

**A DECLARATION OF A STATE OF EMERGENCY ARISING
BECAUSE OF COVID-19
AND
AN ORDINANCE TAKING
IMMEDIATE EMERGENCY MEASURES
FOR THE CITY OF ROYSTON**

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 due to the impact of COVID-19 on the State of Georgia in Executive Order No. 03.14.20-.01 declared a State Public Health Emergency; and

WHEREAS, The Georgia Assembly concurred with the Executive Order No. 03.14.20-.01 by joint resolution on March 16, 2020; and

WHEREAS, The World Health Organization has declared Coronavirus Disease 2019 (COVID-19) a world health emergency and a pandemic; and

WHEREAS, The Georgia Department of Public Health has determined that the COVID-19 is spreading throughout communities, requiring the implementation of certain restrictions to limit the spread; and

WHEREAS, The number of confirmed cases and deaths from COVID-19 in Georgia continues to rise; and

WHEREAS, The Centers for Disease Control and Prevention has determined that older adults, people of any age who have serious underlying medical conditions, and certain other people or groups may be at higher risk for more serious complications from COVID-19; and

WHEREAS, O.C.G.A. § 38-3-51(c)(4) vests with the Governor the power to perform and exercise such other functions, powers and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, O.C.G.A. § 38-3-51(d)(1) vests the Governor with the power to suspend any regulatory statute prescribing procedures to conduct state business as well as the ability to suspend orders, rules or regulations of any state agency if strict compliance with any statute, order, rule or regulation that prevents, hinders or delays necessary action to handle the emergency or disaster; and

WHEREAS, O.C.G.A. §§ 31-2A-4 and 31-12-4 vests the Department of Public Health with the power to segregate and isolate certain individuals with certain communicable diseases or conditions when exposure to the general population is likely to endanger the health of others; and

WHEREAS, The Governor in consultation with the Governor's Coronavirus Task Force and health and emergency preparedness officials have determined that temporary actions are necessary and appropriate to protect the health, safety and welfare of Georgia's residents and visitors; and

WHEREAS, on April 2, 2020, Governor Kemp rescinded and replaced Executive Order No. 03.14.20-.01 with Executive Order 4.02.20.01 effective Friday, April 3, 2020 at 6:00 p.m. and expiring at 11:59 P.M. on Monday April 13, 2020; and

WHEREAS, Sheriff's and their respective offices already have the authority to enforce violations of Title 38, Chapter 3 per O.C.G.A. §§ 38-3-4 and 38-3-7; 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, state, county and city; and

WHEREAS, it is the judgment of the City of Royston, emergency circumstances exist 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 of Royston 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, the City of Royston desires to implement this Declaration and Ordinance in order to enforce compliance with the Executive Order of the Governor; 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 in order to supplement rules and regulations promulgated by the Governor during a State of Emergency; and

WHEREAS, it is in the judgment of the City of Royston, emergency circumstances exist as a result of COVID-19 within the geographical boundaries of its municipality requiring an emergency declaration and ordinance; and

WHEREAS, the Charter of the City of Royston in Section 2.24 provides the governing authority of the city 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

WHEREAS, pursuant to Subsection (8) and (11) of Section 1.13 (among other chapters, articles and sections) of the Charter for the City of Royston, the governing authority

has the power to establish procedures for determining and proclaiming the existence of an emergency along with instituting reasonable provisions to handle such an emergency to protect the safety, health or well-being of the citizens of the City; and

WHEREAS, Subsection (8) and (11) of Section 1.13 (among other chapters, articles and sections) of the Charter enables the City to define, regulate and prohibit acts, practices, conducts or uses of property which is detrimental to health, sanitation, cleanliness, welfare and safety of the inhabitants of the City and to provide for the enforcement thereof; and

WHEREAS, to prevent or minimize injury to people resulting from the pandemic, the City of Royston finds that certain actions are required, including but not limited to, the measures set forth in the Executive Order of the Governor.

NOW, THEREFORE, IT IS HEREBY DECLARED that a local state of emergency exists within the City of Royston and shall continue until the conditions requiring this declaration are abated.

THEREFORE, IT IS ORDERED AND ORDAINED BY THE CITY OF ROYSTON AS FOLLOWS:

Section 1. Findings of Fact

For purposes of describing the circumstances which warrant the adoption of a state of emergency declaration and ordinance, the governing authority of the City of Royston 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 of Royston hereby declares 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 for thirty (30) days from adoption.

Section 3. Conduct of Business

The affairs and business of the City of Royston may be conducted at places other than the regular or usual location, when it is not prudent, expedient or possible to conduct business at the regular location.

