

AN ORDINANCE
NO. _____

An Ordinance amending Chapter 2 and Chapter 11 of the Columbus Code to revise provisions concerning emergency management and homeland security; and for other purposes.

THE COUNCIL OF COLUMBUS, GEORGIA HEARBY ORDAINS:

SECTION 1.

Section 2-27 of the Columbus code is hereby repealed in its entirety and replaced with a new Section 2-27 to read as follows:

“Sec. 2-27. 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 Columbus/Muscogee 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 mayor may declare a local emergency for Columbus/Muscogee County. 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 Columbus/Muscogee 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.
- (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 clerk of the Columbus Council a document marking the end of the state of emergency. No state of local emergency shall continue for longer than 30 days, unless renewed by the mayor. The Columbus Council may, by resolution, end a state of local emergency at any time.
- (4) *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 mayor shall automatically activate Columbus/Muscogee County emergency operations plan and shall be the authority for development 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.

The Director of the Department of Emergency Management and Homeland Security Department("EMA") shall have the legal authority to exercise the powers and discharge the duties conferred upon the Emergency Management and Homeland Security Department , 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.

In responding and conducting necessary and appropriate investigations, the director 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 director is authorized to execute a right of entry and/or agreement to use property for these purposes on behalf of Columbus/Muscogee County; however, any such document shall be later presented for ratification at a meeting of the Columbus Council.

No person shall refuse entry or access to any authorized representative or agent of Columbus/Muscogee County 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: subsection [(n)] (registration of building and repair services) to become effective if the governor declares a state of emergency; and subsection [(p)] (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 Columbus City Council 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 Columbus Council is authorized to cause to be effective any of the subsections of [subsection (a)(4)] as appropriate. The implementation of such subsections shall be filed in the office of the clerk of the Columbus Council.
- (D) *Additional emergency powers.* The mayor shall have, and may exercise for such period as the declared emergency exists or continues, the following additional emergency powers:
 - 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;
 - To prescribe routes, modes of transportation and destinations in connection with evacuation;
 - To suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and flammable liquids and substances;
 - To make provision for the availability and use of temporary emergency housing, emergency shelters and/or emergency medical shelters.
 - To transfer the direction, personnel or functions of any Columbus/Muscogee County departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

To utilize all available resources of Columbus/Muscogee County and subordinate agencies over which Columbus/Muscogee County has budgetary control as reasonably necessary to cope with the emergency or disaster;

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;

To suspend any law, code provision or regulation prescribing the procedures for conduct of Columbus/Muscogee County business, or the orders, rules or regulations of any Columbus/Muscogee County 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;

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 purposes; and

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 Columbus Clerk of Council 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 article which shall be in effect.

"DECLARATION OF LOCAL EMERGENCY

WHEREAS, Columbus/Muscogee County, 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 Columbus/Muscogee County, with advice from the Emergency Management Department, 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 Columbus/Muscogee 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.

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:

That Columbus/Muscogee County Emergency Management and Homeland Security Department activates the Emergency Operations Plan;

That the following sections of Columbus/Muscogee County Code be implemented: [If deemed appropriate, choose from the following: Registration of Building and Repair Services to be effective only if the Governor has declared a state of emergency; and/or Closed or Restricted Areas and Curfews]; and

That the following measures also be implemented: ENTERED at [time] on [date].

