



## CITY of VALDOSTA, GEORGIA

John Gayle  
Mayor

# PROCLAMATION

**WHEREAS**, the City of Valdosta, Georgia has experienced an event of critical significance as a result of Hurricane Irma on September 7, 2017; and

**WHEREAS**, as Mayor of the City of Valdosta and with the advice of the Lowndes County Emergency Management Agency, there exist emergency circumstances located in Valdosta and Lowndes County requiring extraordinary and immediate corrective actions for the protection of health, safety, and welfare of the citizens of the City of Valdosta, including individuals with household pets and service animals; and

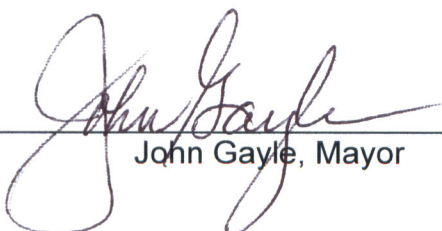
**WHEREAS**, to prevent or minimize injury to citizens and damage to property resulting from this event.

**NOW, THEREFORE**, I, John Gayle, Mayor of the City of Valdosta, pursuant to the authority invested in me by local and state law do hereby declare that a state of local emergency exists and shall continue until the conditions requiring this declaration are abated.

**IT IS THEREFORE NOW ORDERED** that the Lowndes County Emergency Management Agency activates the Emergency Operations Plan and that the following Section of the City of Valdosta's Code of Ordinances, Chapter 30, Civil Emergencies, Article II - State of Emergency Curfew, and Article III - Emergency Management be implemented.

**SO PROCLAIMED** this 7<sup>th</sup> day of September, 2017.



  
John Gayle, Mayor

Chapter 30

**CIVIL EMERGENCIES\***

**Article I. In General**

Secs. 30-1—30-30. Reserved.

**Article II. State of Emergency Curfew**

- Sec. 30-31. Authorized.
- Sec. 30-32. Mayor's powers.
- Sec. 30-33. Proclamation ending state of emergency.
- Sec. 30-34. Restrictions.
- Sec. 30-35. Extensions, alterations, repeal.
- Sec. 30-36. Violations.
- Sec. 30-37. Price gouging.
- Secs. 30-38—30-70. Reserved.

**Article III. Emergency Management**

Division 1. Generally

- Sec. 30-71. Definitions.
- Sec. 30-72. Unlawful acts during emergencies.
- Secs. 30-73—30-100. Reserved.

Division 2. Emergency Management Agency

- Sec. 30-101. Participation.
- Sec. 30-102. Director—Appointment.
- Sec. 30-103. Same—Duties.
- Sec. 30-104. Composition, functions.
- Sec. 30-105. Powers during an emergency, disaster.
- Sec. 30-106. Volunteers.
- Sec. 30-107. Penalties.

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\***Cross references**—Administration, ch. 2; court, ch. 34; fire protection and prevention, ch. 46; law enforcement, ch. 66.

**State law references**—Georgia Mutual Aid Act, O.C.G.A. § 36-69-1 et seq.; Georgia Emergency Management Act of 1981, O.C.G.A. § 38-3-1 et seq.; Interstate Civil Defense and Disaster Compact, O.C.G.A. § 38-3-70 et seq.

**ARTICLE I. IN GENERAL**

**Secs. 30-1—30-30. Reserved.**

**ARTICLE II. STATE OF EMERGENCY CURFEW****Sec. 30-31. Authorized.**

(a) A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe or similar public emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property.

(b) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the city, or threatening damage to or destruction of property, the mayor is authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively protect the lives and property of people within the city, to place in effect any or all of the restrictions authorized in this article.

(Code 1976, § 3-3001(a), (b))

**Sec. 30-32. Mayor's powers.**

The mayor is authorized and empowered to limit by a state of emergency proclamation the application of all or any part of such restrictions to any area specifically designated or described within the corporate limits of the city and to specify hours of the day or night; and to exempt from all or any part of such restrictions law enforcement officers, firemen and other public employees, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel, whether state or federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the city.

(Code 1976, § 3-3001(c))

**Sec. 30-33. Proclamation ending state of emergency.**

The mayor shall proclaim the end of a state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the council.

(Code 1976, § 3-3001(d))

**Sec. 30-34. Restrictions.**

During the existence of a proclaimed state of emergency, the mayor may impose by proclamation any or all of the following restrictions:

- (1) Prohibit or regulate the possession on one's own premises of explosives, firearms, ammunition or dangerous weapons of any kind, and prohibit their purchase, sale, transfer, or other disposition.

- (2) Prohibit or regulate the buying or selling of beer, wine or intoxicating beverages of any kind, and their possession or consumption off one's own premises.
- (3) Prohibit or regulate any demonstration, parade, march, vigil or participation therein from taking place on any of the public ways or upon any public property.
- (4) Prohibit or regulate the sale of gasoline, kerosene, naphtha or any other explosive or flammable fluids or substances.
- (5) Prohibit or regulate travel upon any public street, alley or roadway or upon any other public property, except by those in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of themselves or their families or some member of the family.
- (6) Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment, and any other places of public assembly.

(Code 1976, § 3-3001(e))

**Sec. 30-35. Extensions, alterations, repeal.**

Any proclamation of a state of emergency may be extended, altered or repealed in any particular during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.

(Code 1976, § 3-3001(f))

**Sec. 30-36. Violations.**

(a) During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this article.

(b) No person shall violate any provision of this article or any provision of any restriction imposed by any proclamation authorized by this article.

