

RESOLUTION NO. _____

PUBLIC HEALTH EMERGENCY ORDER

BY THE BOARD OF MAYOR AND COMMISSIONERS OF THE CITY OF AVONDALE ESTATES TO ENACT EMERGENCY MEASURES TO PREVENT THE SPREAD OF THE NOVEL CORONAVIRUS BY REQUIRING THAT RESIDENTS SHALL STAY AT HOME OR PLACE OF RESIDENCE AND THAT NON-ESSENTIAL BUSINESSES SHALL TEMPORARILY CEASE ACTIVITIES; PROHIBITING GATHERINGS; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, Resolution No. 2020-19, adopted March 20, 2020 by the Board of Mayor and Commissioners of the City of Avondale Estates (“Resolution 19”) determined that there is a public health emergency within the City of Avondale Estates due to the rapid spread of COVID-19 in the United States, the State of Georgia and DeKalb County; and

WHEREAS, the Charter of the City of Avondale Estates (Section 1.12, subsections (a)(11) and (a)(13)) grants to the Board of Mayor and Commissioners the power to protect the safety, health, and welfare of the public by prohibiting conduct detrimental to public health; and

WHEREAS, between March 16 and today, the number of cases of COVID-19 that have been officially reported in DeKalb County has increased exponentially and is expected to continue to do so if significant measures are not taken immediately; and

WHEREAS, multiple cities in Georgia, following the advice and recommendations of infectious disease and public health experts, have ordered their residents to shelter in their homes and have banned gatherings; and

WHEREAS, City of Atlanta Mayor Keisha Lance Bottoms issued such an executive order on March 23, 2020; and

WHEREAS, the City of Decatur issued such an emergency order on March 24, 2020; and

WHEREAS, the City of Avondale Estates and the City of Decatur share a common border and there is substantial travel, commerce and activity that flows between these neighboring cities; and

WHEREAS, Governor Kemp has urged “local officials to do what’s in the best interest of their communities to keep people safe and stop the spread of coronavirus;” and

WHEREAS, this Public Health Emergency Order is intended to reflect the best interest of and to protect the health and safety of the residents of the City of Avondale Estates; and

WHEREAS, this Public Health Emergency Order is intended to supplement the Executive Orders of the Governor of the State of Georgia that address the COVID-19 Public Health State of Emergency, specifically including the Executive Order entered by the Governor on March 23, 2020 at 5:58 p.m., as well as administrative orders promulgated by the State Department of Public Health pursuant to that Executive Order.

NOW, THEREFORE, in a public and specially called emergency meeting, authorized pursuant to O.C.G.A. § 51-14-1(g), the Board of Mayor and Commissioners, in order to protect the health, prosperity, comfort, safety, security, good order and welfare of the City and its residents and to promote and secure the safety, protection and well-being of the inhabitants of the County and of the City of Avondale Estates, hereby orders and directs the following:

1.

Residents Ordered to Remain at Home or Place of Residence

All individuals currently living within the city limits of the City of Avondale Estates, Georgia (the “City”) shall remain at their place of residence. 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. All individuals may leave their residences only for:

- Essential Activities
- Essential Governmental Functions
- To operate Essential Businesses.

Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation).

2.

Non-Essential Businesses Ordered to Temporarily Cease Activities

All businesses with a facility in the City, except Essential Businesses as defined below in Section 4, are required to cease all activities at facilities located within the City

except Minimum Basic Operations, as defined in Section 4. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 4 below, including, but not limited to, when any customers are standing in line.

3.

Prohibition of Assemblages, Events and Gatherings

All public or private assemblages, events and gatherings shall be prohibited within the City limits of the City of Avondale Estates. This includes, but is not limited to, weddings, religious gatherings, parties, funerals, sporting events, social events, conferences and other gatherings. Exceptions apply to critical facilities as may be determined by the City but explicitly include critical government facilities providing essential services, schools or institutions of higher learning, grocery stores and pharmacies, hospitals and medical offices and facilities. Nothing in this Order prohibits the gathering of members of a household or living unit. **This Section 3 of this Public Health Emergency Order supersedes Section 2 of Resolution 19, which prohibited gatherings of 10 or more persons.**

4.

Definitions and Exemptions

A. Essential Activities:

1. For purposes of this Order, individuals may leave their residence only to perform any of the following “**Essential Activities.**” But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care. In addition, individuals who have tested positive for COVID-19, who are suspected to have COVID-19 based on symptoms and a known exposure to a person with COVID-19 or who have been in close contact with a person with known or suspected COVID-19 are required by the Georgia Department of Public Health to isolate or quarantine themselves at home.
 - a) 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 or partners or significant others (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.

