

SECOND (2ND) EMERGENCY ORDINANCE (4-13-2020) OF THE CITY OF FAIRBURN, GEORGIA, TO PROVIDE FOR THE HEALTH, SAFETY AND WELFARE OF THE GENERAL PUBLIC; TO ADDRESS THE GLOBAL COVID-19 PANDEMIC; TO PROVIDE FOR THE CLOSURE OF LOCATIONS OF PUBLIC GATHERINGS; TO REQUIRE CERTAIN BEST PRACTICES IN RESPONSE TO THE THREAT; TO ENCOURAGE THE IMPLEMENTATION OF BEST PRACTICES FOR INDIVIDUALS AND BUSINESSES; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR A FUTURE REEVALUATION OF SUCH PRACTICES IN THE FUTURE; AND FOR OTHER PURPOSES

Whereas, the global COVID-19 pandemic is rapidly expanding its influence across the world and across the United States, including the State of Georgia, Fulton County and the City of Fairburn; and

Whereas, the number of life threatening COVID-19 cases are dramatically increasing all across the United States and the State of Georgia; and

Whereas, the novel coronavirus which causes the COVID-19 disease has been recognized by the World Health Organization and the United States Centers of Disease Control as an extremely contagious virus that poses a global health risk unlike any other confronted in the last hundred years of human history; and

Whereas, the President of the United States has declared the spread of COVID-19 a national emergency; and

Whereas, the Governor of Georgia has declared the spread of COVID-19 a public health emergency in the state; and

Whereas, the health, safety, and welfare of residents, businesses, employees, and visitors are the top priority of the Mayor and City Council of the City of Fairburn; and

Whereas, the Mayor and City Council have been closely monitoring the spread of COVID-19, as well as the guidance from medical professionals across the United States and State of Georgia, which guidance and recommendations are calculated to slow the spread of the disease and prevent a potential breakdown of the nation's health care system as it struggles to address and control not only the spread of the coronavirus, but the deadly consequences of the infection and resulting COVID-19 disease; and

WHEREAS, the Mayor and City Council believes it is necessary to provide guidance and requirements for the near-term operation of public facilities and businesses within the territorial limits of the City of Fairburn in order to assist in the slowing the progression of the infection and

its consequences for both individuals and the long-term health of both individuals and local businesses; and,

Whereas, this emergency ordinance of the City of Fairburn, Georgia is enacted pursuant to the authority contained in Title 38, Chapter 3 of the Official Code of Georgia, Annotated and Section 26-54 et seq. of the City of Fairburn Code of Ordinances and, generally, pursuant to the Constitution of the State of Georgia and such statutes of the State of Georgia authorizing the City of Fairburn to enact and enforce such local ordinances as are necessary and appropriate to protect the health, safety and welfare of residents and visitors in the City of Fairburn.

Now, Therefore, be it Ordained by the Mayor and City Council of the City of Fairburn, Georgia, and it is hereby Ordained by the authority of same as follows:

Section 1. Declaration of Public Health Emergency.

It is hereby declared that the spread of the coronavirus and the resulting COVID-19 disease constitutes a public health emergency within the territorial limits of the City of Fairburn.

Section 2. Effective Dates.

This Emergency Ordinance and the requirements set forth herein shall be in force and effect until 11:59 P.M, Wednesday, May 13, 2020, unless sooner repealed, modified, or extended by the Mayor and City Council.

Section 3. Access to Public Facilities.

All City of Fairburn parks and municipal facilities are hereby closed to members of the general public. Such parks and municipal facilities, including City Hall, shall be open to essential City employees who shall be identified by the Mayor acting in the Mayor's authority as the City's Chief Executive Officer. Members of the general public having necessary business to conduct in municipal facilities (not including municipal parks) shall be permitted to conduct such business with city officials and employees by telephonic and electronic means, and by in-person appointments arranged in advance through the office of the City Administrator. Such in-person appointments, when required and permitted, shall be conducted in accordance with best practices then in place and recommended by public health officials, including, without being limited to, the maintenance of a not less than six (6) foot space between individuals present and, in no event, shall more than ten (10) individuals be allowed at any such gathering.