[Signed]

Mayor, Columbus, Georgia Consolidated Government"

- (c) *Contracts with municipalities.* In addition to the normal agreements embodied in Columbus/Muscogee County's emergency operations plan for mutual emergency assistance, the Columbus Council may contract with any county or municipality in Georgia or Alabama for the administration of an emergency response program.
- (d) *Enforcement and remedies law enforcement.* In accordance with O.C.G.A. § 38-3-4, the Muscogee County Sheriff's Office and the Columbus Police Department shall be authorized to enforce the orders, rules and regulations contained in this chapter and implemented by the mayor or local governing authority during a declared emergency.
- (e) *Penalties.* Failure to comply with any of the requirements or provisions of the regulations contained in this chapter, or with any code section, order, rule or regulation made effective by the mayor or local governing authority upon or after the declaration of an emergency shall constitute a violation of the provisions of this article. Any person who violates any provision in this article shall, upon conviction thereof, be guilty of a misdemeanor punishable by a fine not exceeding \$1,000.00, imprisonment for a term not exceeding 90 days, or both such fine and imprisonment, for each violation. Each person assisting in the commission of a violation shall be guilty of separate offenses. Each day during which a violation or failure to comply continues shall constitute a separate offense.
- (f) *Injunctive relief.* In accordance with O.C.G.A. § 38-3-5, in addition to the remedies prescribed in this section, the Emergency Manager director is authorized to obtain an injunction to restrain violation of laws, code sections, orders, rules and regulations which are contained in the Georgia Emergency Management Act or this article, and which are implemented by the local governing authority during a declared emergency.
- (g) *Enforcement.* Except as otherwise provided in this article, this article may be enforced by the Muscogee County Sheriff's Office, the Columbus Police Department, the Emergency Management director.
- (h) *Authority to waive procedures and fee structures.* Upon declaration of an emergency or disaster by the governor or mayor, the affairs and business of Columbus/Muscogee County may be conducted at places other than the regular or usual location, within or outside of Columbus/Muscogee County, when it is not prudent, expedient or possible to conduct business at the regular location. When such meetings occur outside of Columbus/Muscogee County, all actions taken by the Columbus Council shall be as valid and binding as if performed within Columbus/Muscogee County. Such meetings may be called by the mayor or any two members of the Columbus Council without regard to or compliance with formalities otherwise required by law.
- (i) *Public works contracts.* Upon declaration of an emergency or disaster by the governor or mayor, the Columbus Council may contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract as required by law; provided, however, that the emergency must be of such nature that immediate action is required and that the action is necessary for the protection of the public health, safety and welfare. Any public works contract entered into pursuant to this subsection shall be entered

on the minutes of the Columbus Council as soon as practical and the nature of the emergency described therein in accordance with O.C.G.A. § 36-91-22(e).

- (j) *Purchasing.* Upon declaration of an emergency or disaster by the governor or mayor, the purchasing ordinances, regulations or policies may be suspended. Columbus/Muscogee County officials shall continue to seek to obtain the best prices during the state of local emergency.
- (k) *Code enforcement.* Upon declaration of a state of emergency or disaster by the governor or the mayor, the Columbus Council may temporarily suspend the enforcement of the ordinances of Columbus/Muscogee County, or any portion thereof, where the emergency is of such nature that immediate action outside the Columbus Code or applicable law is required, such suspension is consistent with the protection of the public health, safety and welfare, and such suspension is not inconsistent with any federal or state statutes or regulations.
- (l) *Fees.* Upon declaration of a state of emergency or disaster by the governor or the mayor, the Columbus Council may temporarily reduce or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of the areas impacted by the disaster or emergency. The term "fees" include fees or rates charged by Columbus/Muscogee 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. The term "fees" does not include fees collected by Columbus/Muscogee County on behalf of the state or federal government or fees charged by Columbus/Muscogee County pursuant to a state or federal statute or regulation.
- (m) *Temporary dwellings.* Upon the declaration of a state of emergency or disaster by the governor or mayor, the Columbus Council or its designees may issue temporary mobile home, trailer, recreational vehicle or other temporary dwelling structures or parks in any zoning district, even though not otherwise permitted by Unified Development Ordinance or other applicable law, 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 Columbus/Muscogee County Health Department and the Columbus Inspections and Code Department. The temporary permit shall not exceed six months in duration. In the case of a continuing hardship, and in the discretion of the Columbus Council, the permit may be extended for a period of up to an additional six months. Upon expiration of the temporary permit and any extension, the temporary dwelling must be removed.
- (n) *Registration of building and repair services.*
 - (1) 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 unincorporated area of Columbus/Muscogee County designated in a declared emergency or disaster, any person, firm, partnership, corporation or other entity must register with Columbus/Muscogee County Inspections and Code Department and secure a building permit that is posted at the work site. Each day any such entity does business in Columbus/Muscogee County without complying with this article constitutes a separate offense.

