

Chapter 18 EMERGENCY MANAGEMENT¹

Sec. 18-1. 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:

Annex means any facility-specific or incident-specific emergency plan approved by the City Manager and considered a component of the City of Lawrenceville Crisis Management Plan.

The Crisis Management Plan means the City of Lawrenceville's internal operational framework for emergency response, crisis communication, continuity of operations, and recovery, which is developed and maintained under the direction of the Executive Management Team and approved by the City Manager.

Curfew means a temporary prohibition against any persons walking, loitering, standing, bicycling, motoring, or similar activities upon any sidewalk, street, public property, vacant premises or any public place within the city, or some designated part or parts of the city, except, however, those persons whose official duties require them to be present.

Disaster means a severe or prolonged incident that threatens life, property, the environment or critical systems including, but not limited to, fire, flood, snowstorm, ice, ice storm, heat, tornado, hurricane, windstorm, oil spill, water contamination, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous material incident, epidemic, pandemic, air contamination, drought, infestation, explosion, or hostile military or para-military action or similar occurrences resulting from terrorist activities, riots, or civil disorders.

Emergency means an incident, natural or human-caused, that requires responsive actions to protect life, property, environment, critical systems, or major disruption of routine community affairs or business or government operations.

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, public health emergency, disasters, or the imminent threat thereof, of manmade or natural origin caused by enemy attack, sabotage, acts of domestic or international terrorism, civil disturbance, fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, pandemic, air contamination, blight, drought, infestation, explosion, riot or other hostile action, radiological action, or other causes. These functions include, without limitation, firefighting services; police services; emergency medical services; rescue; engineering; warning services; communications; defense from radiological, chemical, biological, and other special weapons to include weapons of mass destruction; evacuation of persons from stricken areas; emergency welfare services; consequence management functions to include victim 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.

¹Ord. No. 2020-5, § 1, adopted Sept. 28, 2020, amended Ch. 18 in its entirety to read as herein set out. Former Ch. 18, §§ 18-1—18-7, pertained to similar subject matter and derived from Ord. No. 2005, §§ 16-101—16-107.

Executive Management Team is comprised of the City Manager, Assistant City Managers, Chief Communications and Marketing Officer, Chief Financial Officer, Chief of Police and Public Works Director.

Local emergency management director means the person nominated by the county and appointed by the state emergency management director with primary responsibility for emergency management mitigation, preparedness, response, and recovery within the county.

Local state of emergency means a declaration by the appropriate official(s) of Gwinnett County or by the mayor of the City of Lawrenceville.

State emergency management director means the person appointed by the Governor to head the state emergency management agency.

(Ord. No. 2020-5, § 1, 9-28-2020)

Sec 18-2. Crisis Management Planning and Operational Preparedness

- (a) There is hereby established the City of Lawrenceville Crisis Management Plan, which shall serve as the city's internal operational framework for the coordination of emergency response, crisis communication, continuity of operations, and recovery activities.
- (b) The City Manager shall have overall responsibility for the coordination of citywide emergency preparedness and the activation and execution of the Crisis Management Plan.
- (c) The Crisis Management Plan shall be developed and maintained under the direction of the Chief Communications and Marketing Officer, in coordination with the Executive Management Team, department directors, emergency services personnel, and other designated stakeholders. The City Manager may designate additional teams or personnel to support the development, maintenance, and execution of the Crisis Management Plan, including but not limited to planning committees, functional response teams, and department-level coordinators.
- (d) The Crisis Management Plan may be activated independently or in conjunction with a declared local emergency and shall be implemented in alignment with the Gwinnett County Emergency Operations Plan.
- (e) Departmental and facility-level emergency response plans, including but not limited to building evacuation and incident-specific protocols, shall be considered annexes to the Crisis Management Plan. These annexes shall be developed under the guidance of the Chief Communications and Marketing Officer and the Chief of Police and approved by the City Manager.
- (f) *Crisis Management Plan Review and Adoption.*
 - (1) The City of Lawrenceville Crisis Management Plan shall be reviewed no less than once every three years, or following any major emergency event, significant organizational restructuring, or change in operational requirements.
 - (2) Plan updates shall be coordinated by the Chief Communications and Marketing Officer, in consultation with department directors and other designated personnel.
 - (3) Updates to the plan shall be approved by the City Manager.
 - (4) Adoption of the initial plan and subsequent revisions by resolution of the City Council is recommended to ensure citywide compliance and departmental alignment.

Sec. 18-3. Local organization for emergency management.

