

**CITY OF LOCUST GROVE, GEORGIA EMERGENCY DECLARATION
AND ORDINANCE**

Number _____

AN ORDINANCE DECLARING A STATE OF EMERGENCY FOR THE CITY OF LOCUST GROVE AS A DIRECT RESULT OF THE GLOBAL VIRAL PANDEMIC KNOWN AS COVID-19; ENACTING AND DIRECTING THAT CERTAIN PRECAUTIONARY MEASURES AND CLOSURES OCCUR WITHIN THE CITY OF LOCUST GROVE IN RESPONSE TO THE COVID-19 PANDEMIC CRISIS; TO GRANT THE MAYOR LIMITED EMERGENCY POWERS AND DUTIES; TO AUTHORIZE THE MAYOR TO EXECUTE THIS ORDINANCE AND ANY DOCUMENTS IN SUPPORT OF THIS ORDINANCE; TO REPEAL INCONSISTENT PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the President of the United States declared a National Public Health Emergency on March 13, 2020; and

WHEREAS, the Governor of the State of Georgia declared a State Public Health Emergency on March 14, 2020 and urged “local officials to do what’s in the best interests of their communities to keep people safe and stop the spread of coronavirus” on March 19, 2020; and

WHEREAS, the World Health Organization has declared Coronavirus Disease 2019 (COVID-19) a world health emergency and a pandemic; and

WHEREAS, the number of confirmed cases and deaths from COVID-19 is escalating rapidly, internationally, nationally, and locally; and

WHEREAS, based upon the experience of other local governments in Georgia, a growing number of other cases are likely to occur; and

WHEREAS, on March 16, 2020, the Center for Disease Control (CDC) and the President of the United States stated that any gathering of over 10 people should be discontinued or prohibited and has recommended maintaining physical separation of no less than six (6) feet between persons; and

WHEREAS, the CDC has described the symptoms of COVID19 as including fever, cough and shortness of breath which may occur 2-14 days after exposure (www.cdc.gov/COVID19-symptoms); and

WHEREAS, public health experts, including those at the CDC and the National Institutes of Health (NIH), have advised that individuals infected with COVID-19 are contagious even while

experiencing minor or no symptoms and implored leaders to take immediate action to prevent further community spread of COVID-19; and

WHEREAS, preventing and slowing community spread of COVID-19 provides health systems additional time to obtain personal protective equipment necessary to protect health care workers and medical equipment necessary to treat COVID-19, and is therefore vital to the health of the nation;

WHEREAS, the Governor of the State of Georgia issued an executive order on March 24, 2020 which set forth restrictions on the gathering of people in close proximity to each other and the number of people gathered together, as well as restrictions on the operations of certain businesses in an endeavor to stop the spread of COVID-19 and protect the health, safety and welfare of all Georgians; and

WHEREAS, in the judgment of the Mayor and City Council of the City of Locust Grove (“City”), there exist emergency circumstances located within its jurisdiction requiring extraordinary and immediate response for the protection of the health, safety, and welfare of the citizens of the community, the state, and the nation; and

WHEREAS, it is essential for the governing authority of the City to act immediately in order to minimize the spread of COVID-19 and to prevent or minimize sickness, injury, or death, to people and damage to property resulting from this public health crisis; and

WHEREAS, O.C.G.A. § 38-3-28 provides the political subdivisions of this state with the authority to make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes to supplement rules and regulations promulgated by the Governor during a State of Emergency; and

WHEREAS, the United States Supreme Court has previously held that “[u]pon the principle of self-defense, of paramount necessity, a community has the right to protect itself against an epidemic of disease which threatens the safety of its members;” and

WHEREAS, the Charter of the City provides the governing authority of the city with the authority to take actions deemed necessary to deal with such an emergency for the protection of the safety, health, and well-being of the citizens of the city; and

NOW, THEREFORE, IT IS HEREBY DECLARED that a local state of emergency exists within the City and shall continue until the conditions requiring this declaration are abated.

FURTHERMORE, THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS THAT THE FOLLOWING SECTIONS COME INTO EFFECT WITHIN THE CITY.

Section 1. Findings of Fact

For purposes of describing the circumstances which warrant the adoption of an emergency ordinance, the governing authority of the City hereby adopt and make the findings included in the preamble of “WHEREAS” clauses as findings of fact.

