

1 STATE OF GEORGIA
2 COUNTY OF FULTON
3 CITY OF SOUTH FULTON
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7 **AN EMERGENCY ORDINANCE PROMOTING SHELTERING IN PLACE;**
8 **ESTABLISHING THE TEMPORARY PUBLIC CLOSURE OF NON-ESSENTIAL**
9 **BUSINESSES WITHIN THE CITY DUE TO THE COVID-19 PANDEMIC; LIMITING**
10 **NON-ESSENTIAL RESIDENTIAL TRAVEL AND FOR OTHER PURPOSES**

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12 **(Sponsored and Requested by Mayor Edwards)**
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14 **WHEREAS**, the City of South Fulton (“City”) is a municipal corporation duly
15 organized and existing under the laws of the State of Georgia;

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17 **WHEREAS**, the duly elected governing authority of the City, is the Mayor and
18 Council thereof (“City Council”);

19 **WHEREAS**, the City is authorized pursuant to the Georgia Constitution, O.C.G.A.
20 §38-3-28, and the City Charter Section 1.12(b)(8) to impose necessary rules and
21 regulations for emergency management purposes and to preserve the health, safety and
22 welfare of the residents of the City;

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24 **WHEREAS**, the City and governments across the world are currently responding
25 in an emergency capacity to an outbreak of respiratory disease caused by a novel
26 coronavirus (“COVID-19”);

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

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31 **WHEREAS**, the Center for Disease Control (“CDC”) has issued guidance on the
32 emerging and rapidly evolving situation of the COVID-19 pandemic, including advisement
33 on or about March 16, 2020, that all events in the United States of ten (10) or more people
34 should be cancelled or held virtually;

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36 **WHEREAS**, on March 17, 2020, the City Council declared that a state of
37 emergency exists within the City with respect to the Coronavirus epidemic;

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39 **WHEREAS**, during March of 2020, the United States President and Georgia
40 Governor issued emergency declarations to address and mitigate the impact of the
41 COVID-19 pandemic;

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43 **WHEREAS**, on March 22, 2020, at least two dozen infectious disease clinicians in
44 Georgia opined that there is little time to “flatten the curve” of COVID-19’s spread;
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46 **WHEREAS**, the City Council hereby finds and declares that a state of emergency
47 continues to exist within the City with respect to the COVID-19 epidemic;
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49 **WHEREAS**, the City Council desires through this Ordinance to make and carry out
50 reasonable provisions for mitigating the spread and impact of COVID-19; and
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52 **WHEREAS**, this Ordinance in the best interests of the health and general welfare
53 of the City, its residents and general public.
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55 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS¹** as
56 follows:
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58 **A. Nighttime Shelter in Place Restrictions.** In light of the growing spread of
59 COVID-19, for the effective duration of this Ordinance, no person shall engage
60 in non-essential public travel within the City daily between the hours of 9p.m.
61 and 7a.m. Non-essential public travel shall consist of all outdoor travel within
62 the City, with the exception of travel:
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- 64 1. To and from medical and/or childcare facilities, pharmacies and/or early
65 morning business promotions designed to help high risk persons from
66 contracting COVID-19;
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- 68 2. For employment purposes, including business related deliveries;
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- 70 3. Through the City to a destination outside the City; or
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- 72 4. Necessary to protect persons and/or property from imminent harm.
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74 **B. Daytime Shelter in Place Restrictions².** During the hours of 7a.m. through
75 9p.m., travel by persons within the City shall be restricted to the four essential
76 public travel exceptions listed in section A above, in addition to travel to and

¹ This Ordinance is enacted on an emergency basis to mitigate and combat the growing threat of COVID-19.

² The public is encouraged to exercise inside their residences, where possible. Members of the public shall only be permitted to engage in outdoor exercise, such as walking, hiking or jogging, within the City during the hours of 7a.m. to 9p.m., so long as such activities occur within .5 miles of their residence while maintaining, where practicable, a minimum six-foot distance from other persons.

