

STATE OF GEORGIA

CITY OF SOCIAL CIRCLE

ORDINANCE NO. 2020-ORD-1

AN EMERGENCY ORDINANCE DECLARING A STATE OF EMERGENCY IN THE CITY OF SOCIAL CIRCLE, GEORGIA DURING THE PUBLIC HEALTH EMERGENCY OF THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19) GLOBAL PANDEMIC PURSUANT TO THE GENERAL POWERS SET FORTH IN SECTION 2.23 OF THE CHARTER.

WHEREAS, the City of Social Circle is a Municipal Corporation of the State of Georgia;
and

WHEREAS, the Mayor of Social Circle is allowed to take such emergency actions as may be necessary to promote and secure the safety, protection and well-being of the citizens of Social Circle in emergency situations.

WHEREAS, the Schools in and around the City of Social Circle have closed for the express purpose of avoiding groups of students from congregating in groups to stop the spread of COVID-19;

WHEREAS, the President of the United States declared a National Public Health Emergency on Friday March 13, 2020; and

WHEREAS, the President of the United States has issued “The President’s **Coronavirus Guidelines For America**”, a copy of which is attached hereto as Exhibit “A” which sets out the

recommendations of the Centers for Disease Control (CDC) for slowing the spread of COVID-19;

WHEREAS, the Governor of the State of Georgia declared a Public Health State of Emergency in Georgia on March 14, 2020 and the Georgia General Assembly concurred with the Governor's declaration on March 16, 2020 and has given local governments throughout the State of Georgia specific instructions in a televised news conference at 5:00 pm on March 23, 2020; and

WHEREAS, the World Health Organization has declared the novel coronavirus known as COVID-19 a world health emergency and a pandemic; and

WHEREAS, the governing authority of the City of Social Circle, Georgia is the Mayor and Council thereof; and

WHEREAS, the Charter of the City of Social Circle, Georgia, in Section 2.23 grants to the City all the powers possible for a City to have which includes the power to protect the safety, health, and welfare of the public; and

WHEREAS, the Code of Ordinances Sections 6-27 of the City of Social Circle, Georgia grants the Mayor the power to adopt emergency actions in conjunction with other local government leaders or on his own to declare an emergency and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city; and

WHEREAS, the City of Social Circle, Georgia has taken multiple measures to reduce the risk of community transmission, including closing certain facilities, cancelling meetings of the city boards as well as cancelling certain public gatherings; and

WHEREAS, additional measures will likely be required in the coming days and weeks to address the fluid situation and such measures will likely need to be executed quickly and free of the usual formalities and procedures required for City action.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SOCIAL CIRCLE, GEORGIA, and by the authority thereof:

Section 1: The Mayor and City Council adopts and makes the findings discussed in the recitals above the factual findings of the Mayor and Council and hereby declare a Public Health State of Emergency in the City of Social Circle due to the rapid spread of COVID-19 in the United States and the State of Georgia and authorizes the City and its designated representatives to seek and accept federal and state aid during this emergency event including the power to activate all county Emergency Management Agency Plans and Operations for Walton and Newton County;

Section 2: The following provisions shall govern with the force of law during the Public Health State of Emergency which is hereby declared to be from the date of adoption of this Ordinance to Noon on April 6, 2020.

Section 3: The following Emergency provisions are hereby declared and ordered inside the City Limits of the City of Social Circle:

- a. The Mayor and 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).
- b. All bars, restaurants or businesses that sell food or beverages for retail consumption on the premises shall be and are hereby ordered closed to in-person dining, consumption of alcohol, or entertainment on the premises until the end of this Public Health State of Emergency. Bars, restaurants, and other businesses that sell food may offer food for delivery, pick-up, take-away or to-go for customers to eat in other places outside of the premises of the restaurant, bar or business consistent with the requirements of this Ordinance. If a restaurant is licensed to sell beer and wine for consumption on the premises, then that business may sell unopened bottles of beer or

wine for take-out for consumption off-premises provided food is also purchased, but only during this Public Health State of Emergency.

- c. Gyms and exercise facilities are hereby ordered closed. All businesses that are allowed to operate under paragraph (b) and all other businesses operating during this Public Health Emergency shall establish operating rules and procedures where all persons on their property are required to maintain a 6 foot minimum space between each other at all times and follow the best practices set forth by the Centers for Disease Control.
- d. Beginning at 8:00 P.M. on Monday, March 23, 2020, and concluding at Noon on Monday, April 6, 2020 unless extended by written declaration of the Mayor, all public assemblages, events, and gatherings within the territorial limits of the City of Social Circle of more than 10 (ten) people shall be prohibited. This provision does not apply to employers with more than 10 employees or manufacturing facilities or in facilities owned or operated by the City of Social Circle provided the requirements of paragraph (c) are strictly maintained in those businesses.
- e. The City Council authorizes the City Manager with the written approval of the Mayor to utilize the emergency procurement section of the City of Social Circle Code of Ordinances to allow the City Manager to make or authorize others to make emergency procurements of supplies, services, or construction items while there exists a threat to public health, welfare, or safety; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. This provision shall not abrogate the city's requirements as specified in the Official Code of Georgia.
- f. The City Council desires to make certain that the chain of authority within city management is clear. If the City Manager is unable to perform her duties, the Fire

Chief Ken Zaydel shall assume the duties of the City Manager. If the City Manager and Fire Chief are unable to perform the duties, the City Clerk Susan Roper shall assume the duties of the City Manager.

- g. Utility disconnections for failure to pay bills scheduled during the week of March 23rd are hereby stayed, but only for one cutoff cycle.
- h. The Mayor with the assistance and agreement of the City Manager is hereby given the authority to by written emergency declaration expand the number and types of business required to close, to require the isolating of individuals showing symptoms of the virus and to take such other emergency procedures as are necessary to expand the response to this Public Health Emergency provided the written and signed informal permission of two additional members of the City Council are secured.
- i. All citizens are hereby instructed to strictly follow “The President’s **Coronavirus Guidelines For America**” attached hereto and incorporated herein.

Section 4: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby suspended during the effective dates of this Ordinance and the terms and provisions of this Ordinance shall prevail.

Section 5: This Ordinance shall take effect upon passage by the City Council and shall expire by its own terms automatically at Noon on April 6, 2020, unless extended by written declaration of the Mayor or terminated sooner by further action of the Mayor and City Council.

Section 6. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, 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. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, 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 Mayor and 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 and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 6. This Ordinance was adopted on March 23, 2020. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES TO FOLLOW ON THE NEXT PAGE]

ORDAINED this 23RD day of March, 2020



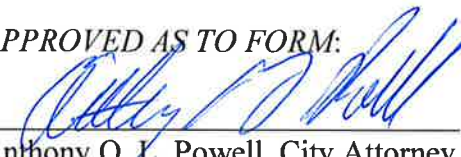
David L. Keener, Mayor

ATTEST:



Susan M. Roper, City Clerk

APPROVED AS TO FORM:



Anthony O. L. Powell, City Attorney
Webb, Tanner & Powell P.C.