

AN ORDINANCE FOR THE SECOND DELARATION OF A LOCAL STATE OF EMERGENCY RELATED TO COVID-19; AND FOR OTHER PURPOSES.

WHEREAS, Athens-Clarke County, Georgia has experienced an event of critical significance as a result of the Coronavirus (COVID-19) disease (“COVID-19”); and

WHEREAS, the Centers for Disease Control and Prevention, (the “CDC”) indicates that COVID-19 is a new and contagious respiratory disease caused by a novel (new) coronavirus that was first detected in China and which has now been detected in more than 100 locations around the world, including in the United States; and

WHEREAS, as reported by the World Health Organization (“WHO”), the world has experienced a deep humanitarian crisis with more than 164,000 cases and more than 6,000 deaths due to COVID-19; and

WHEREAS, COVID-19 is officially a global pandemic according to the WHO; and

WHEREAS, on March 13, 2020, President Donald Trump has declared a national emergency for the United States of America in response to COVID-19; and

WHEREAS, on March 14, 2020, Governor Brian Kemp declared a public health Emergency due to COVID-19; and

WHEREAS, on March 16, 2020, the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia adopted an Ordinance for the Declaration of Local State of Emergency related to COVID-19;

WHEREAS, as reported by the CDC effective as of March 17, 2020, Georgia now has 197 confirmed cases of COVID-19 and one (1) COVID-19 related death; and

WHEREAS, the CDC has issued guidance on the emerging and rapidly evolving situation of the COVID-19 pandemic, including how to protect oneself from illness; and

WHEREAS, social distancing is recommended by the CDC to prevent the continued spreading of the illness in the community; and

WHEREAS, on March 16, 2020, President Donald Trump issued his Coronavirus Guidelines for America which instructs people to listen to their local authorities and to avoid social gatherings of more than (10) people; and

WHEREAS, cities, states, and counties, including but not limited to, the Alameda County, California, the City of Los Angeles, California, the City of Seattle, Washington, and the states of New York, New Jersey and Connecticut have imposed temporary restrictions related to

public and private gatherings to stop large numbers of people from gathering and staying in close proximity during the COVID-19 pandemic; and

WHEREAS, the CDC expects that additional cases of COVID-19 will be identified in the coming days, including more cases in the United States, and that person-to-person spread is likely to continue to occur; and

WHEREAS, local emergency hospital personnel have reported to the Mayor and Commission that they are treating patients with symptoms consistent with COVID-19 and that there is shortage of personal protective equipment which places the health, safety, and welfare of emergency medical personnel at risk and the general public;

WHEREAS, medical professionals have advised that if COVID-19 spreads in Athens-Clarke County and the rest of Georgia, at a rate comparable to the rate of spread in other affected areas, it may greatly strain the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, such as COVID-19, and the situation may become too large in scope to be handled in its entirety by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State; and

WHEREAS, in the judgment of the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia, as of the date of this Ordinance, there exist emergency circumstances as a result of COVID-19 within the geographical boundaries of the Unified Government as described in Section 1-102 of the Charter requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of Athens-Clarke County and the surrounding communities; and

WHEREAS, to prevent or minimize injury to people resulting from this pandemic, the Mayor and Commission finds that certain actions are required, including but not limited to, the social distancing measures set forth herein;

WHEREAS, pursuant to Section 1-104 (d) of the Charter of the Unified Government of Athens-Clarke County, Georgia, the Mayor and Commission have the right, duty, power, privilege and authority to exercise and enjoy all other powers, duties, functions, rights, privileges, and immunities necessary and proper to promote or protect the safety, health, peace, security and general welfare of said government and its inhabitants and to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully enumerated herein and to do and perform all of the

acts pertaining to its property, affairs and local government which are necessary or proper in the legitimate exercise of its corporate powers and governmental duties and functions; and

WHEREAS, pursuant to O.C.G.A. Sec. 38-3-28, the Mayor and Commission are authorized to make, amend, and rescind orders, rules, and regulations as necessary for emergency purposes and to supplement carrying out the emergency management laws; and

WHEREAS, pursuant to O.C.G.A. Sec. 38-3-51, the Governor's declared public health emergency authorizes the Mayor and Commission to use emergencies powers in O.C.G.A. Sections 38-3-1 through 38-3-64; and

WHEREAS, pursuant to O.C.G.A. Sec. 38-3-6, during an emergency, O.C.G.A. Sections 38-3-1 through 38-3-64 are supposed to be liberally construed to effectuate their purposes;

NOW, THEREFORE, the Mayor and Commission of Athens-Clarke County, Georgia hereby ordains that it is hereby declared that a local state of emergency exists within the territorial limits of the Unified Government of Athens-Clarke, County, Georgia, and shall continue until the conditions requiring this declaration are abated.