Section 2. Declaration of Public Health State of Emergency

The City hereby declares a public health state of emergency within the City because of the proliferation of COVID-19 in the United States and the State of Georgia, which will remain in force and effect for fifteen (15) days from the date hereof. This emergency notwithstanding, the City acknowledges that now more than ever compassion, kindness and cooperation among and between citizens of and visitors to Locust Grove is needed. This ordinance is not intended nor should it be construed to stigmatize or violate any constitutional rights of the citizens of or visitor to this City. Rather this ordinance is intended to advise regarding the nature and precautions that scientists and public healthcare professionals recommend should be taken to protect the health, safety and welfare of the public as well as proscribe certain activities which scientists and health care professionals have determined would be injurious to public health, safety and welfare under the present and predicted circumstances of this COVID-19 pandemic.

The City shall take all such actions that may be necessary to implement this Ordinance to ensure the Public Safety of all its residents. The City may adopt any public safety regulations and declarations made by the Federal and State governments, including but not limited to, executive orders, regarding COVID-19 that are not included herein:

- (a) CDC Guidelines for Coronavirus, as they may evolve during the course of the COVID-19 Pandemic, found at <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>; and,
- (b) The President's Coronavirus Guidelines for America, as they may evolve during the course of the COVID-19 Pandemic, found at https://www.whitehouse.gov/wpcontent/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf; and,
- (c) State of Georgia Guidelines for Coronavirus through the Georgia Department of Public Health, as they may evolve during the course of the COVID-19 Pandemic, found at <https://dph.georgia.gov/novelcoronavirus>.

Section 3. Symptomatic Persons

Any person showing symptoms recognized by the CDC as indicators of COVID-19 (which may include but are not limited to, fever, cough and shortness of breath) should refrain from attending or entering the following:

- (a) public gatherings,
- (b) worship services,
- (c) funeral services,
- (d) entering public buildings,
- (e) restaurants,
- (f) shops,
- (g) public transportation facilities, and
- (h) all other venues or businesses which are open to public.

Such person should seek medical attention by contacting his or her Primary Care Physician before visiting his or her Primary Care Physician and follow the directions of their Primary Care Physician until given clearance to return to public interaction.

Section 4. Potentially Exposed Persons

Due to the nature of the COVID-19 Outbreak related to travel or other type of exposure, the following stipulations shall apply:

- (a) Any person who has traveled out of the country within fifteen (15) days preceding the effective date of this Ordinance should refrain from the same activities and places as provided in Section 3 above for a period of at least fifteen (15) days;
- (b) Any person who has engaged in interstate travel through airports, scheduled train service, interstate bus service or by private vehicle within fifteen (15) days preceding the effective date of this Ordinance should refrain from the same activities and places as provided in Section 3 above for a period of at least fifteen (15) days; and
- (c) Any person who has reason to believe he or she has been exposed to COVID-19 should refrain from the same activities and places as provided in Section 3 above for a period of at least fifteen (15) days. If such persons become symptomatic, they should seek medical attention by contacting their Primary Care Physician before visiting their Primary Care Physician and follow the directions of their Primary Care Physician until given clearance to return to public interaction.

Section 5. Event Facilities

Due to the nature of events and the potential close proximity of participants and enclosed nature of many event facilities, the same being in contravention to the public health, safety and welfare due to the nature of this emergency, Event Facilities capable of hosting gatherings of more than ten (10) persons shall discontinue business until this emergency Ordinance is terminated or repealed.

Section 6. Eating Establishments

Restaurants and other eating and dining establishments where food is served are strongly encouraged to engage in only the preparing and offering food to customers via delivery, drive-through or take-out services; however, should dine-in services remain in effect, then occupancy shall be limited as to provide the required six (6) feet of personal distance. Patrons, employees and contractors of the establishments should maintain at least six (6) feet of personal distance between themselves as much as possible given the physical constraints of the premises. If a restaurant is licensed to sell beer and wine for on-premises consumption, such restaurant, during the effective dates of this ordinance only, shall be authorized to sell unopened bottles or cans of beer or wine for take-out consumption off-premises.

Section 7. Closure of Certain Businesses

Bars, night clubs, gyms, fitness centers, pools, social clubs, amusement facilities, and any other similar facility, any facility used for an activity that involves prolonged physical proximity of individuals, and any facility used for entertainment, social, grooming, or general health and wellbeing purposes, shall close and remain closed for the duration of this emergency ordinance. Hairstylist and barbers, however, may remain open and continue to operate so long as the following conditions are met: (a) no more than ten (10) customers allowed in the business; (b) when not

performing the service, everyone inside the establishment must endeavor to keep at least six (6) feet of personal distance between each other given the physical constraints of the premises, and (c) stylists must abide by all safety measures recommended by state and federal governments pertaining to COVID-19.