(Code 1976, § 3-3001(g), (h))

**Sec. 30-37. Price gouging.**

(a) During the existence of a state of emergency proclaimed by the mayor or a statewide emergency as defined under O.C.G.A. § 38-3-3, it shall be unlawful for any person doing business in the city, for as long as such state of emergency exists, to rent or lease a hotel or motel room within the city at a price higher than the price of the operation's advertised rates (i.e., billboard, chain directory, internet, magazine, newspaper, etc.) prior to the declaration of the state of emergency.

(b) During the existence of a proclaimed state of emergency or a statewide emergency as defined under O.C.G.A. § 38-3-3, it shall be unlawful for any person doing business in the city, for as long as such emergency exists, to sale or offer for sale at retail any goods or services necessary to protect or sustain the life, health or safety of persons or their property at a price

higher than the price of the operation's advertised rates (i.e., billboard, chain directory, internet, magazine, newspaper, etc.) prior to the declaration of the state of emergency; provided, however, that such price may be increased only in an amount which accurately reflects an increase in the cost of goods or services to the person selling the goods or services, or an increase in the cost of transporting the goods or services into the city.

**Secs. 30-38—30-70. Reserved.**

### ARTICLE III. EMERGENCY MANAGEMENT

#### DIVISION 1. GENERALLY

##### **Sec. 30-71. 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:

*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 reference**—Definitions generally, § 1-2.

**Sec. 30-72. Unlawful acts during emergencies.**

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

**Secs. 30-73—30-100. Reserved.**

DIVISION 2. EMERGENCY MANAGEMENT AGENCY

**Sec. 30-101. Participation.**

It is the desire and intent of the mayor and council that the city be a part of the county emergency management agency.

**Sec. 30-102. Director—Appointment.**

The chairman of the county commission, with concurrence of the mayors of cities within the county, shall nominate for appointment, by the governor, a director of emergency management for the entire county.

**Sec. 30-103. Same—Duties.**

When appointed, the emergency management director is charged with the following duties:

- (1) Represent the mayor and council on matters pertaining to emergency management of a general nature. Direction and management of city department will be at the direction of the city manager;
- (2) Assist city officials in organizing city department;
- (3) Develop, in conjunction with city and county departments the county plan for emergency functions set forth in section 30-104, such plan to be in consonance with the state natural disaster operations plan and nuclear emergency operations plan, and shall be submitted to the governing officials of the county and the cities therein for approval, and thence 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 governing officials in keeping with good management practices, e.g., financial, daily activity, etc.;
- (6) Obtain, with the authority of governing officials, a facility to be used as the county emergency operating center; and
- (7) Coordinate the activities of the county emergency operating center staff during periods of an emergency, under the supervision of the county governing officials.

**Sec. 30-104. Composition, functions.**

(a) The county emergency management agency shall be established around existing city and county departments. The emergency functions are assigned as follows:

| <i>Department / Agency</i>                               | <i>Functions</i>  |
|--|---|
| (1) Mayor, chairman of the board of county commissioners | Direction and control   |
| (2) Sheriff's department and police department           | Police services<br>Search and recover<br>Communications   |
| (3) Emergency management agency                          | Public information<br>State military support<br>Training<br>Preliminary damage<br>Public property assistance<br>Specific preparedness<br>Specific hazards |
| (4) Fire department                                      | Search, rescue and recovery<br>Fire services<br>Hazardous material<br>Radiological protection   |
| (5) Public works   | Engineering<br>Petroleum and solid fuel<br>Services<br>Utilities  |
| (6) School superintendent                                | Transportation services<br>Food services  |
| (7) Health department                                    | Health and medical services   |
| (8) Clerk's office                                       | Administrative services<br>Resources management   |

| <i>Department / Agency</i>                     | <i>Functions</i>                                 |
|--|--|
| (9) Department of family and children services | Social services<br>Shelter and temporary housing |

(b) Heads of city departments listed in subsection (a) of this section are responsible for developing appropriate annexes to the local emergency operations plan (EOP) for their assigned emergency functions. Such annexes will be submitted to the emergency management director for inclusion in the local EOP for submission to appropriate local officials for approval.

**Sec. 30-105. Powers during an emergency, disaster.**

Upon a manmade or natural disaster, actual enemy attack upon the United States, or any other emergency which may affect the lives and property of the citizens of the city, the mayor separately, or jointly with the chairman of the county commissioners, or in their absences their legally appointed successors, may determine that an emergency or disaster exists and thereafter shall have and may exercise for such period as such emergency or disaster exists or continues the following powers:

- (1) Enforce all rules, laws and regulations relating to emergency management, and to assume direct operational control over all emergency management resources;
- (2) Seize or take for temporary use any private property for the protection of the public;
- (3) Sell, lend, give or distribute all or any such property or supplies among the inhabitants of the county and to maintain a strict accounting of property or supplies distributed and for funds received for such property or supplies; and
- (4) Perform and exercise such other functions and duties and take such emergency actions as may be necessary to promote and secure the safety, protection and well-being of the inhabitants of the county.

**Sec. 30-106. Volunteers.**

All persons other than officers and employees of the city volunteering in service pursuant to the defense under this article shall serve without compensation. While engaged in such service, they shall have the same immunities as officers and employees of the city performing similar duties.

**Sec. 30-107. Penalties.**

Any person violating any provision of this division, or any rule, order, or regulation made pursuant to this division, shall, upon conviction, be punished as provided in section 1-11.