

**IN THE SUPERIOR COURTS of POLK and HARALSON COUNTIES  
TALLAPOOSA JUDICIAL CIRCUIT  
STATE OF GEORGIA**

**IN RE:**

**DECLARATION OF  
JUDICIAL EMERGENCY  
in the  
TALLAPOOSA JUDICIAL CIRCUIT**

**DURATION of COURTHOUSE OPERATIONS CLOSURE:**

**BEGINS- Thursday September 26, 2024, at 5:00 PM**

**until**

**ENDS- Monday, September 30, 2024, at 8:00 AM**

**ORDER DECLARING JUDICIAL EMERGENCY IN THE  
TALLAPOOSA JUDICIAL CIRCUIT**

WHEREAS, on September 24, 2024, Georgia Governor Brian Kemp issued an Executive Order pursuant to OCGA §§ 38-3-28 and 38-3-51 declaring a State of Emergency throughout Georgia for Tropical Storm Helene; and,

WHEREAS, the undersigned as chief Superior Court judge for the Tallapoosa Judicial circuit has determined that Governor Kemp's declaration creates a judicial emergency pursuant to OCGA § 38-3-60; and,

WHEREAS, the undersigned, after consulting with the clerks and judges of all courthouse-based courts within this Circuit, has further determined that within the Tallapoosa Judicial Circuit, the emergency substantially endangers or infringes upon the normal functioning of the judicial system, the ability of persons to avail themselves of the judicial system, or the ability of litigants or others to have access to the courts or to meet schedules or time deadlines imposed by court order or rule, statute, or administrative rule or regulation.

**NOW, THEREFORE, it is ORDERED** as follows:

1.

Pursuant to O.C.G.A. § 38-3-61, Chief Judge Mark H. Murphy of the Superior Courts of Polk County and Haralson County, Georgia, which comprise the Tallapoosa Judicial Circuit **DOES HEREBY DECLARE** the existence of a Judicial Emergency in the Tallapoosa Judicial Circuit.

2.

The jurisdictions affected by this Judicial Emergency include all courthouse operations in and at the Polk County Courthouse in Cedartown, Georgia, and all courthouse operations in and at the Haralson County Courthouse located in Buchanan, Georgia.

3.

The nature of the emergency necessitating this Order is the State of Emergency declared by Governor Brian Kemp pursuant to Executive Order 09.24.24.01, attached hereto as Exhibit A. Although the storm elements are predicted to pass through the Tallapoosa Circuit and the greater Northwest Georgia area by Friday afternoon, widespread power outages and travel limitations are expected to linger for some time afterward, making judicial activities for those courts whose jurisdiction involves matters on 48- and 72-hour timelines difficult and potentially dangerous for citizens and court personnel, and rendering electronically dependent remote court services unavailable.

4.

The **period of duration** for this **Judicial Emergency** shall begin at **5:00 o'clock PM** on Thursday, the **26<sup>th</sup> day of September 2024**, and shall end at **8:00 o'clock AM** on Monday, the **30<sup>th</sup> day of September 2024**.

5.

*Other information relevant to the suspension or restoration of court operations:*

- (a) ALL judicial offices, clerk of court offices, and all other courthouse-based offices providing accountability court services, misdemeanor probation services, legal prosecution and defense representation, and courthouse security located at both the Polk County Courthouse and the Haralson County Courthouse are AUTHORIZED AND DIRECTED to CLOSE FOR BUSINESS during the period of this Judicial Emergency, *provided, however,* that courthouse security measures deemed necessary in the sole discretion of the sheriff of the counties named herein shall continue as directed by said sheriff or his authorized designee.**
- (b) All such offices named above SHALL REOPEN TO THE PUBLIC at normal business hours on Monday, September 30, 2024, *unless* developing circumstances necessitate the extension of this judicial emergency, or a county government announces closing of the county courthouse at times after the expiration of the judicial emergency set forth herein.**
- (c) Any extension of this Judicial Emergency beyond the expiration set forth herein will be disseminated by the same manner as this Judicial Emergency declaration.**

6.

Pursuant to O.C.G.A. § 38-3-62, **all court deadlines, time schedules or filing requirements** are hereby **suspended, tolled, or extended** for the duration of the judicial emergency as noted above.

7.

**Notice of this declaration** of Judicial Emergency **shall be disseminated** in accordance with OCGA § 38-3-63. Accordingly,

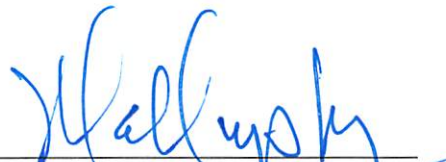
- (a) IT IS FURTHER ORDERED that the **Sheriff of Polk County or his designee** shall post a copy of this notice on the courthouse doors; and
- (b) IT IS FURTHER ORDERED that the **Sheriff of Haralson County or his designee** shall post a copy of this notice on the courthouse doors; and,
- (c) IT IS FURTHER ORDERED that the **Clerk of the Superior Court for Polk County**, or her designee, **shall immediately notify** the Chief Justice of the Supreme Court and the Clerks of the Court of Appeals and of the Supreme Court by sending them a copy of this notice; and,
- (d) IT IS FURTHER ORDERED that the **Clerk of the Superior Court for Haralson County**, or her designee, **shall immediately notify** the Chief Justice of the Supreme Court and the Clerks of the Court of Appeals and Supreme Court by sending them a copy of this notice; and,
- (e) IT IS FURTHER ORDERED that, the **Polk County Manager Matt Denton, or his designee**, shall post a copy of this notice and any subsequent modification or extension in accordance with O.C.G.A § 38-3-63 by posting it on the Polk County website or other appropriate public address system; and,

