

**AN ORDINANCE FOR THE DELARATION OF A LOCAL STATE OF EMERGENCY RELATED TO COVID-19; AND FOR OTHER PURPOSES.**

WHEREAS, Athens-Clarke County, Georgia has experienced an event of critical significance as a result of the Coronavirus (COVID-19) disease (“COVID-19”); and

WHEREAS, the Centers for Disease Control and Prevention, (the “CDC”) indicates that COVID-19 is a new and contagious respiratory disease caused by a novel (new) coronavirus that was first detected in China and which has now been detected in more than 100 locations internationally, including in the United States; and

WHEREAS, as reported by the World Health Organization (“WHO”), the world has experienced a deep humanitarian crisis with more than 164,000 cases and more than 6,000 deaths due to COVID-19; and

WHEREAS, COVID-19 is officially a global pandemic according to the WHO; and

WHEREAS, President Trump has declared a national emergency for the United States of America in response to COVID-19; and

WHEREAS, on March 14, 2020, Governor Brian Kemp declared a public health state of emergency due to COVID-19; and

WHEREAS, as reported by the CDC effective as of March 16, 2020, Georgia now has 121 confirmed cases of COVID-19 and one (1) COVID-19 related death; and

WHEREAS, the CDC has issued guidance on the emerging and rapidly evolving situation of the COVID-19 pandemic, including how to protect oneself from illness; and

WHEREAS, social distancing is recommended by the CDC to prevent the continued spreading of the illness in the community; and

WHEREAS, Atlanta, Dallas, Pittsburgh, Washington, New York and California have all banned large public gatherings in public places during the COVID-19 pandemic; and

WHEREAS, New Jersey has recently enacted a statewide curfew to help curb the spread of COVID-19; and

WHEREAS, the CDC expects that additional cases of COVID-19 will be identified in the coming days, including more cases in the United States, and that person-to-person spread is likely to continue to occur; and

WHEREAS, if COVID-19 spreads in Athens-Clarke County and the rest of Georgia, at a rate comparable to the rate of spread in other affected areas, it may greatly strain the resources

and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, such as COVID-19, and the situation may become too large in scope to be handled in its entirety by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State; and

WHEREAS, in the judgment of the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia, as of March 16, 2020, there exist emergency circumstances as a result of COVID-19 within the geographical boundaries of the Unified Government as described in Section 1-102 of the Charter requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of Athens-Clarke County and the surrounding communities; and

WHEREAS, to prevent or minimize injury to people resulting from this event, certain actions are required, including but not limited to, a curfew and prohibition on gatherings;

NOW, THEREFORE, the Commission of Athens-Clarke County, Georgia hereby ordains that it is hereby declared that a local state of emergency exists within the territorial limits of the Unified Government of Athens-Clarke County, Georgia and shall continue until the conditions requiring this declaration are abated.

THEREFORE, IT IS ORDERED:

**Section 1.** That the Athens-Clarke County Office of Emergency Management activates the Emergency Operations Plan;

**Section 2.** That the following sections of the Athens-Clarke County Code be implemented:

- a. Section 3-4-5 Additional Emergency Powers
- b. Section 3-4-9. Authority to Waive Procedures and Fee Structures
- c. Section 3-4-11. Closed or Restricted Areas and Curfews; Prohibition on Gatherings in accordance with the following directives:

(i) Voluntary Shelter in Place: Beginning at 9:00 P.M. on Tuesday, March 17, 2020, and concluding at 5:00 A.M. on Tuesday, April 7, 2020, unless otherwise extended, a voluntary shelter in place policy is hereby implemented requesting that individuals not loiter, wander, stroll, or play in any public place within the territorial limits of Athens-Clarke County,

provided, however, that the provisions of this section shall not apply in the following instances:

1. When a person is upon an emergency errand;
2. When a person is traveling to, or returning directly home from, lawful employment or otherwise engaged in lawful employment that makes it necessary to be in above referenced places during the proscribed period of time;
3. When a person is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly, or free exercise of religion;
4. When a person is engaged in interstate and intrastate vehicular travel through Athens-Clarke County, Georgia;
5. When a person is walking or running to or from their residence for recreational or fitness purposes; and
6. When a person is procuring food or medicine or seeking medical care.

(ii) Prohibition on Gatherings: Beginning at 5:00 P.M. on Tuesday, March 17, 2020, and concluding at 5:00 A.M. on Tuesday, April 7, 2020, unless otherwise extended, all public assemblages, events, and gatherings within the territorial limits of the Unified Government of Athens-Clarke County, Georgia shall be prohibited of ten (10) or more people, not including employees, in restaurants, bars, and/or entertainment establishments or in facilities owned by the Unified Government of Athens-Clarke County, Georgia or on public property.

### **Section 3. Severability**

- a. It is hereby declared to be the intention of the Mayor and Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and Commission to be fully valid, enforceable, and constitutional.
- b. It is hereby declared to be the intention of the Mayor and Commission 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 Commission that, to the greatest extent allowed by law, no section,

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

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

**Section 4.** All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

**Section 5.** This Ordinance shall become effective immediately upon its adoption.

**SO ORDERED AND ORDAINED** this \_\_\_ day of March, 2020.

**THE UNIFIED GOVERNMENT OF ATHENS-  
CLARKE COUNTY, GEORGIA**

\_\_\_\_\_  
Kelly Girtz, Mayor

Attest: \_\_\_\_\_  
Gloria J. Spratlin, Clerk of Commission

[Attest]