Meetings may be called by Mayor or any two members without time delaying procedures and formalities typically required by law.

Meetings necessitated by emergency conditions involving public safety may be conducted by teleconference as long as such meeting fulfills the conditions in O.C.G.A. § 50-14-1(g).

Section 4. Social Distancing

All residents and visitors of the City of Royston shall practice social distancing and sanitation in accordance with the Executive Order of the Governor of the State of Georgia and guidelines published by the Centers for Disease Control and Prevention.

Section 5. Gatherings

No business, establishment, corporation, non-profit corporation, organization or municipal government shall allow more than ten (10) persons to be gathered at a single location, if such gathering requires persons to stand or to be seated within six (6) feet of any other person. This provision shall not apply to cohabitating persons outside of their home, family units or roommates residing together in private homes, or entities defined as "Critical Infrastructure" by this Order.

Section 6. Meaning of "Single Location"

As used herein and in the Executive Order of the Governor, the term "single location" shall be interpreted to mean space where all persons gathered can not maintain at least six (6) feet of distance between themselves and any other person. The term "single locations" shall not include private residences.

Section 7. Shelter in Place

All residents and visitors to the State of Georgia are required to shelter in place within their homes or places of residence, meaning remaining in their place of residence and taking every possible precaution to limit social interaction to prevent the spread the infection of COVID-19 to themselves or any other person, unless they are within the exceptions set forth in the Executive Order enumerated 4.02.20.01, its amendments or replacement Orders.

Section 8. Essential Services

Essential services set forth in the Executive Order enumerated 4.02.20.01, its amendments or replacement Orders are incorporated herein.

The inclusion of a business as "essential" does not require said business to remain open.

Section 9. Necessary Travel

As used herein and in the Executive Order of the Governor, its amendments or replacements, Necessary Travel permitted under this Declaration and Ordinance is limited to travel required to conduct or participate in Essential Service, Minimum Basic Operations, or Critical Infrastructure.

Section 10. Minimum Basic Operations

As used herein Minimum Basic Operations are limited under this Declaration and Ordinance to those operations contained in the Executive Order enumerated 4.02.20.01, its amendments or replacement Orders.

Section 11. Non Critical Infrastructure Shall Only Engage in Minimum Basic Operations

All businesses, establishments, corporation, non-profit corporations, organizations that are NOT Critical Infrastructure shall only engage in Minimum Basic Operations as defined and set forth in the Executive Order enumerated 4.02.20.01, its amendments or replacement Orders. Additionally, such entities shall implement measures to mitigate the exposure and spread of COVID-19 among its work force as described in the Executive Order enumerated 4.02.20.01, its amendments or replacement Orders.

Section 12. Meaning of Critical Infrastructure Gatherings

The term "Critical Infrastructure" shall refer to businesses, establishments, corporations, non-profit corporations, and organizations as defined by the U.S. Department of Homeland Security as "essential critical infrastructure workforce" in guidance dated March 19, 2020, and revised on March 28, 2020, and those suppliers which provide essential goods and services to the critical infrastructure workforce as well as entities that provide legal services, home hospice, and non-profit corporations or non-profit organizations that offer food distribution or other health or mental services. Additionally, such entities shall implement measures to mitigate the exposure and spread of COVID-19 among its work force as described in the Executive Order enumerated 4.02.20.01, its amendments or replacement Orders

Section 13. Guidance from the Georgia Department of Economic Development

Businesses, corporations, organizations or industry trade groups shall follow the Georgia Department of Economic Development guidelines regarding its status as Critical Infrastructure.

Section 14. Dine-In Services

No restaurants and private social clubs shall provide dine-in services. Takeout, curbside pick-up and delivery are allowed in accordance with the provisions of the Executive Order of the Governor.

Dine-in services for hospitals, healthcare facilities, nursing home or other long-term care facilities are not limited; however, if possible, such facilities should provide in-room dining.

Section 15. In-person Operations shall Cease and Close

The in-person operations shall cease and shall be closed to the public while this Declaration and Ordinance is in effect that are specified in the Executive Order enumerated 4.02.20.01, its amendments or replacement Orders.

Section 16. Prohibition and Exception for Visitors for Persons Required to Shelter in Place

Persons required to shelter in place under any provision of this Declaration and Ordinance shall only receive visitors permitted in the Executive Order numbered 4.02.20.01, its amendments or replacement Orders. Additionally distance parameters and allowed purposes of visitors shall comply with the Executive Order enumerated 4.02.20.01, its amendments or replacement Orders.