(f) IT IS FURTHER ORDERED that, the **Haralson County Clerk Alison Palmer, or her designee**, shall post a copy of this notice and any subsequent modification or extension in accordance with O.C.G.A § 38-3-63 by posting it on the Haralson County website or other appropriate public address system.

8.

Let the clerks of all courts of record in the Tallapoosa Judicial Circuit spread this Order upon the minutes of their courts.

DONE and ORDERED this the 26<sup>th</sup> day of September 2024, at 10:11 o'clock AM in Cedartown, Georgia.

  
Hon. Mark H. Murphy  
Chief Judge, Superior Courts  
Tallapoosa Judicial Circuit

*-Haralson Office-*  
Haralson County Courthouse  
4485 Ga Hwy 120  
Buchanan, GA 30125  
770.646.2025

*-Polk Office-*  
100 Prior Street, Suite 105  
Polk County Courthouse  
Cedartown, GA 30125  
770.749.2976



# THE STATE OF GEORGIA

## EXECUTIVE ORDER

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BY THE GOVERNOR:

### STATE OF EMERGENCY FOR TROPICAL STORM HELENE

- WHEREAS:** Tropical Storm Helene is forecasted to travel into the eastern Gulf of Mexico and become Hurricane Helene the evening of Wednesday, September 25, 2024; and
- WHEREAS:** The storm is forecasted to make landfall in the evening on Thursday, September 26, 2024, along areas of the Florida gulf coast and portions of the Florida panhandle and is projected to travel northeast affecting areas across Georgia, particularly south central Georgia; and
- WHEREAS:** The National Hurricane Center forecasts Tropical Storm Helene may produce damaging winds, heavy rainfall, and flooding in the State of Georgia; and
- WHEREAS:** This storm system has the potential to produce severe impacts to citizens throughout the State; and
- WHEREAS:** Potential flooding, fallen trees, downed power lines, and debris may render Georgia's network of roads impassable in affected counties, isolating residences and persons from access to essential public services; and
- WHEREAS:** Preliminary reports from county emergency management agencies and the Georgia Emergency Management and Homeland Security Agency indicate a need for assistance in the impacted areas; and
- WHEREAS:** Assistance from the State of Georgia is necessary to provide for the public's safety, protect public and private property, and maintain the social and economic welfare of the State; and
- WHEREAS:** The Federal Motor Carrier Safety regulations, 49 C.F.R. § 390, et seq., limit the hours of operators of commercial motor vehicles may drive; and

**EXHIBIT "A"**

**WHEREAS:** 49 C.F.R. § 390.23 allows the Governor of a State to suspend these rules and regulations for up to 14 days if the Governor determines that an emergency condition exists; and

**WHEREAS:** The Governor is vested with the emergency powers cited herein as the Chief Executive of this State; and

**WHEREAS:** Code Section 38-3-28 provides that "[a]ll orders, rules, and regulations promulgated by the Governor" have the force and effect of law; and

**WHEREAS:** As Chief Executive, the Governor is tasked with protecting the citizens of this State, including during a state of emergency; and

**WHEREAS:** Code Section 38-3-51(c)(1) vests the Governor with the power to enforce all laws, rules, and regulations relating to emergency management and to assume direct operational control of all civil forces and helpers in the state; and

**WHEREAS:** Code Section 38-3-51(c)(4) vests the Governor with the power 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; and

**WHEREAS:** In consultation with state emergency preparedness officials, I have determined that the following actions are necessary and appropriate to provide for the health, safety, and welfare of Georgia's residents and visitors.

**NOW, THEREFORE, PURSUANT TO CODE SECTIONS 38-3-28 AND 38-3-51, AND THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY**

**ORDERED:** That a State of Emergency exists in the State of Georgia due to the potential negative impact of Tropical Storm Helene.

**IT IS FURTHER**

**ORDERED:** That all resources of the State of Georgia be made available to assist in preparation, response, and recovery activities throughout the affected areas, and the Georgia Emergency Management and Homeland Security Agency shall activate the Georgia Emergency Operations Plan.

**IT IS FURTHER**

**ORDERED:** That state agencies shall coordinate all public and emergency information, activities, releases, and response efforts related to this emergency with the Georgia Emergency Management and Homeland Security Agency.

**IT IS FURTHER**

**ORDERED:** That the Georgia Department of Transportation and Georgia Department of Public Safety shall take all necessary action to ensure the expeditious movement of utility vehicles, equipment, and personnel through the State to eliminate power outages.

