

**AN ORDINANCE TO PROHIBIT OVERCHARGING FOR
GOODS, MATERIALS, SERVICES AND HOUSING DURING A STATE OF
EMERGENCY**

WHEREAS, the health, safety and welfare of the citizens of the City of Hahira, Georgia depend upon the availability and affordability of certain essential goods, materials, services and housing;

WHEREAS, during certain periods of emergency resulting from natural or manmade disaster, citizens of the City of Hahira are at risk from dramatic and unjustified increases in the prices of said goods, materials, services and housing;

WHEREAS, such increases in price may be excessive and unconscionable during a state of emergency and may hinder the ability of the community to recover from the disaster;

WHEREAS, legislation is necessary to prohibit any person from raising prices for goods, materials, services and housing to excessive, unconscionable or unfair levels during a declared state of emergency or subsequent recovery period;

WHEREAS, limitations on price overcharging during a declared emergency is authorized pursuant to the police powers of the City of Hahira and §38-3-28 of the Official Code of Georgia Annotated;

NOW, THEREFORE, BE IT RESOLVED that the governing authority of the City of Hahira hereby enacts the following ordinance relative to the prohibition of overcharging for goods, materials, services and housing during periods of declared emergency or subsequent recovery periods:

"Section 1. Overcharging Prohibited.

(a) In order to preserve, protect, or sustain the life, health, or safety of persons or their property, it shall be unlawful for any person, firm, or corporation doing business in the City of Hahira during a state of emergency or subsequent recovery period to sell or offer for sale at retail any goods or services necessary to preserve, protect, or sustain the life, health, or safety of persons or their property at a price higher than the price at which such goods were sold or offered for sale immediately prior to the declaration of a state of emergency; provided, however, such price may be increased in an amount which accurately reflects an increase in cost of the 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 area.

(b) Notwithstanding the provisions of subsection (a) of this section, a retailer or installer of lumber, plywood, and other lumber products may increase the price of such products as may be necessary to replenish his or her existing daily stock at current market rates, maintaining the same markup percentage he or she applied prior to the state of emergency.

(1) State of Emergency. 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 or 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.

(2) Subsequent Recovery Period. The term 'subsequent recovery period' is defined as that period of time after the state of emergency determined by the governing authority of Lowndes County during which the disaster continues to cause disruptions in the disaster area.

Section 3. Penalties.

Violation of the provisions of this ordinance upon conviction shall be punishable by a fine not to exceed \$1,000 per violation or imprisonment not to exceed sixty (60) days, or both such fine and imprisonment. Each sale shall constitute a separate offense.

Section 4. 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 the ordinance.

Section 5. Effective Date.

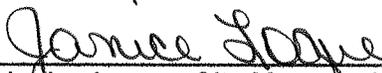
This ordinance shall take effect on the date of its being duly adopted but shall be operative only during the period of a declared state of emergency and any subsequent recovery periods."

APPROVED AND ADOPTED by the Council of the City of Hahira this 3rd day of NOVEMBER, 2005.



Myron Crowe, Mayor

ATTEST:



Janice Logue, City Manager/Clerk