- b) To obtain necessary services, supplies or food for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, 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.
 - c) To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, running, or bicycling.
 - d) To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
 - e) To care for a family member or pet in another household.
2. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “**Healthcare Operations**” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include fitness and exercise gyms and similar facilities.
3. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “**Essential Infrastructure**,” including, but not limited to, public works construction, construction and all related activities (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

B. Essential Government Functions:

1. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement

personnel, and others who need to perform essential services are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions.

C. Essential Businesses:

1. For the purposes of this Order, covered businesses include any for-profit, nonprofit, or private educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
2. For the purposes of this Order, “**Essential Businesses**” means:
 - a) Healthcare Operations and Essential Infrastructure;
 - b) Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other nongrocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
 - c) Food cultivation, including farming, livestock, and fishing;
 - d) Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 - e) Newspapers, television, radio, and other media services;
 - f) Gas stations and auto-supply, auto-repair, and related facilities;
 - g) Banks and related financial institutions;
 - h) Hardware stores;
 - i) Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and

essential operation of residences, Essential Activities, and Essential Businesses;

j) Businesses providing mailing and shipping services, including post office boxes;

k) Educational institutions—including private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six feet per person is maintained to the greatest extent possible;

l) Laundromats, drycleaners, and laundry service providers;

m) Restaurants and other facilities that prepare and serve food, but only for delivery or carry out and subject to the provisions in Section 1 of Resolution 19. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;

n) Businesses that supply products needed for people to work from home and businesses that provide school supplies and books needed to do school work from home;

o) Businesses or manufacturers that supply other Essential Businesses with the support or supplies necessary to operate;

p) Businesses that ship or deliver groceries, food, goods, or services directly to residences;

q) Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;

r) Home-based care for seniors, adults, or children;

s) Residential facilities including hotels, motels, shared rental units and similar facilities and shelters for seniors, adults, and children;

t) Professional services, such as legal, accounting services, real estate services, when necessary to assist in compliance with legally mandated activities;

u) Unless otherwise preempted by state law, childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:

- i. Childcare must be carried out in stable groups of 12 or fewer (“stable” means that the same 12 or fewer children are in the same group each day).
- ii. Children shall not change from one group to another.
- iii. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
- iv. Childcare providers shall remain solely with one group of children.

v) All businesses which currently possesses a retail liquor package license, retail beer package license or a retail wine package license shall be authorized to continue selling packages but customers may not enter the place of business. All package sales shall occur via drive-thru or in parking lots or at the curb.

3. For the purposes of this Order, “**Minimum Basic Operations**” include the following, provided that employees comply with Social Distancing Requirements to the extent possible, while carrying out such operations.

- a) The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.
- b) The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

4. For purposes of this Order, “**residences**” include hotels, motels, shared rental units and similar facilities.

5. For purposes of this Order, “**Social Distancing Requirements**” includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

5.

Prohibiting the Use of Public Facilities including Playground Equipment, Benches, Pavilions and Water Fountains

In recognition that the virus may live on surfaces located in public places and parks and thus be transmitted to persons touching such surfaces, all playground equipment, pavilions, water fountains and benches located at public places, including but not limited to Willis Park and Lake Avondale, are hereby closed to public use during the period that this Resolution is in effect. Touching of any such facility shall constitute a violation of this Resolution and a misdemeanor. Individuals may still use public paths, trails and greenspaces for exercise so long as Social Distancing Requirements are observed.

6.

Lawn Services Permitted

The Board of Mayor and Commissioners considers lawn maintenance services to pose a very low risk of virus transmission because the service is performed outdoors and there need not be contact with the resident. The Board also desires to support community morale by maintaining the aesthetic beauty of the City. Therefore, lawn maintenance services are exempt from the restrictions of this ordinance so long as the person(s) performing such service have no contact with the resident(s) of the property and observe Social Distancing Requirements.

7.

Time Period

This Order shall become effective at 12:01 a.m. on March 26, 2020, and shall expire at 11:59 p.m. on April 19, 2020 unless cancelled, extended or modified by further action of the Board of Mayor and Commissioners. The Board of Mayor and Commissioners intends to revisit the policy expressed in this Resolution every two weeks for so long as necessary

8.

No Rights Created

This Public Health Emergency Order is issued for the purpose of protecting the health, prosperity, comfort, safety, security, good order and welfare of the City and its residents and to promote and secure the safety, protection and well-being of the inhabitants of the County and of the City of Avondale Estates, and is not intended to create any substantive or procedural right or benefit for any person.

SO ORDERED this 26th day of March, 2020.

**BOARD OF MAYOR AND
COMMISSIONERS**

CITY OF AVONDALE ESTATES, GEORGIA

JONATHAN ELMORE, Mayor

ATTEST:

Gina Hill, City Clerk

Approved as to Form:

Stephen G. Quinn
Stephen G. Quinn, Assistant City Attorney