

**A DECLARATION OF A STATE OF EMERGENCY ARISING  
BECAUSE OF COVID-19; AN ORDINANCE TAKING IMMEDIATE  
EMERGENCY MEASURES**

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

**WHEREAS**, the Governor of the State of Georgia declared a State Public Health Emergency on March 14, 2020 and urged "local officials to do what's in the best interests of their communities to keep people safe and stop the spread of coronavirus" on March 19, 2020; and

**WHEREAS**, the World Health Organization has declared Coronavirus Disease 2019 (COVID-19) a world health emergency and a pandemic; and

**WHEREAS**, the number of confirmed cases and deaths from COVID-19 is escalating rapidly, internationally, nationally, and locally; and

**WHEREAS**, based upon the experience of other local governments in Georgia, a growing number of other cases are likely to occur; and

**WHEREAS**, on March 16, 2020, the Center for Disease Control (CDC) and the President of the United States stated that any gathering of over 10 people should be discontinued or prohibited; and

**WHEREAS**, on March 23, 2020, Governor Kemp announced that "certain individuals with an increased risk of complications from COVID-19 to isolate, quarantine, or shelter in place," covering those who "live in long-term care facilities, have chronic lung disease, are undergoing cancer treatment, have a positive COVID-19 test, are suspected to have COVID-19 because of their symptoms or exposure, or have been exposed to someone who has COVID-19", and that the Department of Public Health would institute rules and regulations to implement such measures;

**WHEREAS**, on March 23, 2020, Governor Kemp additionally announced measures to "close all bars and nightclubs and ...ban all gatherings of ten or more people" unless they can assure spacing for at least six (6) feet apart between people at all times beginning at noon on March 24, 2020 and lasting until noon on April 6, 2020; and

**WHEREAS**, public health experts, including those at the CDC and the National Institutes of Health (NIH), have advised that individuals infected with COVID-19 are contagious even while experiencing minor or no symptoms and implored leaders to take immediate action to prevent further community spread of COVID-19; and

**WHEREAS**, preventing and slowing community spread of COVID-19 provides health systems additional time to obtain personal protective equipment necessary to protect health care workers and medical equipment necessary to treat COVID-19, and is therefore vital to the health of the nation;

**WHEREAS**, in the judgment of the City of Moultrie Mayor and Council that there exist emergency circumstances located within its jurisdiction requiring extraordinary and immediate response for the protection of the health, safety, and welfare of the citizens of the community, the state, and the nation; and

**WHEREAS**, it is essential for the governing authority of the City to act immediately in order to minimize the spread of COVID-19 and to prevent or minimize sickness, injury, or death, to people and damage to property resulting from this public health crisis; and

**WHEREAS**, O.C.G.A. § 38-3-28 provides the political subdivisions of this state with the authority to make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes to supplement rules and regulations promulgated by the Governor during a State of Emergency; and

**WHEREAS**, the United States Supreme Court has previously held that “[u]pon the principle of self-defense, of paramount necessity, a community has the right to protect itself against an epidemic of disease which threatens the safety of its members”; and

**WHEREAS**, the Charter of the City of Moultrie provides the governing authority of the city with the authority to take actions deemed necessary to deal with such an emergency for the protection of the safety, health, and well-being of the citizens of the city; and

**NOW, THEREFORE, IT IS HEREBY DECLARED** that a local state of emergency exists within the City and shall continue until the conditions requiring this declaration are abated.

**THEREFORE, IT IS ORDERED AND ORDAINED BY THE AUTHORITY  
OF THE CITY COUNCIL OF THE CITY OF MOULTRIE AS FOLLOWS:**

**Section 1. - Findings of Fact.**

For purposes of describing the circumstances which warrant the adoption of an emergency ordinance, the governing authority of the City of Moultrie hereby adopt and make the findings included in the “WHEREAS” clauses as findings of fact.

**Section 2. - Declaration of Public Health State of Emergency; Definition.**

The City Council hereby declares a public health state of emergency within the City of Moultrie because of the proliferation of COVID-19 in the United States and the State of Georgia, which will remain in force and effect for FIFTEEN (15) days from the date hereof.

For the purposes of this Ordinance, social or personal distancing shall mean the increased and deliberate physical spacing between individuals in order to help stop or slow down the spread and transmission of an infectious disease and is a distance of six (6) feet or such other distance as may be recommended by the Center for Disease Control ("CDC") during the duration of this Ordinance.