- (a) In agreement with the governing officials of Gwinnett County and the other cities within Gwinnett County, there is hereby established the county emergency management agency. The board of commissioners of the county, with concurrence of the governing officials of the cities within the county, shall nominate for appointment by the state emergency management director, a director of the county emergency management agency. Upon appointment, the director of the county emergency management agency shall have direct responsibility for the organization, administration, and operations of the county emergency management agency, subject to the direction and control of the governing officials of the county and shall serve at the pleasure of such governing officials.
- (b) The director of the county emergency management agency is charged with the following duties:
 - (1) Represent the governing officials of the county and cities therein on matters pertaining to emergency management.
 - (2) Assist county and city officials in organizing county and city departments for emergency operations.
 - (3) Develop, in conjunction with county and city departments, the Gwinnett County Emergency Operations Plan for emergency functions. Such plan shall be in consonance with the Georgia Emergency Operations Plan and shall be submitted to the governing officials of the county and the cities therein for approval and, thereafter, to the state emergency management agency for approval.
 - (4) Maintain the emergency management agency and carry out the day-to-day administration of the county emergency management program, including the submission of required reports to the state emergency management agency.
 - (5) Submit reports as required by the governing officials of the county and cities therein in keeping with good management practices; e.g., financial, daily activity, etc.
 - (6) Obtain, with the authority of the governing officials of the county, a facility to be used as the Gwinnett County Emergency Operations Center.
 - (7) Coordinate the activities of the Gwinnett County Emergency Operations Center staff during periods of an emergency and under the supervision of the county commissioners.
 - (8) Exercise the powers and discharge the duties conferred upon the emergency management agency, including implementation of the emergency operations plan, coordination of the emergency response of public and private agencies and organizations, coordination of recovery efforts with state and federal officials, and inspection of emergency or disaster sites.
 - (9) The director or his 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 the county; however, any such document shall be later presented for ratification by the county commissioners.
- (c) The City of Lawrenceville shall develop and maintain a Crisis Management Plan for the coordination of city departmental emergency response operations, internal communications, continuity of government, and recovery activities.
- (d) The Crisis Management Plan shall serve as the city's internal operational guide and shall be implemented in support of, and in alignment with, the Gwinnett County Emergency Operations Plan.
- (e) Coordination with Gwinnett County Emergency Management shall occur through the City Manager during joint emergency response activities.

(Ord. No. 2020-5, § 1, 9-28-2020)

Sec. 18-4. Declaration of local emergency by the chairman of the county board of commissioners.

- (a) 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 chairman of the county board of commissioners may issue an emergency or disaster declaration for the unincorporated areas of the county and the affected cities within the county upon the execution of an intergovernmental agreement between the county and the affected cities.
- (b) The declaration of local emergency shall continue until the chairman of the county commissioners finds that emergency conditions no longer exist, at which time the chairman shall execute and file with the clerk of the county board of commissioners a document marking the end of the state of emergency. No state of emergency shall continue for longer than 30 days, unless renewed by the chairman. The county board of commissioners may, by resolution, end a state of emergency at any time.

(Ord. No. 2020-5, § 1, 9-28-2020)

Sec. 18-5. Declaration of local emergency by the mayor of the city.

- (a) In addition to any other emergency powers set forth in the ordinances of the city, the mayor, as chief executive of the city, shall have the emergency power to declare an emergency to exist when, in the mayor's opinion, any one or more of the following conditions exist:
 - (1) There is extreme likelihood of danger of destruction of life or property due to unusual conditions;
 - (2) Unusual or extreme weather conditions, making use of city streets or areas difficult or impossible;
 - (3) There is a major disruption of routine community affairs, business or governmental operations in the city;
 - (4) Civil unrest, commotion or uprising is imminent or exists; or
 - (5) There is a stoppage or loss of a public utility affecting a major portion of the city.
- (b) 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 city clerk a document marking the end of the state of emergency. No state of emergency shall continue for longer than 30 days, unless renewed by the mayor. The city council may, by resolution, end a state of emergency at any time.

(Ord. No. 2020-5, § 1, 9-28-2020)

Sec. 18-6. Effect of declaration of emergency.

- (a) *Activation of emergency operations plan.* The Gwinnett County Emergency Operations Plan, developed in conjunction with county and city departments, is always in effect, and elements can be implemented as needed on a flexible, scalable basis to improve response capabilities. The resolution to adopt the Gwinnett County Emergency Operations Plan serves as the authority for deployment of personnel to respond to the

emergency and for the 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. Activation of the Gwinnett County Emergency Operations Plan is not dependent upon a declaration of local emergency.

