

1 **THIRD (3RD) EMERGENCY ORDINANCE (4-20-2020) OF THE CITY OF FAIRBURN,**  
2 **GEORGIA, TO PROVIDE FOR THE HEALTH, SAFETY AND WELFARE OF THE**  
3 **GENERAL PUBLIC; TO ADDRESS THE GLOBAL COVID-19 PANDEMIC; TO**  
4 **PROVIDE FOR THE CLOSURE OF LOCATIONS OF PUBLIC GATHERINGS; TO**  
5 **REQUIRE CERTAIN BEST PRACTICES IN RESPONSE TO THE THREAT; TO**  
6 **ENCOURAGE THE IMPLEMENTATION OF BEST PRACTICES FOR INDIVIDUALS**  
7 **AND BUSINESSES; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR A**  
8 **FUTURE REEVALUATION OF SUCH PRACTICES IN THE FUTURE; AND FOR**  
9 **OTHER PURPOSES**

10  
11 **Whereas,** the global COVID-19 pandemic is rapidly expanding its influence across the world  
12 and across the United States, including the State of Georgia, Fulton County and the City of  
13 Fairburn; and

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

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

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

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

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

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

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

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

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

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

11 **Section 1. Declaration of Public Health Emergency.**

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

14 **Section 2. Effective Dates.**

15 This Emergency Ordinance and the requirements set forth herein shall be in force and effect until  
16 11:59 P.M, Wednesday, May 13, 2020, unless sooner repealed, modified, or extended by the  
17 Mayor and City Council.

18 **Section 3. Access to Public Facilities.**

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

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

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

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

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

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

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

19 **Section 7. Essential Businesses.**

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

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

7 **Section 8. Closure of Non-Essential Businesses.**

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

13 **Section 9. Non-Business, Social Gatherings.**

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

22 **Section 10. Shelter in Place.**

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

- 28 [www.who.int](http://www.who.int) World Health Organization
- 29 [www.cdc.gov](http://www.cdc.gov) U.S. Centers for Disease Control and Prevention
- 30 [www.hhs.gov](http://www.hhs.gov) U.S. Department of Health and Human Services
- 31 [www.nih.gov](http://www.nih.gov) U.S. National Institute of Health

1 [www.dph.georgia.gov](http://www.dph.georgia.gov) Georgia Department of Health

2 [www.fultoncountyboh.org](http://www.fultoncountyboh.org) Fulton County Board of Health

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

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

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

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

22 **Section 13. City Government Meetings.**

23 During the term of this Emergency Ordinance, pursuant to Section 50-14-1(g) of the Georgia  
24 Open Meetings Act, all scheduled meetings of the Mayor and City Council, as approved by same  
25 on January 27, 2020, unless otherwise canceled or rescheduled, will be conducted by electronic  
26 means, either telephonically or by electronic means providing voice and live-streaming video.

27 All other regularly scheduled meetings of City boards, commissions and authorities are canceled.

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1 **Section 14. Posting.**

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

5 **Section 15.**

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

10 **Section 16. Effect of City's Emergency Ordinance.**

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

16 **Section 17. Additional Compensation For Identified Essential City Employees.**

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

20 **(a) Eligibility.**

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

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

1 **(b) Amount of Additional Compensation; Additional Qualification.**

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

9 **(c) Effective Date; Term.**

10 The additional compensation provided for in this Section 17 of the City Emergency Ordinance  
11 shall become effective as of the commencement of the pay period in effect the 6th day of April,  
12 2020, and shall continue until such time as the City Emergency Ordinance terminates or is  
13 otherwise terminated or modified by the Mayor and City Council.


14 **Be It Ordained by the Mayor and City Council of the City of Fairburn,** this 20th day of  
15 April, 2020.

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17   
18 Elizabeth Carr-Hurst, Mayor

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20 Attest:

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22 Arika Birdsong-Miller, City Clerk

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25 Approved as to Form:

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27 William R. Turner, City Attorney  
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