

**EMERGENCY DECLARATION AND ORDINANCE**  
**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 10 people should be discontinued or prohibited; 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 City Council of the City of Winder, 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 of Winder 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.

**THEREFORE, IT IS ORDERED AND ORDAINED BY THE AUTHORITY OF THE CITY COUNCIL OF THE CITY OF WINDER, GEORGIA 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 City Council hereby declares a public health state of emergency within the City of Winder because of the proliferation of COVID-19 in the United States and the State of Georgia, which will remain in force and effect until 11:59 p.m. on April 6, 2020.

**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 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 an organized gathering. The City Council and all other boards, commissions or agencies of the City, shall have authority to conduct meetings

and take votes by teleconference in accordance with O.C.G.A. Section 50-14-1(g). The Mayor shall have authority to cancel any regularly scheduled meeting of the Council or of any board, commission or agency of the City during this emergency.

#### **Section 4. 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 thirty (30) days to make such payments before service may be disconnected.

#### **Section 5. Classification of City Services**

For the duration of the declared emergency, the Mayor 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 interruption of services to customers or 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 Mayor redirects the employee to other services.
- (e) To 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.
- (f) To place limitations on access to, operation of and use of City facilities and buildings, modification of personnel policies and other actions consistent with Federal and State law, rule, regulation or guidance.

#### **Section 6. Tolling of Deadlines**

Any deadlines for the purchasing or obtaining 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.

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

Gyms, fitness centers, pools, social clubs, amusement facilities, bowling alleys, pool halls, theaters, massage 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**

Establishments 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 as much as possible given the physical constraints of the premises.

## **Section 10. Social Gatherings**

All public and private social gatherings of more than ten (10) people occurring outside of a household or living unit are prohibited. 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 11. Emergency Interim Successor to Manager/Administrator**

The City Council desires to make certain that the chain of authority within city management is clear. If the Mayor is unable to perform his duties, the Mayor Pro Tem shall assume the duties of the Mayor. If the Mayor and Mayor Pro Tem are unable to perform the duties, the Utilities Director shall assume the duties of the Mayor.

## **Section 12. Curfew**

A curfew is imposed from 9:00 p.m. to 5:00 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; (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 13. Procurement**

The City Council suspends the bid and competitive portions of the City’s Procurement Policy and authorizes the Mayor to utilize the emergency procurement provisions of City Code Section 7-1(b) and to utilize the single-source policy and to require departments to provide a written justification for the procurement during the effective dates of this Resolution and/or utilize any emergency procurement provisions contained. City officials shall continue to seek the best prices during the state of emergency.

### **Section 14.**

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 Ordinance after adoption by the City Council and upon approval by the Mayor shall become effective 12:00 am March 24, 2020.

ORDAINED AND RESOLVED, this 23rd day of March, 2020.

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David Maynard, Mayor

Attest: \_\_\_\_\_

Anna Childs

City Clerk