Section 4. Restaurants, Bars, Nightclubs and Fast-Food Establishments.

Restaurants, bars, nightclubs, fast-food establishments and any other businesses which sell food and/or beverages for consumption on the premises of such businesses shall be closed to in-person dining, beverage consumption and entertainment. Such businesses shall be permitted to offer food for take-out, delivery and for customers to consume at locations other than the business.

Section 5. Temporary Sale of Alcoholic Beverages for Take-Out.

During the effective time of this Ordinance, any establishment duly licensed for the sale of alcoholic beverages for consumption on the premises may sell unopened bottles or cans of beer and wine with the purchase of food for take-out, not to include such sales in connection with the delivery of food. Such unopened bottles or cans of beer and wine offered in connection with food for take-out service shall otherwise meet all requirements of existing local, state and federal laws.

Section 6. Maintenance of Individual Space and Best Health Care Practices.

All businesses within the territorial limits of the City of Fairburn shall establish and enforce within their premises, to the greatest extent possible, rules, procedures and systems to promote best practices then in place and recommended by public health officials, including, without being limited to, the maintenance of a not less than six (6) foot space between individuals present and the presence of no more than ten (10) individuals

Section 7. Essential Businesses.

The City of Fairburn recognizes that certain businesses and the continuous operation of such businesses are essential to the community and should not be unduly burdened by the requirements of this Ordinance. All such businesses, including food and grocery stores; food banks; outside markets providing fresh food; businesses and organizations that provide food, shelter, social services, and other necessities of life for economically disadvantaged persons and persons subject to the immediate risk of food deprivation, loss of housing and/or violence; gas stations; banks and financial institutions; hotels; hardware stores and nurseries; plumbers and electricians, exterminators, custodial/janitorial businesses, handyman services, funeral home and mortician businesses; moving services; HVAC businesses; carpenters; landscapers; gardeners; property managers; private security businesses; legal services providers; and such other businesses which provide services to maintain the safety, health, and welfare of individuals, including health care providers and facilities, transportation services, residential services,

warehouse and distribution facilities; city, county and state government services; laundromats/laundry services; newspaper, magazine, television, radio, and other media services; as well as private educational institutions; shall establish and enforce within their premises, to the greatest extent possible, rules, procedures and systems to promote best practices then in place and recommended by public health officials, including, without being limited to, the maintenance of a not less than six (6) foot space between individuals present.

Section 8. Closure of Non-Essential Businesses.

All non-essential businesses operating within the territorial limits of the City of Fairburn shall be closed to members of the general public, effective at 12:00 A.M. on Thursday, March 26, 2020, through the effective term of this Ordinance; provided, however, that nothing in the Ordinance shall prevent such businesses from continuing to conduct business through telephonic and electronic means.

Section 9. Non-Business, Social Gatherings.

All non-business and social gatherings in locations open to members of the general public, including facilities for worship, funerals, and for the conducting of the business of private social organizations, including fraternal organizations and private membership clubs, are strongly encouraged to conduct such gatherings through electronic and virtual means. In such cases where it is deemed essential to have such gatherings, such gatherings should be limited to no more than ten (10) persons; should maintain social distancing of at least six (6) feet between attendees; and shall provide the means for the washing of hands with warm water and soap and/or with hand sanitizer containing at least sixty percent (60%) alcohol.

Section 10. Shelter in Place.

All residents of the City of Fairburn are strongly encouraged to stay home and away from all public and business gatherings throughout the term of this Ordinance and, in all instances, to implement the best practices recommended by public health officials to control the spread of the coronavirus and the COVID-19 disease. Residents are strongly encouraged to frequently review such recommendations, which can be found at the following websites:

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

www.dph.georgia.gov Georgia Department of Health

www.fultoncountyboh.org Fulton County Board of Health

Section 11. Evolving Nature of the Pandemic; Non-Substantial Ordinance Changes.