**Section 3. - Public Gatherings on City Property.**

For the duration of the declared emergency, there shall be no public gatherings on any property owned or controlled by the City. To avoid confusion, the following definitions shall apply under this Section: a "public gathering" shall mean the organized gathering or assembly of two (2) or more persons at a specific location; "property owned or controlled by the City" shall include any park, public square, public space, playground, recreational area, or similar place of public gathering, but nothing herein shall prohibit individuals or families from using sidewalks or designated pedestrian areas of parks for walking or other exercise if they are not participating in an organized gathering and maintain recommended social distancing.

**Section 4. - Classification of City Services.**

For the duration of the declared emergency, the City Manager shall be vested with the following discretion and authority, to wit:

- a. To categorize City services as either "required" or "discretionary," and to periodically review and modify such categories.
- b. To assign specific employees to required or discretionary services, and to periodically review and modify such assignments.
- c. To use his or her discretion to permit employees to telework.
- d. To temporarily suspend the provision of discretionary services and to direct employees who provide discretionary services not to report to work until such time as the service suspension is lifted or until such time as the City Manager redirects the employee to other services.
- e. To contract for and expend non-budgeted sums and services, as may in his or her discretion be required to meet the demands upon government and services of the City

for the duration of the declared emergency, including therein authority to spend such sums from the reserves of the City. Any such non-budgeted expenditures shall be reported to the governing authority of the City.

f. To maintain, to the best of the ability of the resources of the City, the provision of essential services, which shall include, but not be limited to, public safety, public works, healthcare, and building permits.

**Section 5. - Tolling of Deadlines.**

Any deadlines for the purchasing or obtaining by persons or businesses of occupation tax certificates, permits or similar administrative approvals mandated by the City Code shall be tolled for the duration of the emergency as established herein, and for fifteen (15) days thereafter. Such persons or businesses shall obtain necessary permissions required by law but deadlines set by the City Code are tolled for the duration of the emergency as established herein, and for fifteen (15) days thereafter.

**Section 6. - Eating Establishments.**

Restaurants and other eating and dining establishments where food is served must cease offering on-premises dining services, but may continue preparing and offering food to customers via delivery, drive through, or take-out services via curbside delivery only. No patrons or customers shall be permitted to enter the facility for any purpose whatsoever. Patrons or customers must maintain recommended social distancing at all times and no tables, chairs, or other seating shall be available to patrons or customers on the premises.

Employees and contractors, such as food delivery services or repair persons, of the establishment shall report to their employer their temperature based upon use of a "thermometer" at the time the employee or contractor awakes in the morning and a maximum of fifteen (15) minutes prior to arriving at the establishment and the employer shall keep a record of same. No employee shall be permitted to work, and shall not be permitted to return to work if their temperature for the twenty four (24) hours prior to reporting for work exceeds the then current guidelines established by the Colquitt County Health Department, Georgia Department of Public Health, and the Center for Disease Control (CDC) with respect to infectious diseases. Where such recommendations shall conflict with each other, the more stringent recommendation shall be followed.

If a restaurant is licensed to sell beer and/or wine for on-premises consumption, such restaurant, during the effective dates of this ordinance only, shall be permitted and authorized to sell unopened bottles, cans, or other manufacturer sealed containers for take-out and consumption off premises.

Employees and contractors of the establishments must maintain the personal distance required in Section 2 herein between themselves and others.

**Section 7. - Closure of Certain Businesses.**

Gyms, fitness centers, pools, social clubs, amusement facilities, bowling alleys, pool halls, theaters, massage parlors, nail salons, and any other similar facility, any facility used for an activity that involves prolonged physical proximity of individuals, and any facility used for entertainment, social, grooming, or general health and wellbeing purposes, must close and remain closed for the duration of this emergency.

Except that, daycare, childcare, or eldercare facilities may continue to operate solely for the purposes of allowing the individuals responsible for the care of a child or adult to work and said facilities shall not be used for respite care or supervision of any kind. Daycare, childcare, or eldercare facilities shall comply at all times with any recommendations of the Colquitt County Health Department, Georgia Department of Public Health, the Center for Disease Control (CDC), and the Georgia Department of Early Care and Learning (DECAL) with respect to infectious diseases. Where such recommendations shall conflict with each other, the more stringent recommendation shall be followed.

Except that, gyms and fitness centers may open for the limited purpose of allowing individuals with documented medical needs for their services for medicinal, emotional, mental, or therapeutic reasons to utilize the facilities. Employees and customers must maintain the personal distance required in Section 2 herein, between themselves and others.

Said gyms and fitness centers, that are permitted to open, shall not be opened to the public or other members and shall have access limited at all times such that the use of a key, code, or other security measure is necessary to access the facility or an employee controls access through a locked door. In addition, said facility must follow recommended sanitization procedures recommended by the Colquitt County Health Department, Georgia Department of Public Health, the Center for Disease Control (CDC), and the Georgia Department of Early Care and Learning (DECAL) with respect to infectious diseases. Where such recommendations shall conflict, the more stringent recommendation shall be followed.

