

STATE OF GEORGIA

CITY OF COLLEGE PARK

ORDINANCE NO.

AN ORDINANCE DECLARING THERE TO BE A STATE OF EMERGENCY IN EXISTENCE WITHIN THE TERRITORIAL JURISDICTIONAL LIMITS OF THE CITY OF COLLEGE PARK DUE TO A COVID-19 PANDEMIC AND CONDITIONS RELATED THERETO; REQUIRING ALL INDIVIDUALS LIVING IN THE TERRITORIAL JURISDICTIONAL LIMITS OF THE CITY OF COLLEGE PARK TO STAY AT THEIR PLACE OF RESIDENCE; TO PERMIT PERSONS SUBJECT TO THIS ORDINANCE TO LEAVE THEIR PLACES OF RESIDENCE TO PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR ESSENTIAL BUSINESS AND GOVERNMENT SERVICES; TO EXEMPT INDIVIDUALS EXPERIENCING HOMELESSNESS FROM THE THIS ORDINANCE BUT URGING THEM TO FIND SHELTER AND GOVERNMENTAL AND OTHER ENTITIES TO PROVIDE IT; DIRECTING ALL BUSINESSES TO CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS WITHIN THE CITY OF COLLEGE PARK; PROHIBITING ALL NON-ESSENTIAL GATHERINGS OF ANY NUMBER OF INDIVIDUALS; AND FOR OTHER PURPOSES.

WHEREAS, the City is authorized pursuant to its Charter, the Georgia Constitution and its emergency management powers under O.C.G.A. §38-3-28 to impose necessary rules and regulations for emergency management purposes and to preserve the health, safety and welfare of the residents of the City; and

WHEREAS, the City of College Park (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, like much of the world, the United States, the State of Georgia, and the City of College Park are currently responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2” and the disease it causes named “coronavirus disease 2019 (abbreviated COVID-19); and

WHEREAS, the World Health Organization (“WHO”) has declared the COVID-19 Virus, commonly referred to as the Coronavirus, a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States announced a national emergency in response to the COVID-19 pandemic, which included two emergency declarations: one under the National Emergencies Act and one under the Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, on March 14, 2020, Governor Brian Kemp signed a public health state of emergency to address the COVID-19 pandemic through assisting health and emergency management officials across Georgia by deploying all available resources for the mitigation and treatment of COVID-19; and

WHEREAS, the Center for Disease Control (“CDC”) has issued guidance on the emerging and rapidly evolving situation of the COVID-19 pandemic, including how to protect oneself from this illness; and

WHEREAS, social distancing is recommended by the CDC to prevent the continued spreading of this illness in the community; and

WHEREAS, on March 16, 2020, the CDC advised that during the next fifteen (15) days, all events in the United States of ten (10) or more people should be cancelled or held virtually; and

WHEREAS, on March 22, 2020, twenty-four (24) infectious disease clinicians in Georgia signed onto an opinion that it is in their belief that there is little time to “flatten the curve” of the spread of COVID-19; and

WHEREAS, these clinicians advised that at least one model suggests that “the point of no return” for Georgia is estimated to being on March 24, 2020 and that after that date, every day of delay before restrictive measures, such as those put in place by California, New York, and Illinois, are taken will lead to an earlier than higher peak of infected Georgians that will completely overwhelm our hospital systems; and

WHEREAS, these clinicians have requested that effective as soon as possible, there be a Stay at Home declared for 14 days with only essential personnel being deployed during this emergency; and

WHEREAS, the Mayor and City Council of the City of College Park find that based upon the advice of the CDC and of the Georgia infectious disease clinicians the extreme likelihood of destruction of life within the territorial jurisdiction of the City of College Park due to the unusual condition of the COVID-19 Pandemic has increased significantly; and

WHEREAS, this Ordinance is in the best interests of the health and general welfare of the City, its residents and general public.

THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, GEORGIA,
HEREBY ORDAINS as follows:

Section 1. The Mayor and Council hereby find that an extreme likelihood of loss of life will result within the jurisdictional limits of the City of College Park due to the unusual condition of the COVID-19 Pandemic, and in accordance with the City's emergency management powers under O.C.G.A. §38-3-28, there is hereby declared an emergency in existence within the territorial jurisdictional limits of the City of College Park.

Section 2. In light of the existing emergency, the Mayor and City Council hereby ordain that all individuals living in the territorial jurisdictional limits of the City of College Park are directed to stay at their place of residence; to permit persons subject to this order to leave their places of residence to provide or receive certain essential services or engage in certain essential activities and work for essential business and government services; to exempt individuals experiencing homelessness from this Ordinance but urging them to find shelter and government agencies and non-profit service providers to provide it; directing all businesses to cease non-essential operations at physical locations within the City of College Park; prohibiting all non-essential gatherings of any number of individuals.

Section 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 (6) feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential businesses, all as defined herein.

Section 4. All businesses with a facility in the territorial jurisdiction limits of the City of College Park, except Essential Businesses as defined herein, are required to cease all activities at facilities located therein except Minimum Basic Operations, as defined herein. 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 herein, including by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.