- (b) *Emergency powers.* Following a declaration of an emergency and during the continuance of such state of emergency, the mayor, separately or jointly with the chairman of the county board of commissioners and the mayors or designees of other affected cities, 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 article as appropriate: section 18-9 (registration of building and repair services), which shall become effective if the Governor declares a state of emergency; and section 18-6 (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 city clerk 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 mayor is authorized to cause to be effective any of the subsections of section 18-8 as appropriate. The implementation of such subsections shall be filed in the office of the city clerk.
- (d) *Additional emergency powers.* The mayor shall have, and may exercise for such periods as such emergency or disaster exists or continues to exist, the following additional emergency powers:
 - (1) To utilize all available resources of the city and subordinate agencies over which the city has budgetary control as reasonably necessary to cope with the emergency or disaster;
 - (2) 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;
 - (3) To transfer the direction, personnel or functions of any city departments and agencies or units thereof for the purpose of performing or facilitating emergency services;
 - (4) To utilize public property and/or the property of citizens when necessary to cope with the emergency or disaster or when there is compelling necessity for the protection of lives, health and welfare;
 - (5) To make provision for the availability and use of temporary emergency housing, emergency shelters, and/or emergency medical shelters;
 - (6) To temporarily suspend any law, code provision or regulation prescribing the procedures for conducting county business, or any ordinance, resolution, order, rule or regulation of any city agency, if strict compliance with such 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, efforts shall be made to avoid adverse effects resulting from such suspension;
 - (7) 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;
 - (8) To prescribe routes, modes of transportation, and destinations in connection with evacuation;
 - (9) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives and flammable liquids and substances;
 - (10) To close any or all city-owned buildings and other facilities to the use of the general public;

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- (11) To close streets and sidewalks in delineated areas; and
 - (12) To perform and exercise such other functions, powers and duties as may be deemed necessary for the preservation of life, limb or property or 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
 - (e) The City of Lawrenceville Crisis Management Plan may be implemented prior to, during, or following the issuance of a local emergency declaration, for the purpose of supporting coordinated operations, internal communications, and continuity of government services.
- (Ord. No. 2020-5, § 1, 9-28-2020)

Sec. 18-7. Closed or restricted areas and curfews during emergency.

- (a) Upon issuance of an emergency or disaster declaration, the mayor, separately or jointly with the chairman of the county board of commissioners and the mayors of other affected cities, may institute a curfew when it is determined necessary to protect and safeguard the people and property of the city.
- (b) 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 establishments, vacant lots or any other place between hours specified by the mayor until the curfew is lifted.
- (c) The provisions of this section shall not apply to persons acting in the following capacities:
 - (1) Authorized and essential law enforcement personnel;
 - (2) Authorized and essential health care providers;
 - (3) Authorized and essential personnel of the city or Gwinnett County;
 - (4) Authorized National Guard or federal military personnel;
 - (5) Authorized and essential firefighters;
 - (6) Authorized and essential emergency response personnel;
 - (7) Authorized and essential personnel or volunteers working with or through the county emergency management agency;
 - (8) Authorized and essential utility repair crews;
 - (9) Citizens seeking to restore order to their home or business while on their own property or place of business;
 - (10) Other authorized and essential persons as designated on a list compiled and maintained by the county emergency management agency, the county police department, and/or the city police department.
- (d) *Enforceability.* This section shall be enforced by 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 authorized by state law.
- (e) *Effective date.* This section shall become effective only upon the signing of a declaration of emergency by the mayor.

(Ord. No. 2020-5, § 1, 9-28-2020)

Sec. 18-8. Authority to waive procedures and fee structures.

- (a) *City business and meetings.* Upon declaration of an emergency or disaster by the Governor or mayor, the affairs and business of the city may be conducted at places other than the regular or usual location, within or outside of the city, when it is not prudent, expedient or possible to conduct business at the regular location. When such business occurs outside of the city, all actions taken by the city council shall be as valid and binding as if performed within the city. City council meetings may be called by the mayor, and the formal procedures required by law for meeting notices may be modified. Official meetings of the city council and any other agency, authority, board, or commission of the city may conduct meetings by teleconference or video conference during the emergency or disaster declaration.
- (b) *Public works contracts.* Upon declaration of an emergency or disaster by the Governor or mayor, the city may contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract; 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 city as soon as practical and the nature of the emergency described therein in accordance with O.C.G.A. § 36-91-22(e).
- (c) *Purchasing.* Upon declaration of an emergency or disaster by the Governor or mayor, the city procedures for soliciting and advertising projects pursuant to the city's purchasing ordinance may be suspended during the period of emergency. City officials shall, however, continue to seek to obtain the best prices during the state of emergency.
- (d) *Code enforcement.* Upon declaration of a state of emergency or disaster by the Governor or mayor, the city council may temporarily suspend the enforcement of the ordinances of the city, or any portion thereof, where the emergency is of such nature that immediate action outside the code 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.
- (e) *Fees.* Upon declaration of a state of emergency or disaster by the Governor or mayor, the city council or its designees may temporarily reduce or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of any areas impacted by the disaster or emergency. The term "fees" include fees or rates charged by the city 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 cleanup of areas impacted by the disaster or emergency. The term "fees" does not include fees collected by the city on behalf of the state or federal government or fees charged by the county pursuant to a state or federal statute or regulation. The temporary reduction or suspension of fees under this section in no way suspends or exempts the related inspections related to any required permit.
- (f) *Temporary dwellings.* Upon the declaration of a state of emergency or disaster by the Governor or mayor, the city 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 zoning ordinance or development code, 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 planning department. The temporary permit shall not exceed six months in duration. In the case of a continuing hardship, and in the discretion of the city council or its designees, the permit may be extended for a period of up to an additional six months. Upon expiration of the temporary permit and/or extension, the temporary dwelling must be removed.

