

## **ORDINANCE 20-03**

### **A DECLARATION OF A STATE OF EMERGENCY ARISING BECAUSE OF COVID-19; AN ORDINANCE TAKING IMMEDIATE EMERGENCY MEASURES**

**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 ten (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**, in the judgment of the Chairman of the Paulding County Board of Commissioners, 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 County 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 Chairman has the authority to declare an emergency within Paulding County pursuant to Section 58-82(a) of the Official Code of Paulding County; 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**, Section 58-81, *et seq.*, of the Official Code of Paulding County authorizes the implementation of emergency powers upon the issuance of a Declaration of Emergency; and



**NOW, THEREFORE, IT IS HEREBY DECLARED** that a local State of Emergency exists within the Paulding County, Georgia, and shall continue until the conditions requiring this declaration are abated.

**THEREFORE, IT IS ORDERED, PURSUANT TO THE CHAIRMAN'S EMERGENCY AUTHORITY, AS FOLLOWS:**

**Section 1. Findings of Fact**

For purposes of describing the circumstances which warrant the adoption of an emergency Ordinance, the Chairman hereby adopts and makes the findings included in the “**WHEREAS**” clauses as findings of fact.

**Section 2. Declaration of Public Health State of Emergency**

The Chairman hereby declares a public health State of Emergency within Paulding County, Georgia because of the proliferation of COVID-19 in the United States and the State of Georgia. As a declared Emergency, the Chairman is authorized to execute to the fullest extent where necessary all authorized emergency actions authorized to the Chairman under State law and the Paulding County Code of Ordinances, including but without limitation those powers and authorities set forth herein. Except as otherwise provided herein, this declaration will remain in force and effect for the duration of the State of Georgia Public Health Emergency or its earlier termination by the Chairman or the Board of Commissioners.

**Section 3. Persons Showing Symptoms**

Any person showing symptoms recognized by the CDC as indicators of COVID-19 shall refrain from entering public buildings, restaurants, shops, public transportation facilities and all other areas where the public may be present. Such person should seek medical attention and follow the directions of their medical professional until given the clearance to return to public interaction.

**Section 4. County Parks**

All County Parks are hereby closed as a result of this Emergency. County Parks will reopen upon the earlier of 1) the termination of this Emergency Declaration, 2) a decision of the Board of Commissioners to reopen the parks, or 3) upon order of the Chairman.

## **Section 5. Utility Services**

For the duration of the declared Emergency, the County will not disconnect any public utility service provided by the County on account of non-payment. After the conclusion of the declared Emergency, persons will have a period of fifteen (15) days to make such payments before service may be disconnected.

## **Section 6. Tolling 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 Paulding County Code of Ordinances shall be tolled for the duration of the Emergency as established herein, and for fifteen (15) days thereafter. Such persons or businesses shall obtain necessary permissions required by law, but deadlines set by the County Code are tolled for the duration of the Emergency as established herein, and for fifteen (15) days thereafter.

## **Section 7. Restaurants with On-premises Consumption Licenses**

During the effective dates of this Ordinance only, restaurants serving solely by delivery, drive-through or take-out services, that presently hold an alcohol license for the sale of beer and wine for consumption on the premises, shall be authorized to sell unopened bottles or cans of beer or wine for take-out consumption off-premises.

## **Section 8. Closure of Certain Businesses**

Gyms, fitness centers, pools, social clubs, event facilities, amusement facilities, bowling alleys, pool halls, theaters, massage parlors, tattoo parlors, nail salons, 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, must close and remain closed for the duration of this Emergency.

## **Section 9. Personal Distance**

All establishments which remain open during the Emergency must require any persons located therein to maintain at least six (6) feet of personal distance between all persons therein and shall not allow more than ten (10) people into such establishment at any one time if such social distancing cannot be maintained.

### **Section 10. Procurement**

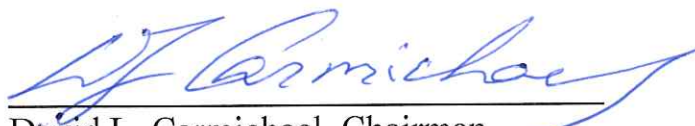
The Chairman hereby suspends the bid and competitive portions of the County's Purchasing Policy or Ordinances and authorizes the utilization of the Emergency Purchasing Procedures of the County's Purchasing Policy. County officials shall continue to seek the best prices during the State of Emergency.

### **Section 11.**

All Ordinances or parts of Ordinances 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 Order shall become effective immediately and shall be placed in the Official Records of the Paulding County Clerk.

**SO ORDERED**, this day of March 26, 2020, at 10:35 (AM/PM).



David L. Carmichael, Chairman  
Paulding County Board of Commissioners

ATTEST:



Clerk, Paulding County Board of Commissioners