The cost of registration fees in a declared emergency or disaster is fixed at \$100.00 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.

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

Name of applicant;

Permanent address and phone number of applicant;

Applicant's Social Security number or federal Employer Identification number;

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

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

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

Georgia sales tax number or authorization;

Georgia business license number, if required;

Copy of license from the Secretary of State, if required.

- (o) *Effective date.* This section shall become effective only upon a declaration of emergency by the governor and a local declaration stating this section is in effect. Unless otherwise specified in the declaration of emergency or otherwise extended by the Columbus Council, the provisions of this article shall remain in effect during the state of emergency and for a subsequent recovery period of three months.

- (p) *Closed or restricted areas and curfews during emergency.* 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.

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 Columbus/Muscogee County emergency operations plan, which shall be followed during emergencies.

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

Authorized and essential law enforcement personnel;

Authorized and essential health care providers;

Authorized and essential personnel of Columbus/Muscogee County;

Authorized National Guard or federal military personnel;

Authorized and essential firefighters;

Authorized and essential emergency response personnel;

Authorized and essential personnel or volunteers working with or through the Emergency Management and Homeland Security Departments (EMA);

Authorized and essential utility repair crews;

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

Other authorized and essential persons as designated on a list compiled by EMA, the director of public safety and/or the Sheriff of Muscogee County.

- (q) *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.

- (r) *Effective date.* This section shall become effective only upon the signing of a declaration of emergency, stating this section is in effect.

- (s) *Regulations continued in effect.* All ordinances, resolutions, motions and orders pertaining to civil defense, emergency management and disaster relief that are not in conflict with this article are continued in full force and effect. Such ordinances, etc., are on file in the office of Columbus, Georgia Clerk of Council.

SECTION 2.

Articles V and VI of Chapter 11 of the Columbus Code are hereby repealed in their entirety.

SECTION 3.

Chapter 2 of the Columbus Code is hereby amended to insert six new code sections in place of the reserved code sections 2-28, 2-29, 2-30, 2-31, 2-32, and 2-33 to read as follows:

“Sec. 2-28. Emergency management/homeland security director- duties.

The Mayor shall nominate and the Council shall confirm an emergency management/ homeland security director who shall coordinate with the following staffs and operating agencies within the consolidated government to insure that the following duties and responsibilities are adequately met:

Department or Agency		Functions
(1)	Mayor of Columbus	Direct and control public information
(2)	Columbus Police Department	Communication warning, police services and evacuation
(3)	Department of Emergency Management/ Homeland Security	State military support, training, pre-damage assessment, public property assistance, attack preparedness, in-place protection, food services
(4)	Department of Fire and Emergency Medical Services	Fire services, hazardous materials, radiological protection, chemical and biological protection, search, rescue recovery, emergency medical
(5)	Columbus Public Works Department	Engineering, petroleum and solid fuel, utilities
(6)	Muscogee County School District	Transportation services
(7)	Columbus Department of Health	Health and medical services
(8)	Clerk of Council	Administrative services, resources management
(9)	Department of Family and Children Services	Social services
(10)	Housing Authority of Columbus	Shelter and temporary housing

Sec. 2-29. Department of Emergency Management and Homeland Security.

The department of emergency management and homeland security shall be a public safety department under the direction and control of an emergency management/homeland security director who shall be an employee of the consolidated government, but which director shall be appointed by the Governor of the State of Georgia upon nomination by the Mayor and confirmation by the Council. The emergency management/homeland security director may be referred to as the emergency management director throughout this article.

