

ORDINANCE 20-01

ORDINANCE ESTABLISHING EMERGENCY PROTECTIVE ORDERS TO CONTROL THE SPREAD OF COVID-19.

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

WHEREAS, as a result of the COVID-19 pandemic, the President of the United States declared a National Public Health Emergency on Friday March 13, 2020;

WHEREAS, as a result of the COVID-19 pandemic, the Governor of the State of Georgia declared a State Emergency in Georgia on March 14, 2020;

WHEREAS, on March 17, 2020, Henry County Declared a State of Local Emergency (*See*, Resolution #20-50)(the "Local Declaration");

WHEREAS, the Local Declaration serves to activate the Henry County Emergency Operations Plan (the "HCOP");

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;

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, the Centers for Disease Control and Prevention ("CDC") has described the symptoms of COVID-19 as including fever, cough and shortness of breath which may occur 2-14 days after exposure (www.cdc.gov/COVID19-symptoms) and has recommended maintaining physical separation of no less than six (6) feet between persons and urged that any gathering of over 10 people be discontinued or prohibited (www.cdc.gov/coronavirus/2019-ncov/community/retirement/guidance-retirement-response.html);

WHEREAS, O.C.G.A. 38-3-28, grants to local governments, including Henry County, the power, during a state of emergency to *"to make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes..."*;

WHEREAS, after due consideration, Henry County does hereby find and declare that, in order to protect the health, safety and welfare of Henry County, and its citizens, and in order to manage the pending emergency created by the COVID-19 the measures described below must be implemented and enforced;

WHEREAS, as of 5:00 pm, March 27, 2019, there have been 40 confirmed cases of COVID-19 reported to the Board of Commissioners by the Georgia Department of Health, together with a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This Board of Commissioners finds that the actions taken herein are necessary to slow the rate of spread of COVID-19 throughout the Henry County community;

WHEREAS, on March 24, 2020, the Board of Commissioners, Henry County, Georgia adopted Resolution #20-51 adopting certain Emergency Protective Measures to prevent, control and limit the spread of COVID-19;

WHEREAS, Resolution #20-51 was intended to serve as a measure to guide the behavior of citizens and businesses in Henry County, Georgia;

WHEREAS, the Board of Commissioners of Henry County, Georgia has determined that the public health, safety and welfare of the citizens of Henry County requires that Resolution #20-51 be enforceable in the manner of County Ordinances.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED, as follows:

1. **Symptomatic Persons.** Any person showing symptoms recognized by the CDC as indicators of COVID-19 should refrain from attending public events, entering public buildings, restaurants, shops, public transportation facilities and all other areas where the public ingresses or egresses. Such person should seek medical attention and follow the directions of their Primary Care Physician until given the clearance to return to public interaction.
2. **Potentially Exposed Persons.** Any person who has traveled out of the country within the last thirty 30 days, or has reason to believe he or she has been exposed to COVID-19 should refrain from attending public events, entering public buildings, restaurants, shops, public transportation facilities and all other areas where the public ingresses or egresses. If such persons become symptomatic, they should seek medical attention by contacting their Primary Care Physician before visiting their Primary Care Physician and follow the directions of their Primary Care Physician until given clearance to return to public interaction.
3. **Indoor Recreation.** All indoor recreation, fitness and entertainment facilities are to close immediately and shall remain closed.
4. **Eating Establishments/Bars.**
 - a. All eating establishments, bars and nightclubs within the County shall be immediately closed to in-person dining, consumption of alcohol, or entertainment until the expiration of this resolution and shall cease all indoor service and shall, instead, provide only delivery, take-out or drive through services.