Section 5. All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes as expressly permitted herein. Nothing herein prohibits the gathering of members of a household or living unit.

Section 6. Definitions and Exemptions:

- (a) For purposes of this Ordinance, individuals may leave their residences 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:
 - (1) 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 (including, but not limited to, pets), such as, by way of example only and without limitations, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.

- (2) To obtain necessary services or supplies 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 supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.
 - (3) 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, or running.
 - (4) To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Ordinance, including Minimum Business Operations.
 - (5) To care for a family member or pet in another household.
- (b) For purposes of this Ordinance, 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.

- (c) For purposes of this Ordinance, 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, airport operations, utility, water, sewer, gas, electrical, oil refining, roads and highways, railroads, public transportation, taxi/rideshare, solid waste collection and removal, internet, and telecommunication 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 herein, to the extent possible.
- (d) For purposes of this Ordinance, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others working for or to support Essential Businesses are categorically exempt from this Ordinance. Further, nothing in this Ordinance shall prohibit any individual from performing or accessing “Essential Governmental Functions,” which shall mean all services needed to ensure the continuing operation of the governmental

agencies and provide for the health, safety, and welfare of the public. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined herein, to the extent possible.

- (e) For the purposes of this Ordinance, covered businesses including any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- (f) For the purposes of this Ordinance, “Essential Businesses” means:
 - (1) Healthcare Operations and Essential Infrastructure;
 - (2) Grocery stores, 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 non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
 - (3) Food cultivation, including farming, livestock, and fishing;
 - (4) Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 - (5) Newspapers, television, radio, and other media services;

- (6) Gas stations and auto-supply, auto-repair, and related facilities;
- (7) Banks and related financial institutions;
- (8) Hardware stores, lodging businesses (e.g., hotels, motels, conference centers);
- (9) 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;
- (10) Businesses providing mailing and shipping services, including post office boxes;
- (11) Educational institutions – including public and 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;
- (12) Laundromats, dry cleaners, and laundry service providers;
- (13) Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Those restaurants or other facilities with valid on-premises consumption of alcohol licenses may sell alcohol in unopened packages for delivery or carry out during the effective term of this Ordinance only. Schools and other entities that typically provide food services to students or members of the

public may continue to do so under this Ordinance on the condition that the food is provided to students or members of the public on a pick-up and takeaway 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. Cafeterias in hospitals, nursing homes, or similar facilities shall not be subject to the restrictions contained in this Ordinance;

- (14) Businesses that supply products needed for people to work from home;
- (15) Businesses that supply other essential businesses with the support or supplies necessary to operate;
- (16) Businesses that ship or deliver groceries, food, goods or services directly to residences;
- (17) Home-based care for seniors, adults, or children;
- (18) Residential facilities and shelters for seniors, adults, and children;
- (19) Professional services, such as legal or accounting services;
- (20) Childcare facilities; and
- (21) Utility, water, sewer, gas, electrical, oil refining, roads and highways, railroads, public transportation, taxi/rideshare, solid waste collection and removal, internet and telecommunication systems (including the provision of essential global, national, and

local infrastructure for computing services, business infrastructure, communications, and web-based services).

(g) For the purposes of this Ordinance, “Minimum Basic Operations” including the following, provided that employees comply with Social Distancing Requirements as defined herein, to the extent possible, while carrying out such operations:

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

Section 7. All in-person public meetings and hearings of City-affiliated Boards, committees, commissions and administrative entities, are hereby suspended until the termination or expiration of this Ordinance. However, pursuant to the provisions of O.C.G.A. §50-14-1(g), City-affiliated Boards, committees, commissions, and administrative entities may conduct public meetings via teleconference during the pendency of this Ordinance, without a requirement of having a quorum present in person, so long as notice is provided and simultaneous access is afforded to the public to the teleconference meeting. Quorum requirements must be satisfied for teleconference meetings.

Section 8. All matters requiring a public hearing, including but not limited to zonings, special use permits, and variances are hereby stayed until the termination or expiration of this

Ordinance. At the termination or expiration of this Ordinance, the scheduling of hearings shall resume in the ordinary course of business. City staff are directed to work with applicants and those otherwise affected by this Ordinance to ensure that financial impact and/or disruptions to business function is kept at a minimum.

Section 9. City-owned parks and public facilities, including the College Park Golf Course, shall remain closed to the public until termination or expiration of this Ordinance, with the exception of the Phoenix Trail and Brady Trail, which shall remain open for public use.

Section 10. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 11. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest

extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 12. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 13: This Ordinance shall be effective on 12:00 p.m. March 25, 2020 and is intended to last and shall expire, unless further extended by the Mayor and City Council, on 12:00 p.m. April 8, 2020. This Ordinance is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the City of College Park, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

SO ORDAINED this _____ day of _____, 2020.

CITY OF COLLEGE PARK, GEORGIA

Bianca Motley Broom, Mayor

ATTEST:

Shavala Moore, City Clerk

APPROVED BY:

City Attorney