

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

Section 15-004 Registration of Building and Repair Services During a State of Emergency

1. Definitions

(A) As used in this ordinance, the term "building contractor" shall mean 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.

(B) Any building contractor shall be deemed to be "doing business" subject to the requirements of this ordinance if:

(1.) he has or operates an office, agency, project site or place of business located in the unincorporated areas of the county, whether permanently, temporarily, periodically or otherwise, that provides the following activities in the unincorporated areas of the county expressly including but not limited to the construction, renovation or repair of dwellings or buildings or the making of improvements to real property or any fixtures attached thereto; or

(2.) he performs the following activities or services in the unincorporated areas of the county expressly including but not limited to 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.

(C) 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 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.

(D) The term "subsequent recovery period" is defined as that period 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.

2. Building Contractor Registration Required

No person, firm, partnership, corporation, or other entity shall engage in, undertake, or carry on any business in whole or in part within the unincorporated areas of Newton County, consisting of or relating to building, constructing, repairing, renovating or making improvements to real property including dwellings, homes, buildings, structures or fixtures attached thereto without having registered the name of the business with the Newton County Board of Commissioners and having paid fees as provided by this ordinance.

3. Registration; Certification

All building contractors doing business or proposing to do business in the unincorporated areas of Newton County during a state of emergency or the subsequent recovery period shall register and file applications with the clerk of the Newton County Board of Commissioners or such other person designated by the Board of Commissioners at the county courthouse or such other place or places designated by the County. The building contractor shall, under oath, provide the Board of Commissioners with a statement describing the general nature of the business to be conducted and give true and correct information as may be called for on the registration form, application or certificate provided by the County.

4. Registration fees

Building contractor registration fees are hereby fixed under the terms and conditions of this ordinance at \$50.00 per annum. Registration fees shall be paid in full at the time of issuance of the registration certificate.

5. Penalties

Any building contractor required by this ordinance to pay a registration fee who engages in business without first registering and receiving a registration certificate from the County as required 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 in the unincorporated areas of Newton County without complying with this ordinance shall constitute a separate offense.

6. Transferability

Each certification 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 certification shall be transferred by the County or the building contractor to another individual or entity.

7. Display of registration certification

Each certification issued hereunder shall be posted conspicuously by the building contractor or shall be carried on his person or vehicle used in such business. Such certification shall be exhibited to any authorized enforcement officer when so requested.

8. Revocation; Suspension

Each certification 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 Board of Commissioners hereby reserves the right to revoke or suspend any certification 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 county, state, or federal law. If after the issuance of a certification, the County desires to revoke such certification, 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.

9. Severability

If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of the ordinance.

SO ORDAINED, this 20th day of April 2004.

NEWTON COUNTY BOARD OF COMMISSIONERS

By: *Aaron Varner*
Aaron Varner, Chairman

Attest: *Jackie Smith*
Jackie Smith, Clerk



**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
April 20, 2004**

**O-042004d4 Emergency Management Ordinance/To Require
Registration of Building & Repair Services During a State of
Emergency**

Motion: To adopt O-042004d4 Emergency Management Ordinance/To require registration of building and repair services during a State of Emergency as presented by the County Attorney's office.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner Mort Ewing, District One

Motion Carried

Note: The original ordinance is contained in file number O-042004d4, incorporated herein by reference and expressly made a part of these minutes.