

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 the City of Hahira, Georgia may be jeopardized by an emergency or disaster by the inability for the local governing authority to act expediently without regard to certain formalities;

WHEREAS, the local governing authority of the City of Hahira, Georgia 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 the City of Hahira 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 §§36-91-22(c) and 32-4-63(6), certain formalities concerning public works contracts may be waived when necessitated by emergency;

WHEREAS, the governing authority of the City of Hahira believes that it is desirable to have legislation in place authorizing the Mayor to waive certain formalities and procedures as necessary in case of an emergency or disaster;

NOW, THEREFORE, BE IT RESOLVED that the governing authority of the City of Hahira hereby enacts the following ordinance to authorize the waiver of certain formalities and procedures in case of an emergency or disaster:

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

- (1) 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 the City of Hahira may be conducted at places other than the regular or usual place thereof, within or outside of the City of Hahira, when it is not prudent, expedient or possible to conduct business at the regular location. When such meetings occur outside of the city, all actions taken by the local governing body shall be as valid and binding as if performed within the City of Hahira. Such meetings may be called by the mayor 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 city governing authority, its designee or the emergency Interim successor, as defined in O.C.G.A. §38-3-50, 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 city 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 city governing authority, or its designee, of the existence of an emergency or disaster, the city governing authority, its designee or the emergency interim successor, as defined in O.C.G.A. §38-3-50, may temporarily suspend the enforcement of the Code of Ordinances of the City of Hahira, 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 city governing authority, or its designee, of the existence of an emergency or disaster, the city governing authority, its designee or the emergency interim successor, as defined in O.C.G.A. §38-3-50, 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.

Section 2. Definitions.

(1) Fees. Any fee or rate 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 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 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 to warrant extraordinary efforts in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.

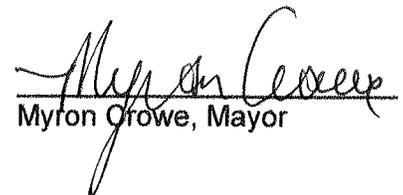
Section 3. Severability.

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 court of competent jurisdiction, such holding shall not affect the remainder of this ordinance.

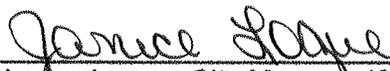
Section 4. Effective Date.

This ordinance shall become effective upon adoption by the local governing authority of the City of Hahira, Georgia."

APPROVED AND ADOPTED by the Hahira City Council this 3rd day of NOVEMBER, 2005.


Myron Crowe, Mayor

ATTEST:


Janice Logue, City Manager/City Clerk