

AN EXECUTIVE ORDER FOR THE DECLARATION OF A STATE OF EMERGENCY ARISING BECAUSE OF COVID-19; TAKING IMMEDIATE EMERGENCY MEASURES; ORDERING THAT ALL PERSONS WITHIN THE TERRITORIAL LIMITS OF THE CITY OF STONECREST SHELTER IN PLACE, EXCEPT FOR ESSENTIAL SERVICES; CLOSING ALL BUSINESSES, EXCEPT FOR ESSENTIAL BUSINESSES, AS DEFINED HEREIN; ESTABLISHING 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 Centers 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

WHEREAS, on March 23, 2020, Governor Kemp announced that “certain individuals with an increased risk of complications from COVID-19 to isolate, quarantine, or shelter in place,” covering those who “live in long-term care facilities, have chronic lung disease, are undergoing cancer treatment, have a positive COVID-19 test, are suspected to have COVID-19 because of their symptoms or exposure, or have been exposed to someone who has COVID-19”, and that the Department of Public Health would institute rules and regulations to implement such measures;

WHEREAS, on March 23, 2020, Governor Kemp additionally announced measures to “close all bars and nightclubs and ...ban all gatherings of ten or more people” unless they can assure spacing for at least six (6) feet apart between people at all times beginning at noon on March 24, 2020 and lasting until noon on April 6, 2020; 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, on March 22, 2020, 24 infectious disease clinicians in Georgia signed on to an opinion that it is their judgment that there is little time to “flatten the curve” of the spread of COVID-19;

WHEREAS, these clinicians advised that at least one model suggests that “the point of no return” for Georgia is estimated to begin on March 24, 2020, and that after that date, every day of delay before restrictive measures, such as those put in place by California, New York, and Illinois, are taken will lead to an earlier and higher peak of infected Georgians that will completely overwhelm our hospital systems;

WHEREAS, these clinicians have requested that effective midnight Tuesday, March 24, there be a Stay at Home declared for 14 days with only essential personnel being deployed during this emergency;

WHEREAS, on April 1, 2020, Governor Kemp additionally announced plans to close all schools for the remainder of the 2019-2020 school year and requires all residents of the State of Georgia to shelter-in-place at all times beginning at midnight on April 4, 2020 and lasting until noon on April 13, 2020; and

WHEREAS, in the judgment of the Mayor and Council of the City of Stonecrest, there exists 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 of Stonecrest 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/County and shall continue until the conditions requiring this declaration are abated.

THEREFORE, IT IS ORDERED AND ORDAINED BY THE AUTHORITY OF THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST AS FOLLOWS:

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 “WHEREAS” clauses as findings of fact.

Section 2. Declaration of Public Health State of Emergency

The Mayor hereby enact 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 until further notice.

Section 3. Public Gatherings on City Property

For the duration of the declared emergency, there shall be no 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 or assembly of 2 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 an organized gathering and practice recommended social distancing.

Section 4. Shelter in Place

For the duration of the declared emergency, all Stonecrest Residents are instructed and directed to remain at home unless engaged in essential services, performing Essential

Federal, State, County, or Municipal Government Services, or to operate Essential Businesses, all as defined by this section.

(a) Essential Services shall mean and include:

(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 (including but not limited to pets), such as 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 or their family or household members, or to deliver those services or supplies to others, such as 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, such as walking, hiking, or running, so long as individuals comply with Social Distancing Requirements of keeping and maintaining a minimum of 6 feet of distance between themselves and others.

(iv) To care for a family member or pet in another household.

(b) Essential Businesses shall mean and include:

(i) Medical providers, to include, but not limited to primary care physicians and their office staff, hospitals, blood donation, and urgent care clinics.

(ii) Veterinarians, for purposes of emergency medical care for animals only.

(iii) Grocery stores, markets, convenience stores, health food stores, and businesses selling or providing items for consumption by humans or pets.

(iv) Businesses or organizations that provide food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise need individuals.

(v) Home health aides for seniors or persons with chronic illnesses to include hospice and end of life care.

(vi) Plumbers, electricians, pest control technicians or other service providers who are essential to maintaining the safety, sanitation, and essential operations for the maintenance of residences and businesses.

(vii) Banks and financial institutions.

(viii) Gas stations and fueling centers for automobiles.

(ix) Residential facilities including hotels, motels and similar facilities and shelters for seniors, adults, and children.

(x) Restaurants, so long as they operate as provided in Section 7 below.

(xi) Businesses licensed by the City for sale of alcohol for off-premises consumption.

(xii) Construction and building services.

(xiii) Legal and accounting professional services

Section 5. Classification of City Services

For the duration of the declared emergency, the City Manager (or the Mayor's designee) shall be vested with the following discretion and authority, to wit:

(a) To categorize City services as either "required" or "discretionary," and to periodically review and modify such categories.

(b) To assign specific employees to required or discretionary services, and to periodically review and modify such assignments.

(c) To use his or her discretion to permit employees to telework.

(d) To 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 (or the Mayor's designee) redirects the employee to other services.