The Mayor and City Council recognize that the provisions of this Ordinance will be burdensome to individuals and businesses, and that all Fairburn residents and city visitors may be required to make certain financial and individual sacrifices. The Mayor and City Council further recognize, however, that these burdens, sacrifices and inconveniences are necessary and appropriate to help manage the potentially devastating effects of the global coronavirus pandemic. In the event, due to the continually evolving nature of the pandemic, it becomes necessary and appropriate to make changes to this Ordinance, the Mayor, acting in the Mayor's authority as the City's Chief Executive Officer, after consultation with the City Attorney and notice to members of the City Council, is authorized to make and publish changes to this Ordinance.

Section 12. Municipal Purchasing; Permitting and Licensing; Tolling of Time.

During the effective term of this Ordinance, all bidding and competitive purchasing requirements normally applicable are suspended. Any contracts entered into by the City during the term of this Ordinance shall be entered into the official minutes of the city as soon as practical and the nature of the emergency shall be described with the entry. There shall be no acceptance by the City of applications for licenses and permits during the effective term of this Ordinance, nor shall any licenses or permits be issued. To the extent that any of the provisions of this Ordinance result in missed deadlines established by applicable licensing and permitting rules, the time applicable shall be tolled and shall recommence upon the termination of this Ordinance.

Section 13. City Government Meetings.

During the term of this Emergency Ordinance, all scheduled meetings of the City Council, as well as all other regularly scheduled meetings of City boards, committees, commissions and authorities are cancelled; provided, however, pursuant to Section 50-14-1(g) of the Georgia Open Meetings Act, the Mayor and City Council may conduct specially called meetings, which meetings shall be conducted telephonically.

Section 14. Posting.

The Mayor's designee is authorized and directed to post this Ordinance at City facilities, including, without being limited to, City Hall; other City business locations; and entrances to City parks.

Section 15.

The Governor of the State of Georgia issued an Executive Order on April 2, 2020, which, among others things, requires Georgia residents to shelter in place to address the spread of the virus causing the COVID-19 disease. The term of this Executive Order has been extended to 11:59 P.M. on Wednesday, May 13, 2020.

Section 16. Effect of City's Emergency Ordinance.

To the fullest extent allowed and permitted pursuant to the Governor's Executive Order, now extended to 11:59 P.M. on May 13, 2020, this Emergency Ordinance shall remain in place until such time as it terminates or is otherwise terminated or modified by the Mayor and City Council. More specifically, all provisions of the City's Emergency Ordinance regarding City operations and access to and use of City facilities, including buildings and parks, shall remain in effect.

Section 17. Additional Compensation For Identified Essential City Employees.

The Mayor and City Council have determined it is necessary and appropriate to provide identified essential City employees working on the front line of the City's response to the COVID-19 threat with additional compensation.

(a) Eligibility.

Additional compensation shall be paid to the following essential City employees:

- 1) Firefighters and first responders, not to include the City Fire Chief, Fire Marshal or administrative personnel.
- 2) Sworn City police officers performing patrol and first responder functions, including officers in the Criminal Investigations Division, but not to include the City Police Chief, Deputy Chief, Captains or administrative personnel.
- 3) Essential Utility Department employees, not to include the Department Head, Superintendents, Supervisor, Meter Readers or administrative personnel.
- 4) Essential Street Department employees, not to include the Department Head, Superintendent or administrative personnel.

(b) Amount of Additional Compensation; Additional Qualification.

Fire and Police Department employees identified in Section 17(a) shall receive additional compensation in the amount of \$500.00 per month, which shall be paid in the amount of \$250.00 per two (2) week pay period, provided the employee works a minimum of 80 hours during such pay period. All other employees identified in Section 17(a) shall receive additional compensation in the amount of \$250.00 per month, which shall be paid in the amount of \$125.00 per two (2) week pay period, provided the employee works a minimum of 80 hours during such pay period.

(c) Effective Date; Term.

The additional compensation provided for in this Section 17 of the City Emergency Ordinance shall become effective as of the commencement of the pay period in effect the 6th day of April, 2020, and shall continue until such time as the City Emergency Ordinance terminates or is otherwise terminated or modified by the Mayor and City Council.


Be It Ordained by the Mayor and City Council of the City of Fairburn, this 13th day of April, 2020.


Elizabeth Carr-Hurst, Mayor

Attest:


Arika Birdsong-Miller, City Clerk

Approved as to Form:


William R. Turner, City Attorney

