

1 **SIXTH (6TH) EMERGENCY ORDINANCE (4-12-2021) 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 continuing across the world and across the United
12 States, including the State of Georgia, Fulton County and the City of Fairburn; and

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

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

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

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

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

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

31 **Whereas,** the Mayor and City Council believes it is necessary to provide guidance and
32 requirements for the near-term operation of public facilities and businesses within the territorial
33 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, unless more specifically
16 provided for herein, shall be in force and effect until 11:59 P.M., Monday, May 10, 2021, unless
17 sooner repealed, modified, or extended by the Mayor and City Council.

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

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

governing authority and applicable City departments to permit reasonable, safe use of park facilities.

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 shall comply with the requirements applicable to same as set forth in the applicable State of Georgia Executive Orders, which can be viewed at the following:

<https://gov.georgia.gov/executive-action/executive-orders/2020-executive-orders>

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

No longer applicable.

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.

Section 7. Essential Businesses.

No longer applicable.

Section 8. Closure of Non-Essential Businesses.

No longer applicable.

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 and shall, to the greatest extent possible, follow rules, procedures and systems to promote best practices then in place and recommended by public health officials. At all such gatherings, attendees shall be provided 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. General Requirements; Sheltering in Place When Applicable.

All residents of the City of Fairburn are strongly encouraged 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 and

shall comply with the requirements applicable to same as set forth in the applicable State of Georgia Executive Orders, which can be viewed at the following:

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
https://gov.georgia.gov/executive-action/executive-orders/2020-executive-orders	

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

The Mayor and City Council recognize that the provisions of this Ordinance may 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.

No longer Applicable.

Section 13. City Government Meetings.

During the term of this Emergency Ordinance, pursuant to Section 50-14-1(g) of the Georgia Open Meetings Act, all scheduled meetings of the Mayor and City Council, as approved by same for year 2021, and other boards, commissions and authorities of the City, unless otherwise canceled or rescheduled, will be conducted by electronic means, either telephonically or by electronic means providing voice and live-streaming video.

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.

1 **Section 15. Governor's Executive Order.**

2 The Governor's current Executive Order, unless further extended is set to expire at 11:59 P.M. on
3 April 30, 2021.

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

5 This Emergency Ordinance shall remain in place until such time as it terminates or is otherwise
6 terminated or modified by the Mayor and City Council. More specifically, all provisions of the
7 City's Emergency Ordinance regarding City operations and access to and use of City facilities,
8 including buildings and parks, shall remain in effect.

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

10 No longer applicable. Additional compensation pursuant to this Emergency Ordinance ended
11 with the April 2, 2021 pay period.

12 **Section 18. Wearing of a Face Covering or Mask Required in Commercial**
13 **Establishments.**

14 Businesses and patrons of commercial businesses within the City of Fairburn shall comply with
15 the requirements of the City's Ordinance requiring the wearing of a face covering or mask, as set
16 forth in same, adopted July 8, 2020, the requirements and particularities of which are hereby
17 incorporated herein by reference.

18 **Be It Ordained by the Mayor and City Council of the City of Fairburn,** this 12th day of
19 April, 2021.

20
21 *Elizabeth Carr-Hurst*
22 Elizabeth Carr-Hurst, Mayor

23
24 Attest:

25 *Arika Birdsong-Miller*
26 Arika Birdsong-Miller, City Clerk

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29 Approved as to Form:

30 *William R. Turner*
31 William R. Turner, City Attorney
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