Section 17. Strict Enforcement of Prohibition of Visitors

As in the Executive Order enumerated 4.02.20.01, its amendments or replacement Orders, visitors pursuant to Section 16 shall be strictly enforced against nursing homes or other long-term care facilities, including in-patient hospice, assisted living communities, personal care homes, intermediate care homes, community living arrangements, and community integration homes.

Section 18. Shelter-In-Place and Emergencies

An exception to any shelter-in-place requirements set forth in this Declaration, Ordinance and the Executive Order enumerated 4.02.20.01, its amendments or replacement Orders occurs in the event of an emergency if persons are encouraged to leave their homes for a safe alternate location.

Section 19. Authorization of Certain Entities and Persons to Mandate Closures

As long as the Executive Order enumerated 4.02.20.01, its amendments or replacement Orders is in effect, the Department of Public Health, the Department of Public Safety, or any other state department or state officer deputized by the Governor or the Georgia Emergency Management and Homeland Security Agency are, after providing reasonable notice, authorized to mandate the closure of any business, establishment, corporation, non-profit corporation, or organization not in compliance.

Section 20. Conflicting Municipal Ordinances, Rules and Regulations

Any ordinance, rule or regulation of the City of Royston (including those specific powers enumerated in O.C.G.A. § 36-35-3) that conflicts, varies or differs from the terms of the Executive Order of the Governor (while in effect) are suspended.

Section 21. Firearms, Ammunition or Components

The sale, dispensing or transportation of firearms, ammunition or components thereof are not suspended or limited.

Section 22. Enforcement/Violations

Any person in violation of the Executive Order of the Governor or this local declaration or ordinance may be issued a citation and shall be guilty of a misdemeanor pursuant to O.C.G.A. §§ 38-3-7 and 38-3-4 as well as Section 42-1 of the Code of

Ordinances of the City of Royston. Any violations shall be prosecuted to the fullest extent of the applicable law.

Officers of law enforcement approved to provide aid and assistance during the emergency may assist in enforcement. Nothing contained in this Ordinance shall prohibit a law enforcement officer from bringing other charges under unrelated laws and regulations.

For the duration of the local state of emergency, any person who fails to abide by the prohibitions, and/or procedures of any ordinance, resolution adopted by the City of Royston during the time of declared state or local emergency as defined in the Code of Ordinance of Royston may also be guilty of disorderly conduct as contemplated by Section 42-1 of the Code of Ordinances of the City of Royston.

In addition to the enforcement authority set forth in the Executive Orders of the Governor, the City of Royston hereby authorizes the Sheriffs and their lawful deputies in Hart County, Franklin County and Madison County to temporarily enforce Executive Order, Declaration, or Ordinances of the City for the limited period of the local state of emergency declared by the City of Royston.

Section 23. Public Utilities

For the duration of this Declaration and Ordinance, the City of Royston will not disconnect public utility service provided by the City to private residential housing with occupants. Residential housing may include the housing of persons required to be sheltered-in-place.

Section 24. Classification of City Services

For the duration of the declared emergency, the City Manager shall be vested with the discretion and authority (as long as in compliance with the Executive Order enumerated 4.02.20.01, its amendments or replacement Orders), 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 the service suspension is lifted or until the City Manager 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 expenditure shall be reported to the governing authority of the City.

- (f) 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, healthcare, and building permits.

Section 25. Procurement

The governing authority hereby suspends the bidding and competitive portions of the City's Procurement Policy or procedures and authorizes the City Manager to utilize the single-source policy. City Manager shall require departments to provide a written justification for the procurement, during the effective dates of this Declaration and Ordinance and/or utilize any emergency procurement provisions. City officials and staff shall continue to seek the best prices during the state of emergency.

Section 26. Conflict

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

Section 27. Effective Date

This Declaration and Ordinance adopted by the City of Royston shall become effective simultaneously with the Governor's Executive Order enumerated 4.02.20.01 and be filed with the meeting minutes and in the Office of the City Clerk of Royston.

ORDAINED AND RESOLVED, this 3rd day of April, 2020.

CITY OF ROYSTON

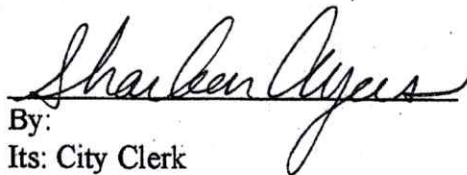


By: David L. Jordan

Its: Mayor

Attest:

Approved as to form:



By:

Its: City Clerk

Andrea Grant, Law Office of Andrea Grant, LLC
City Attorney