) The director of the agency is authorized and empowered to make orders, rules and regulations as may be necessary for emergency management purposes, provided such orders, rules and regulations are non-inconsistent with any orders, rules or regulations promulgated by the governor of the State of Georgia or by any state agency exercising power delegated to it by him.

(b) All such orders, rules and regulations shall be approved by the board of commissioners prior to their effective date and copy, as approved, shall be filed with the clerk of the board of commissioners.

(c) All such orders, rules and regulations promulgated by the board of commissioners shall have the full force and effect of law.

(Ord. of 3-1-2005(1))

**Sec. 22-42. Penalty.**

Any person who violates any provision of this article or any rule, order or regulation made pursuant to this article shall be guilty of a misdemeanor.

(Ord. of 3-1-2005(1))

**Secs. 22-43--22-60. Reserved.**

**ARTICLE III.**

**STATE OF EMERGENCY**

**DIVISION 1.**

**GENERALLY**

**Sec. 22-61. 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:

*Building contractor* means any person engaging in, undertaking or carrying on any business consisting of or relating to building construction, repair, renovation or making improvements to real property including

dwelling, homes, buildings, structures, or fixtures attached thereto.

*Doing business* means any building contractor shall be deemed to be doing business subject to the requirements of this article if:

- (1) 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
- (2) 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.

*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.

*State of emergency*, as defined by O.C.G.A. § 38-3-3(5), means 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.

*Subsequent recovery period* means the period of time that the disaster or emergency continues to cause disruptions in the area by the disaster or emergency. The "subsequent recovery period" shall not exceed six months after the state of emergency declaration by the governor is terminated unless extended by official action of the board of commissioners.

(Ord. of 7-20-1999(2), § 2; Ord. of 7-20-1999(3), § 2; Ord. of 7-20-1999(4), § 2; Ord. of 7-20-1999(5), § 2)

**Cross References:** Definitions generally, § 1-2.

## **Sec. 22-62. 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 county has been designated as a disaster area, for any person located or doing business in the county to overcharge for any goods, materials, services or housing sold within the county.

(Ord. of 7-20-1999(3), § 1)

## **Sec. 22-63. Unlawful acts during emergencies.**

It shall be unlawful for any person to commit any of the following acts during an emergency:

- (1) To wilfully obstruct, hinder or delay any member of the emergency management corps in the enforcement of any lawful rule or regulation issued pursuant to this article or in the performance of any duty imposed by virtue of this article.
- (2) To do any act forbidden by any lawful rules or regulations issued pursuant to this article if such act is of such a nature as to give assistance to the enemy, imperil the life or property of any inhabitant of this county, or prevent, hinder or delay the defense or protection of this county.
- (3) To wear or carry or display without authority any mark or identification specified by the emergency management agency.

**Secs. 22-64--22-80. Reserved.**

## **DIVISION 2.**

### **SUSPENSION OF ORDINANCES, FORMALITIES**

#### **Sec. 22-81. Definitions.**

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

*Fees* means 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.

*Temporary dwelling* means any mobile or easily movable home, trailer, recreational vehicle or structure not otherwise permitted by the zoning regulations in a particular zoning district.  
(Ord. of 7-20-1999(5), § 2)

**Cross References:** Definitions generally, § 1-2.

#### **Sec. 22-82. 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 the state or the United States, the affairs and business of the county may be conducted at places other than the regular or usual place thereof, 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 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 board of commissioners without regard to or compliance with time-consuming procedures and formalities otherwise required by law.

(Ord. of 7-20-1999(5), § 1(1))

#### **Sec. 22-83. Purchasing and public works contracts.**



Upon the declaration of a state of emergency by the governor, or upon the determination by the board of commissioners, or its designee, of the existence of an emergency or disaster, the board of commissioners, its 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; however, any public works contract entered into pursuant to this section shall be entered on the minutes of the county as soon as practical and the nature of the emergency described therein.  
(Ord. of 7-20-1999(5), § 1(2))

**Sec. 22-84. Code enforcement.**

Upon the declaration of a state of emergency by the governor, or upon the determination by the board of commissioners, or its designee, of the existence of an emergency or disaster, the board of commissioners, its designee or the emergency interim successor may temporarily suspend the enforcement of the Camden County Code, or any portion thereof, where:

- (1) The emergency or disaster is of such nature that immediate action outside the Code is required;
- (2) Such suspension is consistent with the protection of the public health, safety and welfare; and
- (3) Such suspension is not inconsistent with any federal or state statutes or regulations.