Sec. 2-30. Emergency Management/ Homeland Security Director—Powers and duties.

The emergency management/homeland security director, subject to the provisions of section 2-32 is hereby authorized and directed:

- (a) To represent the City of Columbus in all matters pertaining to emergency management and homeland security.
- (b) To prepare or cause to be prepared necessary emergency management plans which will be adequate and effective in any emergency management emergency and to implement such plans in any such emergency.
- (c) Subject to specific direction of the Mayor and Council, to call on all employees of the consolidated government for assistance and cooperation in the preparation and implementation of emergency management plans and training.
- (d) To insure the necessary coordination with the state director of emergency management, with the directors of other probably target areas within the state, and with the emergency management authorities of neighboring communities.
- (e) Reserved.
- (f) To designate as public shelters all those areas which provide reasonable protection against fallout radiation, and which have a capacity of not less than 20, to prepare suitable plans and to issue necessary instructions and directives for the proper utilization and control of all such public shelters; and, in time of emergency, to assume full control over such public shelters, whether or not the building owner or lessee shall have executed any license or permit for its use as a public shelter.
- (g) To appoint and to remove shelter managers and alternate shelter managers for all public shelters.

Sec. 2-31. General powers, duties, of shelter managers and assistant managers.

Shelter managers and alternate shelter managers appointed under the provisions of 11-48(g) above shall act during the emergency as agents of the emergency management director. During the period of shelter occupancy they shall have full authority to carry out all instructions and directives of the emergency management director, to establish and enforce necessary rules and regulations for the shelter, and to take such other action as may be necessary for the protection and well-being of the shelter occupants.

It shall be unlawful for any person to fail to obey any instruction or directive of any law enforcement officer, the emergency management director, shelter managers, or alternate shelter managers during time of emergency. Sec. 11-50. Director responsible to mayor; department governed by Charter and Georgia Civil Defense Act.

The emergency management director shall report and be responsible to the mayor, and the activities of such emergency management director and of such department of emergency management/homeland security shall be governed by existing charter provisions of the city and by the provisions of the Georgia Civil Defense Act of 1951, as amended.

Sec. 2-32. Director responsible to mayor; department governed by Charter and Georgia Civil Defense Act.

The emergency management director shall report and be responsible to the mayor, and the activities of such emergency management director and of such department of emergency management/homeland security shall be governed by existing charter provisions of the city and by the provisions of the Georgia Civil Defense Act of 1951, as amended.

Sec. 2-33. Emergency management director to serve as director of emergency planning.

The emergency management director shall serve also as the director of emergency planning for the city. In this capacity he is responsible, with the assistance of the Department of Emergency Management and Homeland Security, subject to the provisions of section 2-31 above, for all emergency planning, all emergency organizations, all emergency operations, including those measures which might be required for the management of resources and economic stabilization in the event of enemy attack.”

SECTION 4.

The position of Emergency Management Deputy Director is hereby abolished. There is hereby created a new position of Emergency Management/Homeland Security Director, Pay Grade 23, for the Department of Emergency Management and Homeland Security.

SECTION 5.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

First introduced at a regular meeting of the Council of Columbus, Georgia held on the 21st day of June, 2022, and introduced on second reading at a regular meeting of said Council held on the ____ day of _____, 2022 and adopted at said meeting by the affirmative vote of _____ members of said Council.

Councilor Allen	voting	_____
Councilor Barnes	voting	_____
Councilor Crabb	voting	_____
Councilor Davis	voting	_____
Councilor Garrett	voting	_____
Councilor House	voting	_____
Councilor Huff	voting	_____
Councilor Thomas	voting	_____
Councilor Tucker	voting	_____

Councilor Woodson voting _____

Sandra T. Davis
Clerk of Council

B.H. "Skip" Henderson, III
Mayor