Section 8. General Distancing Rules and Notices for All Businesses Open to the Public

All businesses, even those not specifically named herein, must ensure that they practice public safety measures, including but not limited to, limiting the number of people in the business, ensuring patrons and employees practice social distancing, which means maintaining at least six (6) feet of personal distance between themselves as much as possible given the physical constraints of the premises, and maintaining clean and sanitized premises. Establishments such as grocery stores, pharmacies, and all other businesses which remain open during the emergency should post signage on entrance doors informing consumers to maintain at least six (6) feet of personal distance between themselves and others as much as possible given the physical constraints of the premises and follow guidance published by the Department of Health as may be updated from time to time.

Section 9. Gatherings

All public and private gatherings of more than ten (10) people occurring outside of a household or living unit are strongly discouraged, unless at least six (6) feet of distance between people can be safely and effectively maintained. Nothing in this ordinance, however, prohibits the gathering of individuals for the purposes of carrying on business deemed “essential” by the Georgia Emergency Management Agency pursuant to O.C.G.A. § 38-3-58 or designated by the Governor as “critical infrastructure” or the provision of medical or health services.

Section 10. Public Gatherings on City Property and Use of Public Parks in the City

For the duration of the declared emergency, the City strongly urges, but does not prohibit, public gatherings on any property owned or controlled by the City. To avoid confusion, the following definitions shall apply under this Section: a “public gathering” shall mean the organized gathering of ten (10) or more persons at a specific location; “property owned or controlled by the City” shall include any park, public square, public space, playground, recreational area, or similar place of public gathering, but nothing herein shall prohibit individuals or families from using sidewalks or designated pedestrian areas of parks for walking or other exercise if they are not participating in a public gathering.

In addition, City-owned parks will remain open and users may utilize the facilities at their own risk and discretion. Due to the unknown frequency of use, the City cannot assure or guarantee that the equipment and facilities in parks will be sanitized. All City residents are encouraged to sanitize park equipment and facility surfaces before use, practice social distancing as recommended by state and federal health and safety guidelines, and wash hands thoroughly and regularly for twenty (20) seconds with soap and warm water after use.

Section 11. General Distancing Rules and Notices for All City Properties

Because carriers of the COVID-19 virus can be asymptomatic and transmit the virus, physical distancing (a.k.a. social distancing) and hygiene rules are hereby established and shall be observed and implemented. All employees (“employees” includes board members, independent contractors, and volunteers of the City) and visitors to offices or premises of the City must ensure that they practice the following physical distancing and hygiene measures:

- (1) Maintain at least six (6) feet of distance between themselves and any other person;
- (2) Avoid any gathering of more than ten (10) people within a single room or outside facility, unless at least six (6) feet of distance between people can be safely and effectively maintained;
- (3) Thoroughly wash hands on a regular basis in warm water and soap for at least twenty (20) seconds; and
- (4) As much as possible and as is reasonable given the nature of the work space or premises, maintain clean and sanitized work spaces and premises, paying particular attention to devices which require hand contact, such as but not exclusively, door knobs, handles, or push points; faucets; light switches, buttons or switches on printers, water dispensers, vending machines, and coffee makers; etc.

Notice of these Rules shall be posted in a readily visible location at each point of access to buildings, conference rooms, breakrooms and bathrooms of the City.

Nothing in this Ordinance, however, prohibits the gathering of individuals for the purposes of carrying on business deemed “essential” by the Georgia Emergency Management Agency pursuant to O.C.G.A. § 38-3-58 or designated by the Governor as “critical infrastructure” or the provision of medical or health services.

Section 12. Mayor and City Council Operations

All non-essential matters before the Mayor and City Council shall be suspended while this Ordinance is in effect. The Mayor and City Council, however, may continue to assemble for regular scheduled meetings, special called and emergency meetings as provided herein and only to address public services, public safety or preservation of public property in the context of City operations and governance as well as implementation of directives from the State or Federal government for the duration of this Ordinance and this public health emergency. Pursuant to the provisions of O.C.G.A. § 50-14-1(g), the Mayor and City Council may conduct public meetings via teleconference while this Ordinance is in effect, without the requirement of having a quorum present in person, so long as notice is provided and simultaneous access is afforded to the public and the legal publication organ for the City to the teleconference meeting. Quorum requirements must be satisfied to take any action during teleconference meetings as required by the City Charter and state law.