77 from the following entities, which are hereby designated as “Essential
78 Businesses”:

- 79 1. Medical and/or childcare facilities;
- 80 2. Grocery and/or convenience stores;
- 81 3. Pharmacies;
- 82 4. Hotels;
- 83 5. Restaurants, Night Clubs and Fast Food Establishments (collectively
84 referred to herein as “Restaurants”) subject to the following exceptions:
 - 85 a. Restaurants shall not permit the general public to consume
86 beverages and/or food on their premises at any time; and
 - 87 b. Restaurants may allow the public to enter upon their premises for
88 take-out orders, limited to the hours of 7a.m. through 9p.m. Only drive
89 thru and delivery services will be allowed from 9p.m. to 7a.m.
 - 90 c. Restaurants with valid on-premises consumption of alcohol licenses
91 may sell beer and/or wine in unopened packages for delivery or carry
92 out with the purchase of food. Such services and sales shall otherwise
93 meet all local, state and federal alcohol related requirements,
94 including regulations governing the allowable hours of alcohol sales.
95 This subsection (5) shall be applicable to restaurants inside of larger
96 establishments, such as grocery stores and hotels.
- 97 6. Legal service providers;
- 98 7. Food banks;
- 99 8. Post offices;
- 100 9. Educational institutions, for purposes of facilitating distance learning
101 and/or performing essential functions;
- 102 10. Schools and other entities that typically provide food services to students
103 or members of the public, on the condition that the food is provided to
104 students or members of the public on a pick-up and takeaway basis only;
- 105 11. Organizations providing food, shelter and/or life necessities to displaced
106 and/or economically disadvantaged persons;
- 107 12. Gas stations;
- 108 13. Financial institutions;
- 109 14. Hardware/nursery stores;
- 110 15. Funeral establishments;
- 111 16. Laundromats and liquor stores;
- 112 17. Transportation providers; and
- 113 18. Businesses providing products and/or services necessary to protect
114 persons and/or property from imminent danger or harm.

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116 **C. Essential Business Public Access Restrictions.** With the exception of
117 medical facilities, public transportation providers and businesses providing
118 products and/or services necessary to protect persons and/or property from

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imminent danger and harm, all businesses within the City shall prohibit indoor access to the general public daily from 9p.m. to 7a.m.³

D. Temporary Public Closure of Non-Essential Businesses⁴. No business within the City which is not listed as an Essential Business under this Ordinance shall permit indoor access to the general public for the effective duration of this Ordinance. A business which is not identified as an Essential Business under this Ordinance, i.e. (Barbershops, Nail Salons, etc.) shall not qualify as an Essential Business merely because it is housed inside of an Essential Business. All Non-Essential Businesses must thus close access to the public, irrespective of whether they are located within an Essential Business. This Ordinance shall not prevent Non-Essential Businesses from engaging with the public telephonically, electronically and/or by mail.

E. Essential Government and Infrastructure Operations: Nothing in this Ordinance shall prohibit the performance of “Essential Government and Infrastructure Operations,” which include: 1) all government services needed to protect the health, safety, and welfare of the public, and 2) utility, water, sewer, gas, electrical, oil refining, roads and highways, railroads, public transportation, taxi/rideshare, solid waste collection and removal, internet and telecommunication operations (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

F. Social Distancing and Related Public Health Information. All public assemblages, events and gatherings of ten (10) or more persons are prohibited within the City. To the greatest extent practical, all persons, visitors and employees are encouraged to maintain six-foot social distancing from other persons. Persons at high risk of severe illness and/or death from COVID-19, which include the elderly and persons with pre-existing medical conditions/weakened immune systems, are urged to stay in their residence to the greatest extent practicable. Residents, businesses and visitors are encouraged to visit the websites of the following organizations to obtain health information concerning COVID-19:

- World Health Organization (www.who.int)**
- U.S. Centers for Disease Control and Prevention (www.cdc.gov)**
- U.S. Department of Health and Human Services (www.hhs.gov)**
- U.S. National Institute of Health (www.nih.gov)**

³ This restriction shall not prohibit gas stations from continuing pay at the pump sales during such hours.