Except that, physical therapy facilities and therapeutic massage facilities for which a license has been issued by the State of Georgia and the City of Moultrie may open for the limited purpose of allowing individuals with documented medical needs for their services for medicinal, emotional, mental, or therapeutic reasons to utilize the facilities. Employees and customers must maintain

the personal distance required in Section 2 herein, between themselves and others. Said facilities, shall not be opened to the public and shall have access limited at all times such that the use of a key, code, or other security measure is necessary to access the facility or an employee controls access through a locked door. In addition, said facility must follow recommended sanitization procedures recommended by the Colquitt County Health Department, Georgia Department of Public Health, the Center for Disease Control (CDC), and the Georgia Department of Early Care and Learning (DECAL) with respect to infectious diseases. Where such recommendations shall conflict, the more stringent recommendation shall be followed.

**Section 8. - Personal Distance.**

All other establishments not covered in Section 7 of this Ordinance such as grocery stores, pharmacies, and other businesses which remain open during the emergency must post signage on entrance doors informing consumers to maintain the personal distance required in Section 2 herein, between themselves and others and shall not allow more than ten (10) people into such establishment at any one time if such social distancing cannot be maintained.

**Section 09. – Gatherings.**

All public and private gatherings of more than ten (10) people occurring outside of a household or living unit are prohibited. Nothing in this Ordinance, however, prohibits the gathering of individuals for the purposes of carrying on business certified as “essential” by the Georgia Emergency Management Agency pursuant to O.C.G.A. § 38-3-58 or designated by the Governor as “critical infrastructure” or the provision of medical or health services.

**Section 10. - Emergency Interim Successor to City Manager.**

The governing authority desires to make certain that the chain of authority within City management is clear. If the City Manager is unable to perform his or her duties, then the individual designated by the City Manager as the emergency interim successor pursuant to O.C.G.A. § 383-50 shall assume the duties of the City Manager. Should the emergency interim successor be unable to perform those duties the Mayor as Chief Executive Officer of the City shall assume those duties.

**Section 11. – Curfew.**

A curfew is imposed from 9:00 p.m. to 6:00 a.m. effective immediately. Residents, unless “exempt individuals” as defined herein, shall remain in their homes or on their property during the curfew period. Exempt individuals include those individuals engaged in the provision of designated, essential services, such as (1) fire; (2) law enforcement; (3) medical and hospital services, including veterinary services; (4) military services; (5) utility emergency repairs; (6) persons

seeking emergency medical services or hospital services and those persons assisting such persons; (7) individuals traveling to and from their jobs with appropriate identification and persons traveling to medical facilities; (8) individuals engaged in the delivery of food, medicine, medical supplies, fuel including, but not limited to, the re-stocking of grocery stores, pharmacies, and convenience stores; (9) news media employees; (10) designated employees or agents of businesses designated by the Georgia Emergency Management Agency as “essential” pursuant to O.C.G.A. § 38-3-58; (11) persons providing necessary care of companion animals in the custody and care of an animal shelter, boarding facility, or kennel and persons walking personal animals; and (12) critical infrastructure businesses and employees as designated by the Governor or identified by U.S. Department of Homeland Security Cybersecurity and Infrastructure Security Agency. The penalty for violations of this Section shall be imposed pursuant to Section 74-64(b) of the Moultrie Code of Ordinances.

**Section 12. – Procurement.**

The governing authority hereby suspends the bid and competitive portions of the City's Procurement Policy or ordinances and authorize the City Manager to utilize the single source policy and to require departments to provide a written justification for the procurement during the effective dates of this Resolution and/or utilize any emergency procurement provisions contained. City officials shall continue to seek the best prices during the state of emergency.

**Section 13.**

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 dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

c. In the event any section, paragraph, sentence, clause or phrase 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 sections, paragraphs, sentences, clauses and phrases of this Ordinance and that, to the greatest extent allowed by law, all remaining sections, paragraphs, sentences, clauses and phrases of the Ordinance shall remain valid, constitutional, enforceable and of full force and effect.

**BE IT FURTHER ORDAINED** that the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out therein and the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Moultrie, Georgia and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and that all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed and that this Ordinance be codified in a manner consistent with the laws of the State of Georgia and City of Moultrie.

**CITY OF MOULTRIE**

By: *Kevin D. McArthur*  
Mayor

Attest: *Julia Collier*  
Clerk

Read first and second times

3.26.20

Read third time and passed

3.27.20