Section 13. Public Meetings of City-Affiliated Entities

All in-person public meetings and hearings of City-affiliated boards, committees, commissions and administrative entities including, but not limited, to Board of Appeals, Architectural Review

Board, Ethics Commission, Downtown Development Authority, Urban Redevelopment Authority, Main Street Board, and Historic Preservation Commission are hereby suspended until this Ordinance is terminated or repealed. However, pursuant to the provisions of O.C.G.A. § 50-14-1(g), City-affiliated boards, committees, commissions and administrative entities may conduct public meetings via teleconference while this Ordinance is in effect, without the requirement of having a quorum present in person, so long as notice is provided and simultaneous access is afforded to the public and to the legal publication organ for the City to the teleconference meeting. Quorum requirements must be satisfied to take any action during teleconference meetings as required by bylaws, City ordinances, and state law.

Section 14. Matters Requiring Public Hearings

All matters requiring a public hearing, including but not limited to zonings, special use permits, variances, and permits are hereby stayed while this Ordinance is in effect. At the termination of this Ordinance, the scheduling of hearings shall resume in the ordinary course of business. City staff are directed to work with applicants and those otherwise affected by this stay to ensure that financial impact and/or disruptions to business function is kept to a minimum.

Section 15. Mayor's Limited Emergency Powers

For the duration of the declared emergency, the Mayor, in consultation with the City Manager, shall be vested with the following discretion and authority, to wit:

- (a) Administer, implement and enforce, through his designees, the provisions of the Ordinance.
- (b) Categorize City services as either "required" or "discretionary," and to periodically review and modify such categories.
- (c) Assign specific employees to required or discretionary services, and to periodically review and modify such assignments.
- (d) Use his or her discretion to permit employees to telework.
- (e) Temporarily suspend the provision of discretionary services and to direct employees who provide discretionary services not to report to work until such time as the service suspension is lifted or until such time as the City Manager redirects the employee to other services.
- (f) Contract for and expend non-budgeted sums and services, as may in his or her discretion be required to meet the demands upon government and services of the City for the duration of the declared emergency, including therein authority to spend such sums from the reserves of the City. Any such non-budgeted expenditures shall be reported to the governing authority of the City.
- (g) In addition, the governing authority authorizes the Mayor to, use his sound and prudent discretion, when the circumstances demand, suspend the bid and competitive portions of the City's Procurement Policy or ordinances, utilize the single-source policy, and require departments to provide a written justification for the procurement during the effective dates of this Ordinance. City officials shall continue to seek the best prices during this state of emergency.

The Mayor and City Manager shall periodically and no later than at each regular meeting report to the Council regarding the exercise of the aforementioned powers as well as provide a status on the state of the City during this state of emergency.

Section 16. Emergency Interim Successor to Manager

The governing authority desires to make certain that the chain of authority within City management is clear. If the City Manager is unable to perform his or her duties, then the Assistant City Manager shall assume those duties; and the Manager may designate such individuals to succeed the Assistant City Manager as the emergency interim successor pursuant to O.C.G.A. § 38-3-50 who shall assume the duties of the City Manager. Should the emergency interim successor be unable to perform those duties the Mayor as Chief Executive Officer of the City shall assume those duties.

Section 17. Utility Services

For the duration of the declared emergency, the City will not disconnect any public utility service provided by the City on account of non-payment. After the conclusion of the declared emergency, persons will have a period of ninety (90) days to make such payments before service may be disconnected. Late Charges shall not be assessed if current balances are kept current after the declared emergency is over.

Section 18. Tolling of Deadlines

Any deadlines for the purchasing or obtaining of occupation tax certificates, regulatory business licenses and alcohol permit renewals shall be extended to July 1, 2020 with no late fees or interest added until July 15, 2020. Permits or similar civil approvals mandated by the City Code shall be tolled for the duration of the emergency as established herein, and for 15 days thereafter.

Section 19. Miscellaneous Provisions

This Ordinance after adoption by the Council and upon approval by the Mayor shall become effective immediately. The City Clerk is hereby directed to record this Ordinance in the official minutes of the City. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby suspended during the effective dates of this Ordinance (or any extension thereof) and the terms and provisions of this Ordinance shall prevail. To the extent any portion of this Ordinance is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Ordinance.

BE IT DECLARED AND ORDAINED, this _____ day of _____, 2020.

Robert Price, Mayor

Attest:

Approved as to form:

Misty Spurling
City Clerk

Andrew J. Welch III
City Attorney

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