

Thomasville Municipal Code  
As of March 26, 2020

Chapter 7

EMERGENCY MANAGEMENT

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Section 7-1 Regulations Continued in Effect.

All laws, ordinances, rules and regulations in force in the City of Thomasville inconsistent with Article 1 through Article 3 of chapter 3, Emergency Management, of O.C.G.A., Title 38, and any law, rule, regulation, or executive order issued by the Governor pertaining to civil defense, emergency management and disaster relief, shall be suspended from enforcement during any period of a declared state of emergency for so long as such state of emergency continues to exist. All other laws, ordinances, rules and regulations of the city, not inconsistent with the aforesaid articles, shall continue in full force and effect during any declared state of emergency; provided, however, the powers and function of the city shall be exercised in light of and in a manner and time commensurate with the exigencies of the emergency situation, including without regard to or compliance with time-consuming procedures and formalities prescribed by law and pertaining thereto. Moreover, the city manager shall, to the extent possible and practicable in light of and in a manner and time commensurate with the exigencies of the emergency situation, keep the City Council of the City of Thomasville apprised of all actions taken pursuant to this Chapter 7 during a declared state of emergency. All acts of the governing body of this city and its officers shall be presumed valid, binding and enforceable. Provided however and notwithstanding anything herein to the contrary, this chapter shall not create or be deemed to create and does not create a separate local emergency management organization as contemplated by O.C.G.A. § 38-3-27.

(ORD of 8-24-87, § I; ORD of 3-25-2020, § I)

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Section 7-2 Emergency Management and Response Powers.

(a) Emergency powers. Pursuant to O.C.G.A. § 38-3-27(b), following a declaration of emergency pursuant to O.C.G.A. § 38-3-51 by the Governor that is state wide, includes Thomas County or the City of Thomasville and a declaration by the City Council of the City of Thomasville of a local state of emergency and during the continuance of such state of emergency, the city manager, or his designee(s), is authorized to implement local emergency measures to protect life and property or to bring the emergency situation under control, as provided for in this Chapter 7. Alternatively and pursuant to O.C.G.A. § 38-3-27(b), upon a declaration by the City Council of the City of Thomasville of a local state of emergency when no state of emergency has been declared by the Governor that is applicable to the City of Thomasville, and during the continuance of such state of emergency, the city manager, or his designee(s), is authorized to implement local emergency measures to protect life and property or to bring the emergency situation under control, as provided for in this Chapter 7. In exercising this authority, the city manager may by issuance of an administrative order cause to become effective Section 7-5 (Closed or Restricted Areas and Restriction on Travel During Emergency; Prohibitions or Limitations on Public Assemblages and Gatherings). If an administrative order is entered directing implementation of Section 7-5, the same shall be filed in the office of the city manager and shall remain in effect until the state of emergency has terminated, unless ordered otherwise by action of the City Council of the City of Thomasville.

(b) Additional emergency powers. The city manager (see subsection 7-2 (a)) shall have and may exercise for such period as the declared emergency exists or continues, the following additional emergency powers:

(1) 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;

(2) To prescribe routes, modes of transportation and destinations in connection with evacuation;

(3) To make provision for the availability and use of temporary emergency housing, emergency shelters and/or emergency medical facilities;

(4) 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;

(5) 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 and a separate accounting for any declared emergency or disaster will be maintained and provided to the City Council;

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(6) 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;

(7) To suspend any law, code provision or regulation prescribing the procedures for conduct of city business, or the orders, rules or regulations of any city 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 and possible, specialists shall be assigned to avoid adverse effects resulting from such suspension;

(8) To provide welfare 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;

(9) To temporarily increase compensation, identify discretionary services, if warranted, and temporarily modify rates of pay of employees specified by the city manager.

(10) To suspend utility disconnections for non-payment during the duration of the declared emergency.

(11) 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 to the extent allowed by law and not otherwise prohibited by law.

(c) Contracts with local governments. In addition to the normal agreements embodied in the local emergency operations plan for mutual emergency assistance, the city may contract with any municipality or county for the administration of a local emergency response program.

(ORD of 8-24-87, § I; ORD of 3-25-2020, § I)

Section 7-3 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 chapter and/or as implemented by the city manager during a declared emergency.

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(b) Penalties. Failure to comply with any of the requirements or provisions of the regulations contained in this chapter, or with any law, order, rule or regulation made effective by upon or after the declaration of an emergency shall constitute a violation of the provisions of this chapter. Any person who violates any provision in this chapter shall, upon conviction thereof, be punishable as provided in Section 1-6 of Chapter 1 of the Code of Ordinances of the City of Thomasville.

