

RESOLUTION 08-2020

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF CARROLLTON, STATE OF GEORGIA, TO DECLARE A LOCAL STATE OF EMERGENCY RELATED TO COVID-19, TO IMPOSE SOCIAL DISTANCING REQUIREMENTS, TO PROHIBIT PUBLIC AND PRIVATE GATHERINGS OF MORE THAN TEN (10) PEOPLE, AND FOR OTHER PURPOSES

WHEREAS, the City of Carrollton, Georgia (the “City”) 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 267,000 cases and more than 11,000 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 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, Carroll County Chairman Michelle Morgan subsequently declared a public health emergency in Carroll County, Georgia; and

WHEREAS, as reported by the Georgia Department of Public Health, as of March 21, 2020, Georgia now has over 550 confirmed cases of COVID-19 and twenty (20) COVID-19 related deaths; 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, these guidelines have been adopted by state and local public health officials as well; and

WHEREAS, cities, states, and counties throughout the country 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 City Council that they are treating patients with symptoms consistent with COVID-19; and

WHEREAS, medical professionals have advised that if COVID-19 spreads in the City 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 City Council, as of the date of this Ordinance, there exist emergency circumstances as a result of COVID-19 within the geographical boundaries of the City requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of Carrollton and the surrounding communities; and

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

WHEREAS, pursuant to Sections XXXVII – XL of the City’s Charter, the Mayor and City Council 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 the Charter as fully and completely as if such powers were fully enumerated therein; and

WHEREAS, pursuant to O.C.G.A. Sec. 38-3-28, the Mayor and City Council 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 City Council to use emergency 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 BE IT RESOLVED, that the Mayor and City Council of Carrollton do hereby declare that a local state of emergency exists within the territorial limits of the City of Carrollton, Georgia, and shall continue until the conditions requiring this declaration are abated. **THEREFORE, IT IS ORDERED** as follows:

1. This Order is issued based on evidence of increasing occurrence of COVID-19 within the City 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 City 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 City. 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 City.

2. 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 set forth 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.

3. 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. To the greatest extent feasible, all businesses shall comply with

these social distancing requirements, including, but not limited to, when any customers are standing in line.

4. All public and private gatherings of more than ten (10) people occurring outside a household or living unit are prohibited. Nothing in this Order prohibits the gathering of members of a household or living unit. This prohibition shall not apply to the following:

- a. employers and employees gathered at their place of work;
- b. grocery stores, convenience stores, gas stations, hardware stores, department stores, building supply stores, and the like;
- c. hospitals, doctors' offices, and other health care facilities; or
- d. any "Essential Critical Infrastructure Workforce" as defined by the United States Department of Homeland Security.

5. Any other public and private gatherings of people occurring outside a household or living unit may be prohibited or suspended upon the execution of a "Declaration of Emergency Powers" signed by the Mayor and any two City Councilmen.

6. All bars, restaurants, or businesses who sell food or beverages for consumption on premises or who provide entertainment on premises shall be closed to in-person dining, consumption of alcohol, or entertainment until the expiration of this resolution, subject to the following:

- a. Bars, restaurants, and other businesses who sell food may offer food for take-away or for customers to eat somewhere other than at the establishment.
- b. Businesses affected by these closures shall establish systems that restrict in-person contact as much as possible. Such processes may include the business taking the food to the customer's vehicle rather than the customer coming inside the business.
- c. Furthermore, business shall ensure that all onsite consumption of food is prohibited, and that employees and contractors of the business maintain at least 6 feet of personal distance between themselves as much as possible given the physical constraints of the premises.
- d. If a restaurant is licensed to sell beer, wine, and/or distilled spirits for on-premises consumption, such business during the efficacy of this resolution only shall be authorized to sell unopened containers of beer, wine, and distilled spirits for take-out consumption off-premises.

7. This Order is necessary to slow the rate of spread and the COVID19 virus, and the Mayor and City Council will re-evaluate it as further data becomes available.

8. The Mayor and City Council also make the findings set forth in the "Whereas" paragraphs part of the factual findings of the Mayor and City Council.

9. 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.

10. 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.

11. The Mayor and City Council will continue to assess the quickly evolving situation and may modify or extend this Order, or issue additional Orders, related to COVID-19.

12. Any violations of this Order shall be considered ordinance violations subject to the general penalty provisions outlined in Section 1-11 of the Code of Ordinances, City of Carrollton, Georgia.

13. This Order shall become effective immediately upon its adoption and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Mayor and City Council.

14. Copies of this Order shall promptly be: (1) made available at City Hall; (2) posted on the City's website; and (3) provided to any member of the public requesting a copy of this Order.


15. 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.

ADOPTED this 22nd day of March, 2020.

MAYOR AND CITY COUNCIL OF CARROLLTON



Mayor, City of Carrollton



Clerk, City of Carrollton