(Ord. of 7-20-1999(5), § 1(3))

**Sec. 22-85. Fees.**

Upon the declaration of a state of emergency by the governor, or upon the determination by the board of commissioners, or its designee, of the existence of an emergency or disaster, the board of commissioners, its 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.

(Ord. of 7-20-1999(5), § 1(4))

**Sec. 22-86. Temporary dwellings.**

Upon the declaration of a state of emergency by the governor, or upon the determination by the board of commissioners, or its designee, of the existence of an emergency or disaster, the board of commissioners, its 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 county health department and building and inspections department. The temporary permit shall not exceed six months in duration. In the case of continuing hardship and in the discretion of the board of commissioners or its designee, the permit may be extended for a period for an additional six months. Upon expiration of the temporary permit or an extension, the temporary dwelling shall be removed.

(Ord. of 7-20-1999(5), § 1(5))

**Secs. 22-87--22-100. Reserved.**

## **DIVISION 3.**

### **REGISTRATION OF BUILDING CONTRACTORS**

#### **Sec. 22-101. Required.**

No person shall engage in, undertake or carry on any business, in whole or in part, within the unincorporated areas of the 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 board of commissioners and having paid fees as provided by the schedule of fees and charges on file in the office of the county clerk.  
(Ord. of 7-20-1999(4), § 1)

#### **Sec. 22-102. Penalties.**

Any building contractor required by this division 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 division and punished as provided in section 1-19. Each day a building contractor does business in the unincorporated areas of the county without complying with this division shall constitute a separate offense.  
(Ord. of 7-20-1999(4), § 5)

#### **Sec. 22-103. Application.**

All building contractors doing business or proposing to do business in the unincorporated areas of the county during a state of emergency or the subsequent recovery period shall register and file applications with the clerk of the board of commissioners or such other person designated by the board of commissioners at the county courthouse, or such other place designated by the county. The building contractor shall, under oath, provide the board of commissioners 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.  
(Ord. of 7-20-1999(4), § 3)

#### **Sec. 22-104. Fees.**

Registration fees shall be as set forth in the schedule of fees and charges on file in the office of the county clerk and paid in full at the time of issuance of the registration certification.  
(Ord. of 7-20-1999(4), § 4)

#### **Sec. 22-105. Transferability.**

Each certification issued under this division 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.  
(Ord. of 7-20-1999(4), § 6)

**Sec. 22-106. Display of registration certification.**

Each certification issued under this division 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. (Ord. of 7-20-1999(4), § 7)

**Sec. 22-107. Revocation, suspension.**

Each certification granted under this division is a mere permit to engage in the business only so long as such business is conducted in a lawful manner. The board of commissioners 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 division or any other county, state or federal law. If after issuance of a certification, the county desires to revoke such certification, written notice 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. (Ord. of 7-20-1999(4), § 8)

**Secs. 22-108--22-120. Reserved.**

**DIVISION 4.**

**CURFEW DURING EMERGENCY OR DISASTER**

**Sec. 22-121. Definitions.**

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

*Curfew* means a regulation requiring the withdrawal from any person not otherwise exempt from this division from appearing in certain public areas during specified hours.

*Exempt individuals*, unless otherwise specified in the resolution implementing the curfew, means 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 board of commissioners, 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 division 3 of this article, performing activities related to construction, repair, renovation or improvement of buildings and other structures damaged during the disaster or emergency. (Ord. of 7-20-1999(2), § 2)

**Cross References:** Definitions generally, § 1-2.

**Sec. 22-122. Institution.**

(a) Upon the declaration of a state of emergency by the governor, or upon the determination by the board of commissioners, or its designee, of the existence of an emergency or disaster, the board of commissioners, its designee or the emergency in-terim successor may adopt a resolution instituting a curfew when it is determined necessary to protect and safeguard the people and the property of the county.

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

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

(Ord. of 7-20-1999(2), § 1)

**Sec. 22-123. Prohibition.**

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

(Ord. of 7-20-1999(2), § 3)