⁴ Nothing in this Ordinance shall prevent non-essential businesses from conducting business with the public by telephone and/or electronic means.

Georgia Board of Health (www.dph.georgia.gov)
Fulton County Board of Health (www.fultoncounty.boh.gov)

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- G. Permitting.** There shall be no acceptance by the City of applications for licenses and permits for the duration of this Ordinance, nor shall any license or permits be issued. All deadlines established by applicable licensing and permitting rules shall be tolled for the duration of this Ordinance. The engagement by any person and/or business in activities without a required license and/or permit shall constitute a violation of this Ordinance, subjecting violators to punishment as allowed by City Code of Ordinances 3-2010 and 5-1005, this Ordinance and other applicable laws.
- H. City Facilities Closed to Public.** City-owned public facilities, parks, playgrounds and recreation centers, shall remain closed to the public for the effective duration of this Ordinance, with the exception of walking and running trails. All city fire stations are additionally closed to the public, absent an emergency.
- I. City Meetings.** All regular City Meetings, including regular meetings of City boards, agencies and commissions, are cancelled through the effective duration of this Ordinance. This Ordinance shall not prohibit City boards, agencies and commissions from conducting special meetings by teleconference, subject to participation being conducted by all persons remotely and in accordance with Open Meeting Laws.
- J. Extension and Non-substantial Changes.** Due to the continuing and evolving nature of the COVID-19 pandemic, the City Council hereby authorizes the Mayor, after consultation with the City Attorney and notice to the City Council, to make and publish non-substantial changes to this Ordinance, which may include extension of the effective duration of this Ordinance for a period of up to 16 days.
- K. Non-compliance.** Violations of this Ordinance shall be punishable as allowed by law, which punishment may include incarceration and/or fines up to One Thousand Dollars (\$1000) per occurrence.
- L. Effective Duration of Ordinance.** This Ordinance shall become effective upon its adoption on April 2, 2020 and shall remain in effect by and through April 16, 2020, unless extended by the Mayor or City Council. 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 and/or the City's departments, agencies, entities, officers, employees, contractors, agents and/or representatives.

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204 **Section 2.** It is hereby declared to be the intention of the City Council that: (a) All
205 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,
206 upon their enactment, believed by the City Council to be fully valid, enforceable and
207 constitutional.

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

213 (c) In the event that any phrase, clause, sentence, paragraph or section of this
214 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or
215 otherwise unenforceable by the valid judgment or decree of any court of competent
216 jurisdiction, it is the express intent of the City Council that such invalidity,
217 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
218 render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases,
219 clauses, sentences, paragraphs or sections of the Ordinance.

220 **Section 3.** All Ordinance and Resolutions in conflict herewith are hereby expressly
221 repealed. This Ordinance shall further supersede and replace the Emergency
222 Declaration Resolution adopted by the City Council on March 17, 2020.

223 **Section 4.** The City Attorney, City Clerk and contracted City Codifier are authorized
224 to make non-substantive formatting and renumbering edits to this ordinance for proofing,
225 codification, and supplementation purposes. The final version of all ordinances shall be
226 filed with the clerk.

227 **Section 5.** The effective date of this Ordinance shall be on the date as set forth under
228 Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state and/or
229 federal law.

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THIS ORDINANCE so adopted this _____ day of _____ 2020.

CITY OF SOUTH FULTON, GEORGIA

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WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

S. DIANE WHITE, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY

The foregoing Ordinance No. 2020-_____ was moved for approval by Councilmember
_____. The motion was seconded by Councilmember
_____, and being put to a vote, the result was as follows:

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283		AYE	NAY
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285	William "Bill" Edwards, Mayor	_____	_____
286	Catherine Foster Rowell	_____	_____
287	Carmalitha Gumbs, Mayor Pro Tem	_____	_____
288	Helen Zenobia Willis	_____	_____
289	Gertrude Naeema Gilyard	_____	_____
290	Corey Reeves	_____	_____
291	Khalid Kamau	_____	_____
292	Mark Baker	_____	_____
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