THEREFORE, IT IS ORDERED:

Article 1. That the Athens-Clarke County Office of Emergency Management activates the Emergency Operations Plan;

Article 2. That the following sections of the Athens-Clarke County Code be implemented:

- a. Section 3-4-5 Additional Emergency Powers
- b. Section 3-4-9. Authority to Waive Procedures and Fee Structures
- c. Section 3-4-11. Social Distancing and Closed or Restricted Areas during Emergency as Ordered below:

1. The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined in Section 10 below. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.

2. All individuals currently living within the territorial limits of the Unified Government of Athens-Clarke, County, Georgia (the "County") shall shelter at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably

possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 10. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation).

3. All businesses with a facility in the County, except Essential Businesses as defined below in Section 10, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 10. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 10 below, including, but not limited to, when any customers are standing in line.

4. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 10. Nothing in this Order prohibits the gathering of members of a household or living unit.

5. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined below in Section 10, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 10 below, to the greatest extent feasible. This Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

6. This Order is issued based on evidence of increasing occurrence of COVID-19 within the County and throughout the State of Georgia, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the County.

7. This Order also is issued in light of the existence of 5 confirmed cases of COVID-19 in the County, as of 12:00 noon on Wednesday, March 18, 2020, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This Order is necessary to slow the rate of spread and the Mayor and Commission will re-evaluate it as further data becomes available. The Mayor and Commission also make the findings discussed in the “Whereas” paragraphs part of the factual findings of the Mayor and Commission.

8. This Order is issued in accordance with, and incorporates by reference, the March 16, 2020, Proclamation of a State of Emergency issued by Governor Brian Kemp.

9. This Order comes after the release of substantial guidance from the Centers for Disease Control and Prevention, the Georgia Department of Public Health, and other public health officials throughout the United States and around the world, including a variety of prior orders to combat the spread and harms of COVID19. The Mayor and Commission will continue to assess the quickly evolving situation and may modify or extend this Order, or issue additional Orders, related to COVID-19.

10. Definitions and Exemptions.

a. For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities.” But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.

i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or partners or significant others (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.

ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, running, or bicycling.

iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.

v. To care for a family member or pet in another household.

b. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operations” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include fitness and exercise gyms and similar facilities.

c. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, construction and all related activities (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

d. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

e. For the purposes of this Order, covered businesses include any for-profit, nonprofit, or private educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

f. For the purposes of this Order, “Essential Businesses” means:

i. Healthcare Operations and Essential Infrastructure;

ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such

as cleaning and personal care products). This includes stores that sell groceries and also sell other nongrocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;

iii. Food cultivation, including farming, livestock, and fishing;

iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;

v. Newspapers, television, radio, and other media services;

vi. Gas stations and auto-supply, auto-repair, and related facilities;

vii. Banks and related financial institutions;

viii. Hardware stores;

ix. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;

x. Businesses providing mailing and shipping services, including post office boxes;

xi. Educational institutions—including private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible ;

xii. Laundromats, drycleaners, and laundry service providers;

xiii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;

xiv. Businesses that supply products needed for people to work from home;

xv. Businesses or manufacturers that supply other essential businesses with the support or supplies necessary to operate;

xvi. Businesses that ship or deliver groceries, food, goods, or services directly to residences;

xvii. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;

xviii. Home-based care for seniors, adults, or children;

xix. Residential facilities including hotels, motels, shared rental units and similar facilities and shelters for seniors, adults, and children;

xx. Professional services, such as legal, accounting services, real estate services, when necessary to assist in compliance with legally mandated activities;

xxi. Unless otherwise preempted by state law, childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:

1. Childcare must be carried out in stable groups of 12 or fewer (“stable” means that the same 12 or fewer children are in the same group each day).

2. Children shall not change from one group to another.

3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.

4. Childcare providers shall remain solely with one group of children. g. For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:

xxii. All businesses which possesses a Class A, retail liquor package license; Class B, retail beer package license; or a Class C, retail wine package license shall be authorized, but only via drive-thru or in parking lots or at curb.

g. For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined in this Section to the extent possible, while carrying out such operations.

i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.

ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

h. For the purposes of this Order, “Essential Travel” includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section below.

i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.

ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.

iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.

iv. Travel to return to a place of residence from outside the jurisdiction.

v. Travel required by law enforcement or court order.

vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

i. For purposes of this Order, residences include hotels, motels, shared rental units and similar facilities.

j. For purposes of this Order, “Social Distancing Requirements” includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

11. Enforcement and Remedies.

a. **Individuals:** In recognition that the Unified Government does not have the personnel or resources to monitor and police distancing or gathering limitations or shelter in place requirements for all individuals currently living within the territorial limits of the Unified Government of Athens-Clarke County, Georgia, the Athens-Clarke County Police Department and other departments of the Unified Government of Athens-Clarke County, Georgia as deemed necessary by the manager under this Declaration are authorized to support compliance with this Order through information delivery and education of individuals regarding the imminent threat to public health posed by COVID-19.

b. **Covered Businesses:** Any violations of this Order by covered businesses shall be considered ordinance violations subject to the general penalty provisions outlined in Section 1-1-5 of the Official Code of Athens-Clarke County.

c. Individuals Experiencing Homelessness: The Mayor and Commission direct the manager to engage with service providers to ensure that there is ample capacity to provide shelter to all homeless individuals in the territorial limits of the Unified Government of Athens-Clarke County, Georgia while utilizing Social Distancing Requirements, and empower the manager to utilize the facilities and resources of the Unified Government to accomplish this directive.

12. The Mayor and Commission hereby direct the manager of the Unified Government of Athens-Clarke County, Georgia to return to the Mayor and Commission by no later than Friday, March 27, 2020, a report setting forth fiscal support recommendations for residents, including modifications to the Unified Government's fines, fees, and charges.

13. Prosperity Package Funding:

a. The Mayor and Commission of the Unified Government of Athens-Clarke County orders the Manager of the Unified Government of Athens-Clarke County to allocate up to three million dollars (\$3,000,000.00) in funds by transferring funds reserved for the "Prosperity Package" and any resources that may be necessary for the purpose of providing emergency assistance to those affected by the COVID-19 Pandemic; the total funds may be utilized as follows: to assist county partners with providing emergency assistance to residents of Athens-Clarke County who are employees and hourly wage earners of businesses operating within the boundaries of Athens-Clarke County whose incomes are adversely impacted, to support small business continuity, and to provide assistance to non-profit community partners who are providing essential services with the response to the COVID-19 pandemic, though the total funds may be transferred to assist with any of these efforts without specific limitations;

b. The Unified Government of Athens-Clarke County, Georgia shall seek reimbursement from the State of Georgia and from Federal Emergency funds for all eligible expenditures.

c. The Unified Government of Athens-Clarke County, Georgia shall pursue further ways within the FY2021 Budget to give relief to Athens residents during the COVIN-19 pandemic.

14. To the extent reasonably possible, the Athens-Clarke County Unified Government hereby directs the Manager to immediately deploy temporary hand-washing stations county-wide to arrest the spread of the Coronavirus.

15. This Order shall become effective at 12:01 a.m. on March 20, 2020 and will continue to be in effect until 11:59 p.m. on April 7, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Mayor and Commission.

16. Copies of this Order shall promptly be: (1) made available at City Hall for the Unified Government of Athens-Clarke County, Georgia; (2) posted on the Unified Government's website; and (3) provided to any member of the public requesting a copy of this Order.

17. If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

Article 3. Severability

1. It is hereby declared to be the intention of the Mayor and Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and Commission to be fully valid, enforceable, and constitutional.

2. It is hereby declared to be the intention of the Mayor and Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Commission that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Article 4. All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside. The Ordinance adopted on March 16, 2020, by the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia for the Declaration of Local State of Emergency related to COVID-19 is hereby repealed.

Article 5. This Ordinance shall become effective following approval by the Mayor and Commission at 12:01 a.m. on March 20, 2020 and will continue to be in effect until 11:59 p.m. on April 7, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Mayor and Commission.

SO ORDERED AND ORDAINED this ___ day of March, 2020.

**THE UNIFIED GOVERNMENT OF ATHENS-
CLARKE COUNTY, GEORGIA**

Kelly Girtz, Mayor

Attest: _____

Gloria J. Spratlin, Clerk of Commission

[Attest]