

38 causes. These functions include, without limitation, firefighting services; police
39 services; emergency medical services; rescue; engineering; warning service;
40 communication; defense from radiological, chemical, biological and other
41 special weapons to include weapons of mass destruction; evacuation of persons
42 from stricken areas, emergency welfare services; consequence management
43 functions to include victim services; emergency transportation; plant protection;
44 temporary restoration of public utility services; and other functions related to
45 civilian protection, together with all other activities necessary or incidental to
46 the preparation for and carrying out of the foregoing functions.
47

48 **Sec. 11-2. Emergency Management Director.**

49 (a) The Mayor shall nominate, for approval by the Georgia Director of
50 Emergency Management and the Governor, a city Emergency
51 Management Director. If the person nominated as Director will be
52 receiving compensation from the City for this position, the Mayor's
53 nomination shall be subject to confirmation by the City Council. The
54 Director will work with the County to develop an Emergency
55 Management Plan or assist and participate in the County's existing
56 Emergency Management Plan. ~~The appointed director shall meet the~~
57 qualifications detailed by O.C.G.A. §38-3-27.

58 (b) If the Director is compensated for his/her services as the City Emergency
59 Management Director, the Director shall meet the requirement
60 qualifications in O.C.G.A. §38-3-27, including being at least 21 years of
61 age, without a felony conviction, a completed high school education and
62 all initial courses required by the Georgia Director of Emergency
63 Management within 180 days following nomination, and capability to
64 draft appropriate disaster plans, respond to emergency scenes or operation
65 centers, coordinate emergency response of public and private agencies,
66 attend training and attend all meetings convened by the Georgia Director
67 of Emergency Management. If the compensated Director is a full-time

68 compensated employee, the Director shall have no other private or public
69 sector employment that conflicts, or has potential to conflict, with his role
70 as City Emergency Management Director, and shall be a certified
71 emergency manager under the Georgia Emergency Management and
72 Homeland Security Agency's Certified Emergency Manager Program.

73 (c) If the Director is compensated part-time for said role and is also a part-
74 time employee of the City in another capacity, the Mayor and Council,
75 upon approval of said Director by the Georgia Director of Emergency
76 Management and the Governor, shall adopt an Ordinance specifying that,
77 while acting as City Emergency Management Director, the Director shall
78 relinquish his authority and responsibility associated with his other role
79 and shall name another person to assume such responsibilities while the
80 Director is assuming the emergency management duties, including all
81 duties specified in subsection (b) above. If the Director is a part-time
82 employee in a private sector, said Director must submit a letter from his
83 employer stating that he will be permitted to assume his role as City
84 Emergency Management Director when necessary without any penalty for
85 his alternate private sector role.

86
87 **Sec. 11-3. Emergency Powers.**

88 In the event of manmade or natural disaster, actual enemy attack upon the United
89 States or any other emergency which may affect the lives and property of the
90 citizens of the City, the Mayor, or in his absence a legally appointed successor,
91 may exercise for such period as such state of emergency exists or continues, the
92 following emergency powers:

- 93 (1) To enforce all rules, laws, and regulations relating to emergency
94 management and to assume direct operational control over all
95 emergency management resources;
- 96 (2) To establish, when necessary, local restrictions pertaining to
97 curfew and the sale of liquor, gasoline and weapons;

98 (3) To perform and exercise such other functions and duties, and take
99 such emergency actions as may be authorized by law to promote
100 an secure the safety, protection and well-being of the inhabitants of
101 the City, including those powers provided by O.C.G.A. §33-8-27.
102

103 **Sec. 11-4. Volunteers.**

104 All persons, other than officers and employees of the City, performing emergency
105 functions pursuant to this Chapter, shall serve without compensation. While
106 engaged in such emergency functions, duly assigned volunteers shall have the
107 same immunities as City officers and employees.
108

109 **Sec. 11-5. Prohibited pricing practices during state of emergency.**

110 (a) It shall be an unlawful, unfair, and deceptive trade practice for any person,
111 firm, or corporation doing business in any area of the City in which a state
112 of emergency, as such term is defined in this Chapter has been declared,
113 for as long as such state of emergency exists, to sell or offer for sale at
114 retail any goods or services necessary to preserve, protect, or sustain the
115 life, health or safety of persons or their property at a price higher than the
116 price at which such goods were sold or offered for sale immediately prior
117 to the declaration of a state of emergency, provided, however, that such
118 price may be increased only in an amount which accurately reflects an
119 increase in cost of the goods or services to the person selling the goods or
120 services or an increase in the cost of transporting the goods or services
121 into the area.

122 (b) Notwithstanding the provisions of subsection (a) of this section, a retailer
123 may increase the price of goods or services during a state of emergency if
124 the price charged for those goods or services is no greater than the cost to
125 the retailer of those goods or services, plus the retailer's average markup
126 percentage applied during the ten days prior to the declaration of a state of
127 emergency.

128 (c) Upon conviction in municipal court, a person found violating this Chapter
129 shall be punished in accordance with Chapter 1 of this Code.
130

131 **Section 2:**
132

- 133 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
134 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
135 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
136 constitutional.
- 137 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
138 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
139 phrase of this Ordinance is severable from every other section, paragraph, sentence,
140 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
141 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,
142 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
143 section, paragraph, sentence, clause or phrase of this Ordinance.
144
- 145 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
146 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
147 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
148 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,
149 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
150 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
151 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
152 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
153 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
154
155
- 156 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
157 are hereby expressly repealed.
158
- 159 5. The within ordinance shall become effective upon its adoption.
160
- 161 6. The provisions of this Ordinance shall become and be made part of The Code of the City
162 of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to
163 accomplish such intention.

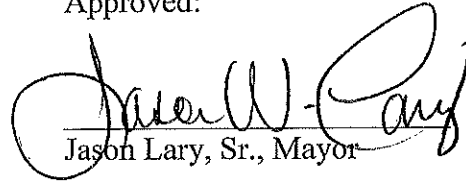
164 **SO ORDAINED AND EFFECTIVE** this the 15 day of October, 2018.
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STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

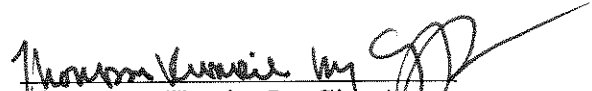
ORDINANCE 2018-_____

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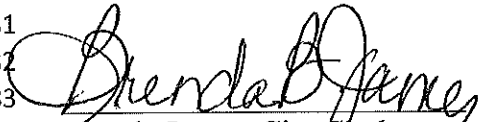
Approved:


Jason Lary, Sr., Mayor

As to form:


Thompson Kurrie, Jr., City Attorney

Attest:


Brenda James, City Clerk