

AN ORDINANCE AUTHORIZING THE SUSPENSION OF PORTIONS OF THE CODE OF ORDINANCES AND OTHER FORMALITIES DURING A STATE OF EMERGENCY

Section 15-006 The Suspension of Portions of the Code of Ordinances and Other Formalities During a State of Emergency

1. Definitions

(A) The term "fee" shall mean any fee or rate charged by the county 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.

(B) The term "state of emergency" as defined by O.C.G.A. § 38-3-3(5), shall mean 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 as to warrant extraordinary efforts in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.

(C) The term "subsequent recovery period" shall mean the period of time that the disaster or emergency continues to cause disruptions in the area impacted by the disaster or emergency. The "subsequent recovery period" shall not exceed six (6) months after the State of Emergency declaration by the Governor is terminated unless extended by official action of the governing authority of Newton County.

(D) The term "temporary dwelling" shall mean any mobile or easily movable home, trailer, recreational vehicle or structure not otherwise permitted by the zoning regulations in a particular zoning district.

2. Authority to Waive Procedures and Fee Structures.

(A) **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 Newton County may be conducted at places other than the regular or usual place thereof, within or outside of Newton County, when it is not prudent, expedient or possible to conduct business at the regular location. When such meetings occur outside of Newton County, all actions taken by the local governing body shall be as valid and binding as if performed within Newton County. Such meetings may be

called by the presiding officer or any two members of the governing body without regard to or compliance with time consuming procedures and formalities otherwise required by law.

(B) 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 county governing authority, their designee or the emergency interim successor 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 county as soon as practical and the nature of the emergency described therein.

(C) Code Enforcement. 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 county governing authority, their designee or the emergency interim successor may temporarily suspend the enforcement of the Code of Ordinances of Newton County, or any portion thereof, where: (1.) the emergency or disaster is of such nature that immediate action outside the Code is required; (2.) such suspension is consistent with the protection of the public health, safety and welfare; and (3.) such suspension is not inconsistent with any federal or state statutes or regulations.

(D) Fees. 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 county governing authority, their designee or the emergency interim successor 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.

(E) Temporary Dwellings. 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 county governing authority, their designee or the emergency interim successor may issue temporary mobile home, trailer, recreational vehicle or other temporary dwelling structures or parks in any zoning district while the primary dwelling is being repaired provided that such temporary dwellings or parks are designed by an engineer and the plans are approved by the Newton County Health Department and Newton County Building and Inspections Department. The temporary permit shall not exceed six (6) in duration. In the case of continuing hardship and in the discretion of the governing authority or its designee, the permit may be extended for a period for an additional six (6) months. Upon expiration of the temporary permit or an extension, the temporary dwelling shall be removed.

3. Severability

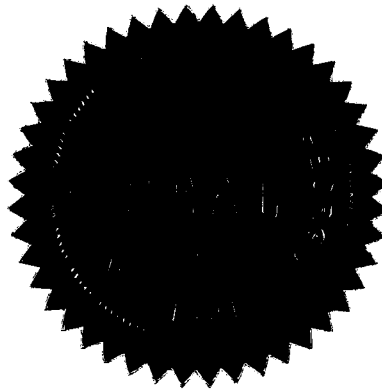
If any section, paragraph, sentence, clause, phrase or word of this ordinance is, for any reason, held to be unconstitutional, inoperative, or void by any court of competent jurisdiction, such holding shall not affect the remainder of this ordinance.

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-042004d2 Emergency Management Ordinance/Suspension of Portions of the Code of Ordinances and Other Formalities During a State of Emergency

Motion: To adopt O-042004d2 Emergency Management Ordinance/Authorizing the suspension of portions of the Code of Ordinances and other formalities during a State of Emergency as presented by the County Attorney's office.

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner Monty Laster, District Five

Motion Carried

Note: The original ordinance is contained in file number O-042004d2, incorporated herein by reference and expressly made a part of these minutes.