(c) Injunctive relief. In accordance with O.C.G.A. § 38-3-5, in addition to the remedies prescribed in this section, the city manager is authorized to seek an injunction to restrain violation of laws, ordinances, orders, rules and regulations which are contained in the Georgia Emergency Management Act and/or this Code, and/or which are implemented within the local governing authority during a declared emergency.

(ORD of 8-24-87, § I; ORD of 3-25-2020, § I)

Section 7-4 Authority to Waive Procedures and Fee Structures.

(a) Public works contracts. Upon declaration of an emergency or disaster by the Governor and the City Council of the City of Thomasville, or a declaration of a local state of emergency by the City Council of the City of Thomasville independent of any action on the part of the Governor, the city manager or his designee(s) 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 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).

(b) Purchasing. Upon declaration of an emergency or disaster by the Governor and the City Council of the City of Thomasville, or a declaration of a local state of emergency by the City Council of the City of Thomasville independent of any action on the part of the Governor, the purchasing ordinances, regulations or policies may be suspended. City officials shall continue to seek to obtain the best prices during the state of emergency.

(c) Code enforcement. Upon declaration of a state of emergency or disaster by the Governor and the City Council of the City of Thomasville, the City Council of the City of Thomasville may temporarily suspend the enforcement of the codes and 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.

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(d) Fees. Upon declaration of a state of emergency or disaster by the Governor and the City Council of the City of Thomasville, or a declaration of a local state of emergency by the City Council of the City of Thomasville independent of any action on the part of the Governor, the city manager or his designee(s) 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 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. The term "fees" does not include fees collected by the city on behalf of the state or federal government or fees charged by the city pursuant to a state or federal statute or regulation.

(e) Temporary dwellings. Upon the declaration of a state of emergency or disaster by the Governor and the City Council of the City of Thomasville, or a declaration of a local state of emergency by the City Council of the City of Thomasville independent of any action on the part of the Governor, the city manager or his designee(s) may issue temporary permits for manufactured housing, trailers, recreational vehicles, or other temporary dwelling structures in any zoning district, even though not otherwise permitted by Chapter 22, the Comprehensive Zoning Ordinance, while the primary dwelling is being repaired. The temporary permit shall not exceed six months in duration, unless extended by the city governing authority. Upon expiration of the temporary permit and/or extension, the temporary dwelling must be removed.

(ORD of 8-24-87, § I; ORD of 3-25-2020, § I)

Section 7-5 Closed or Restricted Areas and Restrictions on Travel During Emergency;  
Prohibitions or Limitations on Public Assemblages and Gatherings;  
Temporary Closure of City Buildings to General Public.

(a) 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, or any other public property, place or places designated by the city manager during a declared emergency between hours specified by the city manager, as approved by a majority vote of the City Council, until such restrictions are lifted.

(b) To promote order, protect lives, minimize the potential for looting and other crimes, and facilitate recovery operations during an emergency, the city manager shall have discretion to impose reentry restrictions on areas any and all public property and places, including but not limited to parks, roads, sidewalks and rights of way. The city manager shall exercise such

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discretion in accordance with applicable local emergency operations plans, which are required to be followed during emergencies.

(c) To preserve, protect or sustain the life, health, welfare or safety of persons, or their property, the city manager shall have discretion to prohibit or limit all public assemblages, events, and gatherings, including but not limited to the number of people who may gather or assemble, within the territorial limits of the City of Thomasville, at such locations and upon such terms, conditions, and circumstances as the city manager may determine and specify by administrative order, on any and all facilities owned by the City of Thomasville or on any public property of any kind and description whatsoever.

(d) To preserve, protect or sustain the life, health, welfare or safety of persons, or their property, the city manager shall have discretion to temporarily close some or all city buildings and offices to the general public upon such terms, conditions, and circumstances as the city manager may determine and specify by administrative order.

(e) 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 other public entity;
- (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 an emergency management agency (EMA);
- (8) Authorized and essential utility repair crews; and
- (9) Other authorized and essential persons as designated on a list compiled by the city manager or his designees or who by state or federal law are exempt from compliance with this Section and any orders issued pursuant to this Section;
- (10) Members of the City Council.

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(f) Enforceability. This section shall be enforced by law enforcement officers or any 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.

(g) Effective date. This section shall become effective only upon the issuance of an administrative order by the city manager stating this section is in effect.”

(ORD of 8-24-87, § I; ORD of 3-25-2020, § I)