(e) To maintain, to the best of the ability of the resources of the City, the provision of essential services, which shall include, but not be limited to, public safety, public works, building permits, and inspections.

(f) City Buildings, facilities, playgrounds, and outdoors courts are closed

Any actions taken by the City Manager (or the Mayor's designee) prior to the passage of this Ordinance that are authorized by this section are hereby ratified and approved by the Governing Authority of the City.

Section 6. Suspension of Deadlines

Any deadlines for the purchasing or obtaining by persons or businesses of occupation tax certificates, 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. Such persons or businesses shall obtain necessary permissions required by law but deadlines set by the City Code are tolled for the duration of the emergency as established herein, and for 15 days thereafter.

In addition, payment of any fees, taxes, or other obligations due the City shall not incur any interest or penalties until July 15, 2020.

Section 7. Eating Establishments

Restaurants and other eating and dining establishments where food is served must cease offering dine-in services but may continue preparing and offering food to customers via delivery, drive-through or take-out services. Patrons, employees and contractors of the establishments must maintain at least six (6) feet of personal distance between themselves and others. 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 8. Personal Distance

All other establishments not covered in Section 7 of this Ordinance such as grocery stores, pharmacies, and other businesses which remain open during the emergency must post signage on entrance doors informing consumers to maintain at least six (6) feet of personal distance between themselves and others and shall not allow more than ten (10) people into such establishment at any one time if such social distancing cannot be maintained.

Section 9. Gatherings

All public and private gatherings of more than ten (10) people occurring outside of a household or living unit are prohibited and declared a public nuisance. Nothing in this ordinance, however, prohibits the gathering of individuals for the purposes of carrying on business certified as “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. Emergency Interim Successor to Manager/Administrator

The governing authority desires to make certain that the chain of authority within city management is clear. If the City Manager (or the Mayor’s designee) is unable to perform his or her duties, then the individual designated by the City Manager (or the Mayor’s designee) as the emergency interim successor pursuant to O.C.G.A. § 38-3-50 shall assume

the duties of the City Manager. Should the emergency interim successor be unable to perform those duties, the Mayor may designate a City Department head to assume those duties.

Section 11. Curfew

A curfew is imposed from 9:00 p.m. to 6:00 a.m. effective immediately. Residents, unless “exempt individuals” as defined herein, shall remain in their homes or on their property during the curfew period. Exempt individuals include those individuals engaged in the provision of designated, essential services, such as (1) fire; (2) law enforcement; (3) medical and hospital services, including veterinary services; (4) military services; (5) utility emergency repairs; (6) persons seeking emergency medical services or hospital services and those persons assisting such persons; (7) individuals traveling to and from their jobs with appropriate identification and persons traveling to medical facilities; (8) individuals engaged in the delivery of food, medicine, medical supplies, fuel including, but not limited to, the re-stocking of grocery stores, pharmacies, and convenience stores; (9) news media employees; (10) designated employees or agents of businesses designated by the Georgia Emergency Management Agency as “essential” pursuant to O.C.G.A. § 38-3-58; (11) persons providing necessary care of companion animals in the custody and care of an animal shelter, boarding facility, or kennel and persons walking personal animals; and (12) critical infrastructure businesses and employees as designated by the Governor or identified by U.S. Department of Homeland Security Cybersecurity and Infrastructure Security Agency.

Section 12. Emergency Powers of the Mayor.

(a) The Council expressly delegates to the Mayor to take emergency action as he deems appropriate, after consultation with the Council and City Manager (or the Mayor’s designee), to include:

(1) Declaring and announcing further closures of businesses or changing the definition of essential businesses;

(2) Declaring further measures as may be necessary to stem the spread of COVID-19 as may be defined, refined, or changed by the Centers for Disease Control and Prevention, the National Institute of Health, or the World Health Organization;

(3) Altering or amending the Shelter in Place Order in this Resolution;

(4) Taking such action as may be necessary to protect the health, safety, and welfare of the citizens and residents of Stonecrest.

(b) The Mayor’s emergency powers shall not extend to staffing or employment matters or any other duty or responsibility assigned by the Charter to the City Manager.

(c) The Council shall vote to ratify, modify, or rescind any action by the Mayor pursuant to this Section at its next regularly scheduled Council meeting.

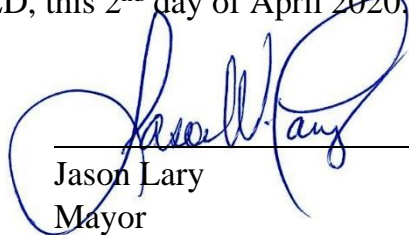
(d) Any emergency declaration or order by the Mayor may not last beyond the date and time of the regularly scheduled meeting of the Mayor and City Council on Monday, May 11, 2020.

Section 13

All executive orders in conflict with the provisions of this Declaration are hereby suspended during the effective dates of this Declaration (or any extension thereof) and the terms and provisions of this Declaration shall prevail.

This Executive Order shall become effective immediately and shall be in place until May 11, 2020, unless further extended by action provided herein.

ORDAINED AND RESOLVED, this 2nd day of April 2020,



Jason Lary
Mayor