**IT IS FURTHER**

**ORDERED:** That state agencies shall provide sufficient personnel required for the staffing of the Georgia State Operations Center or other command, control, and coordination points as may be designated by the Director of the Georgia Emergency Management and Homeland Security Agency and shall provide such personnel, vehicles, equipment, and other resources needed to protect life and property and to ensure continuation, restoration, and recovery of essential public services.

**IT IS FURTHER**

**ORDERED:** That the Georgia Department of Defense provide up to five hundred (500) Georgia National Guard troops to be used in preparation, response, and recovery efforts for this State of Emergency for Tropical Storm Helene.

**IT IS FURTHER**

**ORDERED:** That said Georgia National Guard troops be called up to State Active Duty as necessary by the Adjutant General.

**IT IS FURTHER**

**ORDERED:** That the federal rules and regulations limiting hours that operators of commercial vehicles may drive are suspended to ensure the uninterrupted supply of goods and services necessary to respond to this State of Emergency for Tropical Storm Helene, including petroleum products. This declared emergency justifies a suspension of Part 395 (driver's hours of service) of Title 49 of the Code of Federal Regulations. The suspension will remain in effect for fourteen (14) days or until the emergency condition ceases to exist,



whichever is less. Nothing herein will be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. § 383 and the financial requirements in 49 C.F.R. § 387.

**IT IS FURTHER**

**ORDERED:** That no motor carrier operating under the terms of this State of Emergency for Tropical Storm Helene will require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor vehicle carrier that he or she needs immediate rest will be given at least ten (10) consecutive hours off-duty before being required to return to service.

**IT IS FURTHER**

**ORDERED:** That weight, height, and length for any vehicle traveling through the State of Georgia, for the purposes of providing relief related to this State of Emergency, which traverses roadways maintained by the State of Georgia, excluding interstates, shall not exceed the following:

- A. A maximum gross vehicle weight for vehicles equipped with five (5) weight-bearing axles, with an outer bridge span of not less than fifty-one (51) feet, shall not exceed a gross vehicle weight of ninety-five (95) thousand pounds, a maximum width of ten (10) feet, and an overall length of one hundred (100) feet. Continuous travel is authorized with the proper escorts.
- B. If the width of said vehicle exceeds eight (8) feet six (6) inches and is traveling after daylight, defined as thirty (30) minutes before sunset to thirty (30) minutes after sunrise, the transporter is required to have a vehicle front and a rear escort/amber light when traveling on a two-lane roadway and a vehicle rear escort when traveling on a four-lane highway. Transporters are responsible for ensuring that they have proper oversize signs, markings, flags, and escorts as defined in the Georgia Department of Transportation Rules and Regulations.

**IT IS FURTHER**

**ORDERED:** That commercial vehicles operating outside the normal weight, height, and length restrictions under the authority of this State of Emergency shall be issued permits by the Georgia Department of Public Safety. Said vehicles shall be subject to any special conditions

the Georgia Department of Public Safety may list on applicable permits. Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, nor shall anything in this Executive Order be construed to relieve compliance with restrictions other than those specified in this Order or from any statute, rule, order, or other legal requirement not specifically waived herein.

Oversize permits may be issued by the Georgia Department of Public Safety, Motor Carrier Compliance Division, during normal business hours, Monday through Friday by calling 404-635-8176 or through the Georgia Permitting and Routing Optimization System online portal at this website: [www.gapropermits.com](http://www.gapropermits.com).

**IT IS FURTHER**

**ORDERED:** Pursuant to Code Section 10-1-393.4, price gouging related to goods and services necessary for preparation, response, and recovery activities for this State of Emergency for Tropical Storm Helene, including motor fuel, diesel fuel, and other petroleum products, would be detrimental to the social and economic welfare of the citizens of this State and is therefore prohibited.

**IT IS FURTHER**

**ORDERED:** That if one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions of this Order, but, in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained within the Order.

**IT IS FURTHER**

**ORDERED:** That no provision of this Order shall limit, infringe, suspend, or supplant any judicial order, judgment, or decree issued pursuant to the laws or constitution of this State or the laws or constitution of the United States, nor shall any person use any provision this Order as a defense to an action in violation of a judicial order, judgment, or decree by any court created pursuant to the laws or constitution of this State or the laws or constitution of the United States.

**IT IS FURTHER**

**ORDERED:** That this Order does not suspend operation of any state or federal law or regulation, except as specifically described herein.

**IT IS FURTHER**

**ORDERED:** The Office of the Governor may continue to issue guidance on the scope of this Order as needed through communication media, including social media, without need for further Executive Orders.

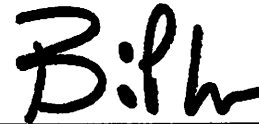
**IT IS FURTHER**

**ORDERED:** All provisions of the Order shall become effective upon signature and shall be valid for a period of eight (8) days, expiring Wednesday, October 2, 2024, at 11:59 P.M., unless this State of Emergency is renewed by the Governor.

**IT IS FURTHER**

**ORDERED:** That this Order shall be effective upon signature.

This 24<sup>th</sup> day of September 2024.

A handwritten signature in black ink, appearing to read "Bill", written over a horizontal line.

**GOVERNOR**