

**AN ORDINANCE FOR THE TAKING OF ADDITIONAL EMERGENCY MEASURES  
AND RENEWED DECLARATION OF A LOCAL STATE OF EMERGENCY  
RELATED TO COVID-19; AND FOR OTHER PURPOSES**

WHEREAS, the President of the United States declared a National Public Health Emergency of 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 interest 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; and

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; and

WHEREAS, in the judgment of the Mayor and Council of the City of Newnan, there exists emergency circumstances located within its jurisdiction requiring extraordinary and

immediate corrective actions 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 of Newnan 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 “[upon 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 Newnan provide 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.

NOW, THEREFORE, BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NEWNAN 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 hereby adopt and make the findings included in the “WHEREAS” clauses as findings of fact.

**Section 2. Declaration of Public Health State of Emergency**

The Mayor and City Council hereby declare a public health state of emergency within the city because of the proliferation of COVID-19 in the United States and the State of Georgia.

**Section 3. Limitations on 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. The intent and purpose of this Section shall not include business operations. All businesses shall comply with Section 4, 5, and 6 below.

**Section 4. Eating Establishments.**

Restaurants and other eating and dining establishments where food is served must cease offering dine-in services but may continue preparing and offering food to customers via delivery, drive-through or take-out services. Patrons, employees and contractors of the establishments must maintain at least six (6) feet of personal distance between themselves as much as possible given the physical constraints of the premises. If a restaurant is licensed to sell beer and wine for on-premises consumption, such restaurant, during the effective dates of this ordinance only, shall be authorized to sell unopened bottles or cans of beer or wine for take-out consumption off-premises;

**Section 5. Closure of 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.

**Section 6. Personal Distance.**

All establishments not covered in Section 5 of this Ordinance which remain open during the emergency must post signage on entrance doors informing consumers to maintain at least six (6) feet of personal distance 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 7. Voluntary Shelter at Home.**

The governing body of the City request that all persons within the City consider voluntarily sheltering at home and not leave their homes, except as follows:

- a. When a person is on an errand necessitated due to an emergency or engaged in procuring or seeking an essential service;
- b. When a person is traveling or returning directly home from lawful employment or otherwise engaged in lawful employment that makes it necessary to leave home;
- c. When a person is engaged in interstate and intrastate vehicular travel through the City;
- d. When a person is procuring essential food or medicine or seeking essential medical care or providing essential food, medicine, or medical care to another person;
- e. Personal or family activities such as walking, jogging, and cycling.

**Section 8. Administration**

The City Manager shall be authorized to make decisions regarding the interpretation and administration of this ordinance. In the absence of the City Manager, the Assistant City Manager shall assume the same responsibilities.

**Section 9. Authorization.**

This ordinance is authorized pursuant to O.C.G.A. § 38-3-28(a) and Section 1.4 of the Charter of the City of Newnan including but not limited to Section 1.4 (41) and Section 1.4 (42) of the Charter of the City of Newnan. This ordinance was entered with due consideration of the orders, rules, regulations, actions, recommendations, and requests of federal and state authorities relevant thereto and to the extent permitted by law and shall be interpreted consistent with such orders, rules, regulations, actions, recommendations and requests, all in accord with the provisions of O.C.G.A. § 38-3-28(c).

**Section 10.** The Declarations and Resolutions adopted by the Mayor and City Council on March 18, 2020 shall remain in effect except to the extent that this ordinance should modify the terms and conditions of same in which event the terms and conditions of this ordinance shall apply.

**Section 11.** All ordinances or parts of ordinances in conflict with the provisions of this Declaration are hereby suspended during the effective dates of this Declaration (or any extension thereof) and the terms and provisions of this Declaration shall prevail.

**Section 12.** Should any phrase, clause, sentence, or section of this Ordinance be deemed unconstitutional by a Court of competent jurisdiction, such determination shall not affect the remaining provisions of this Ordinance which provisions shall remain in full force and effect.

**Section 13.** This Ordinance shall be effective beginning at 8:00am EST on Thursday, March 26, 2020 and ending at 12:00pm EST (midnight) Wednesday, April 8, 2020.

DONE, RATIFIED, and PASSED by the City Council of the City of Newnan, Georgia, this 25 day of MARCH, 2020 in special called meeting assembled.

ATTEST:

Della Hill  
Della Hill, City Clerk

KB  
Keith Brady, Mayor

George Alexander  
George Alexander, Mayor Pro-Tem

REVIEWED AS TO FORM:

C. Bradford Sears, Jr.  
C. Bradford Sears, Jr., City Attorney

Cynthia Jenkins  
Cynthia Jenkins, Councilmember

Cleatus Phillips  
Cleatus Phillips, City Manager

Ray DuBose  
Ray DuBose, Councilmember

Voted By Phone "aye"  
Rhodes Shell, Councilmember

Dustin Koritko  
Dustin Koritko, Councilmember

Paul Guillaume  
Paul Guillaume, Councilmember