(Ord. No. 2020-5, § 1, 9-28-2020)

Sec. 18-9. Volunteers.

All persons, other than officers and employees of Gwinnett County and the cities within Gwinnett County, performing emergency functions pursuant to this article, shall serve with or without compensation. While engaged in such emergency functions, duly assigned volunteers shall have the same immunities as county and city officers and employees. Immunity does not apply in cases of willful misconduct, gross negligence or bad faith.

(Ord. No. 2020-5, § 1, 9-28-2020)

Sec. 18-10. Registration of building and repair services.

- (a) 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 city designated in a declared emergency or disaster, any person, firm, partnership, corporation or other entity must register with the city planning department and secure a building permit that is posted at the work site. Each day any such entity does business in the city without complying with this article constitutes a separate offense. Any person, firm, partnership, corporation, or other entity that submits a registration for a building permit shall comply with contractor licensure requirements in accordance with O.C.G.A. title 43, ch. 41 (O.C.G.A. § 43-41-1 et seq.).
- (b) The 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.
- (c) When registering, any person, partnership, corporation or other entity making application must, under oath, complete an application providing the following information:
 - (1) Name of applicant;
 - (2) Permanent address and phone number of applicant;
 - (3) Applicant's federal employer identification number;
 - (4) If applicant is a corporation, the state and date of incorporation;
 - (5) Tag registration information for each vehicle to be used in the business;
 - (6) List of cities and/or counties where the applicant has conducted business within the past 12 months;
 - (7) Georgia sales tax number or authorization;
 - (8) Georgia business license number, if required;
 - (9) Copy of business license from the Secretary of State, if required;
 - (10) License number.
- (d) *Effective date.* This section shall become effective only upon a declaration of emergency by the Governor or mayor. Unless otherwise specified in the declaration of emergency or otherwise extended by the city council, the provisions of this section shall remain in effect during the state of emergency and for a subsequent recovery period of three months.

(Ord. No. 2020-5, § 1, 9-28-2020)

Sec. 18-11. Unlawful acts during emergencies.

Notwithstanding any other city ordinance regulation, county, state or federal law, it shall be unlawful for any person to commit any of the following acts during an emergency:

- (1) Willfully 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) 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 city; to prevent, hinder or delay the defense or protection thereof.
- (3) Wear, carry or display without authority any mark or identification specified by the emergency management agency.

(Ord. No. 2020-5, § 1, 9-28-2020)

Sec. 18-12. Enforcement and remedies.

- (a) *Law enforcement.* In accordance with O.C.G.A. § 38-3-4, the city police department shall be authorized to enforce the orders, rules and regulations contained in this article and/or implemented by the mayor during a declared emergency.
- (b) *Penalties.* Failure to comply with any of the requirements or provisions of this article, or with any order, rule or regulation made effective by the mayor upon or after the declaration of an emergency, shall constitute a violation 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 60 days, or both, for each violation. Any person who assists in a violation of this article shall also be guilty of a misdemeanor and be subject to the same penalty. Each day during which a violation or failure to comply continues shall constitute a separate violation.
- (c) *Injunctive relief.* In accordance with O.C.G.A. § 38-3-5, in addition to the remedies prescribed in this section, the county emergency management director is authorized to obtain an injunction to restrain a violation of any law, code section, order, rule or regulation which is contained in the Georgia Emergency Management Act and/or this Code, and/or which is implemented by the local governing authority during a declared emergency.
- (d) *Enforcement.* Except as otherwise provided in this article, this article may be enforced by the city police department or the county police department.

Sec. 18-13. Liberality of construction.

This chapter shall be construed liberally in order to effectuate its purpose.

(Ord. No. 2020-5, § 1, 9-28-2020)