

**AN ORDINANCE TO REQUIRE REGISTRATION
OF BUILDING AND REPAIR SERVICES
DURING A STATE OF EMERGENCY**

WHEREAS, during and following periods of emergency resulting from natural or man made disaster, the public is at risk from unscrupulous building contractors and repair services, scams, and other unconscionable activities related to constructing, repairing, renovating and making improvements to buildings and other structures damaged during the disaster;

WHEREAS, registration of building construction and repair contractors during a declared emergency, as authorized pursuant to the police powers of the City of Hahira, Georgia and §§38-3-28 and 38-3-56 of the Official Code of Georgia Annotated, will provide a means to protect the public from unscrupulous and criminal building and repair contractors;

NOW, THEREFORE, BE IT RESOLVED, that the governing authority of the City of Hahira hereby enacts the following ordinance to require persons, firms, partnerships, corporations and other entities who provide building, construction, repair, renovation and related services to register with and be certified by the City of Hahira prior to doing business within the corporate limits of the City of Hahira during any state of emergency and during any subsequent recovery period:

Section 1. Definitions.

(1) Building contractor. As used in this ordinance the word or term 'building contractor' shall mean any person, firm, partnership, corporation or other entity engaging in, undertaking or carrying on any business consisting of or relating to building construction, repair, renovation or making improvements to real property, including dwellings, homes, buildings, structures, or fixtures attached thereto.

(2) Doing business. Any building contractor shall be deemed to be 'doing business' subject to the requirements of this ordinance if: (a) he has or operates an office, agency, project site or place of business located in the corporate limits of the city of Hahira, whether permanently, temporarily, periodically, or otherwise, that provides in the corporate limits of the city the construction, renovation or repair of dwellings or buildings or the making of improvements to real property or any fixtures attached thereto; or (b) he performs in the corporate limits of the city 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.

(3) State of Emergency. The term 'state of emergency' is defined, pursuant to §38- 3-3(5) of the Official Code of Georgia Annotated, as a condition declared by the Governor when, in his judgment, the threat or actual occurrence of a disaster or 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.

(4) Subsequent Recovery Period. The term 'subsequent recovery period' is defined as that period of time after the state of emergency determined by the governing authority of the City of Hahira during which the disaster continues to cause disruptions in the

disaster area, but shall not exceed three (3) months after the emergency declaration has been terminated by the Governor.

Section 2. Registration.

All building contractors not otherwise licensed by the City of Hahira proposing to do business within the corporate limits of the City of Hahira during a state of emergency or the subsequent recovery period shall register with the director of inspections of the county. Such building contractors shall, under oath, provide the director of inspections with a statement describing the nature of the business to be conducted and give true and correct information as may be requested by the director of inspections.

Section 3. Registration Fees.

Building contractors not otherwise licensed by the City of Hahira registering with the director of inspections pursuant to this ordinance shall pay at the time of registration a registration fee of \$50.

Section 4. Certificate.

Building contractors not otherwise licensed by the City of Hahira approved by the director of inspections of the county based upon such criteria as may be established by the director of inspections shall be issued a certificate permitting such contractor to do business in the corporate limits of the City of Hahira during the state of emergency and subsequent recovery period.

Section 5. Penalties.

Any building contractor not otherwise licensed by the City of Hahira who does business within the corporate limits of the City of Hahira during a state of emergency or subsequent recovery period without first receiving a certificate from the director of inspections as required by this ordinance shall be in violation of this ordinance. Violation of this ordinance, upon conviction, shall be punishable by a fine not to exceed \$1,000 per violation and/or imprisonment not to exceed sixty (60) days. Each day a building contractor does business within the corporate limits of the City of Hahira without complying with this ordinance shall constitute a separate offense.

Section 6. Transferability.

Each certificate issued under this ordinance 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 certificate shall be transferred by the city or the building contractor to another individual or entity.

Section 7. Display of Certificate.

Each certificate issued hereunder 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 certificate shall be exhibited to any authorized enforcement officer when so requested.

Section 8. Revocation; Suspension.

Each certificate granted under this ordinance is a mere permit to engage in the business only so long as said business is conducted in a lawful manner. The city governing authority hereby reserves the right to revoke or suspend any certificate granted hereunder, if the building contractor, or the building contractor's agent or

employee acting within the scope of his employment, violates this ordinance or any other city, state or federal law. If after issuance of a certificate, the city desires to revoke such certificate, written notice thereof 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.

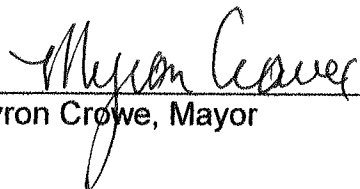
Section 9. Severability.

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 to the ordinance.

Section 10. Effective Date; Expiration.

This ordinance shall take effect on the date of its being duly adopted and shall apply to all building contractors doing business in the corporate limits of the City of Hahira on that date and doing business on any date thereafter. However, this ordinance and any certificate issued pursuant to it shall be operative only during the period of a declared state of emergency and any subsequent recovery periods."

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



Myron Crowe, Mayor

ATTEST:



Janice Logue, City Manager/City Clerk