- b. Eating establishment regulations prohibited in Section 4(a) of this Resolution shall not include cafeterias located within medical, industrial, government or other such production facilities that are performing essential functions that are necessary to promote health, welfare and vital resources in Henry County. These facilities are strongly encouraged to stagger meal times, limit use as much as feasible to achieve social distancing, and to thoroughly follow CDC protocols of cleaning.
- 5. **Houses of Worship.** All houses of worship shall strive for density reduction in all services, whether scheduled or based upon a life event such as a funeral or baptism, and wherever practical shall practice social distancing. Houses of worship are further encouraged to use social media or other video outlets to broadcast worship services. Funeral homes, **cemeteries and crematoriums** shall likewise strive for density reduction in all activities and shall ensure vehicles used to transport families shall be thoroughly cleaned between uses in accordance with CDC guidelines. Graveside services of 10 or less participants are highly encouraged.
- 6. **Physical Distancing.**
 - a. Physical distancing is the most effective manner of stopping the spread of this emergency. To the extent feasible, it is in the best interest of citizens of Henry County to not gather in crowds of 10 or more in any location. It is further highly encouraged that all citizens of Henry County limit travel as much as possible.
 - b. All individuals in public places must maintain and restrict in-person contact as much as possible and maintain a distance of six (6) feet between individuals, in accordance with CDC guidelines.
- 7. **Business Operations**
 - a. All businesses and employers remaining open during the state of emergency shall:
 - (i) enact procedures and practices to ensure that their clients, customers, staff and employees maintain appropriate physical distancing; (ii) enact procedures and practices to ensure proper cleaning and sanitizing within the business.
 - i. Retail establishments shall ensure that reasonable and appropriate steps are taken to ensure that customers maintain a minimum of six feet between individuals both while shopping and while in checkout lines or lanes.
 - 1. Appropriate steps shall include, without limitation:
 - a. posting signs throughout the business establishment reminding clients and customers to maintain social distancing of no less than 6 feet;
 - b. providing clients and customers with verbal warnings for failing to maintain social distancing of no less than 6 feet;

- c. providing markings, no less than six feet apart, in checkout lines or lanes to provide a visual reference to aid customers and clients in appropriate social distancing.
- b. All businesses and employers are encouraged to take steps to ensure that no personnel showing symptoms of COVID-19 as identified by the CDC are permitted to have any contact with other employees, clients, customers or visitors to such business or employer.
- c. All non-essential businesses which are unable to operate without ensuring that their clients, customers, staff and employees maintain physical distancing of at least 6 feet shall not allow more than ten (10) people into such establishment at any time.
- d. For purposes of this Ordinance, any business that is not included on Exhibit "A" attached hereto and incorporated herein by this reference shall be deemed a "non-essential business"

8. Enforcement and Remedies.

Any violations of this Ordinance shall be considered ordinance violations subject to the general penalty provisions outlined in Section 3-1-8 of the Code of Henry County, Georgia¹.

- 9. Effective Date and Duration. This Ordinance shall remain in full force and effect upon its approval by the Board of Commissioners of Henry County and shall remain in full force and effect until 11:59 pm, April 7, 2020, or until earlier modified, revoked, rescinded or extended.

¹ Sec. 3-1-8. - Violations; penalties.

- a. Unless otherwise specified within a particular chapter of the Code of Henry County, Georgia, any person violating any of the provisions of the ordinances of Henry County, Georgia shall, upon conviction or plea of guilty thereof, be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding sixty (60) days, or by both, such fine and imprisonment as the facts of the case may justify.
- b. Each such violation committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder. Each day any violation of this Code shall continue shall constitute a separate offense.
- c. In addition to the penalties provided in section or elsewhere in this Code, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a public nuisance and may be abated by the county as provided by law or ordinance. Each day that such condition continues shall be regarded as a new and separate offense.

SO ORDAINED, this 27 day of March, 2020.

HENRY COUNTY, GEORGIA

BY: June Wood
JUNE WOOD,
CHAIR, BOARD OF COMMISSIONERS

ATTESTED TO BY:

Stephanie Braun
STEPHANIE BRAUN
COUNTY CLERK

EXHIBIT “A”

For the purposes of this Ordinance, “Essential Businesses” means:

- a. Healthcare Operations and Essential Infrastructure;
- b. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other nongrocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
- c. Food cultivation, including farming, livestock, and fishing;
- d. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- e. Newspapers, television, radio, and other media services;
- f. Gas stations and auto-supply, auto-repair, and related facilities;
- g. Banks and related financial institutions;
- h. Hardware stores;
- i. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
- j. Businesses providing mailing and shipping services, including post office boxes;
- k. Educational institutions—including private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
- l. Laundromats, drycleaners, and laundry service providers;
- m. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Ordinance on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;
- n. Businesses that supply products needed for people to work from home;
- o. Businesses or manufacturers that supply other essential businesses with the support or supplies necessary to operate;
- p. Businesses that ship or deliver groceries, food, goods, or services directly to residences;
- q. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Ordinance;
- r. Home-based care for seniors, adults, or children;

- s. Residential facilities including hotels, motels, shared rental units and similar facilities and shelters for seniors, adults, and children;
- t. Professional services, such as legal, accounting services, real estate services, when necessary to assist in compliance with legally mandated activities;
- u. Businesses that support and perform repair or construction work for business or homes;
- v. Road construction, maintenance and repair and related engineering and construction services;
- w. Businesses that supply other Essential Businesses with support or supplies;
- x. Industrial Manufacturers