

STATE OF GEORGIA  
COUNTY OF CLAYTON  
CITY OF JONESBORO

**ORDINANCE NO. 2020 –006**

AN ORDINANCE TO IMPOSE SOCIAL DISTANCING AND PROHIBIT CERTAIN GATHERINGS AS A RESULT OF DECLARED HEALTH EMERGENCY, TO REVISE EXECUTIVE AUTHORITY ON EXECUTION OF AGREEMENTS AND FOR OTHER RELATED PURPOSES; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

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

**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; and

**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; 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**, Clayton County has activated the County’s Emergency Management Agency; and

**WHEREAS**, the Centers for Disease Control and Prevention have recommended that any gathering of over 10 people 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**, O.C.G.A. §38-3-28, grants to local governments, including the City of Jonesboro, 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**, it is essential for the governing authority of the City of Jonesboro 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**, 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**, after due consideration, the City of Jonesboro does hereby find and declare that, in order to protect the health, safety and welfare of the City, and its citizens, and in order to manage the pending emergency created by the COVID-19 the measures described below must be implemented.

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

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

1. **Public Gatherings on City Property.** For the duration of the declared emergency, and until a state of emergency is lifted by the Governor of the State of Georgia and the President of the United States, 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 10 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.
2. **Symptomatic Persons.** Any person showing symptoms recognized by the CDC as indicators of COVID-19 shall refrain from entering public buildings, restaurants, shops,

public transportation facilities and all other areas where the public ingresses or egresses within the boundaries of the City of Jonesboro. Such person should seek medical attention and follow the directions of their Primary Care Physician until given the clearance to return to public interaction.

### **3. 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 discretion to permit employees to telework.
- (c) 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.
- (d) 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, not to exceed \$5,000 per expenditure. This shall also authority the Mayor and City Manager to execute contracts for items and services not to exceed \$5,000 without approval of the City Council.

- (e) 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 stated emergency and/or utilize any emergency procurement provisions contained. City officials shall continue to seek the best prices during the state of emergency.
- (f) To maintain, to the best of the ability 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.

4. **Indoor Recreation.** All indoor recreation, fitness and entertainment facilities are highly encouraged to close immediately and remain closed until such time as the state of emergency has been lifted or amended. Should the Governor of the State of Georgia or the President of the United States declare mandatory closure, this Resolution shall be considered to so mandate and pledge the resources of the City to enforce it.

5. **Eating Establishments/Bars.**

- a. The City hereby adopts the requirements of the Governor's March 23, 2020 measures affecting certain businesses, including all eating establishments, bar and nightclubs within the City until the lifting of the stated emergency and to cease all indoor service and provide only delivery, take-out or drive through services, and all social distancing requirements as directed in the Governor's Order. If a restaurant is licensed to sell beer and wine for on-premises consumption, such restaurant, during the stated emergency only, shall be authorized to sell unopened bottles or cans of beer or wine for take-out consumption off-premises;

- b. Said eating establishments 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 the City of Jonesboro. 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.
6. **Houses of Worship.** All houses of worship shall strive for a maximum capacity of 10 persons or less, 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 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.
7. **Physical Distancing.** 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 Jonesboro to not gather in crowds of 10 or more in any location. It is further highly encouraged that all citizens of the City of Jonesboro limit travel as much as possible. All other establishments not covered in Section 5 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 at least six (6) feet of personal distance between themselves.
8. **Curfew.** A curfew is imposed from 9:00 p.m. to 5:00 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. All non-exempt individuals are hereby highly encouraged to stay home and shelter in place.

9. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby suspended during the effective dates of this Ordinance and the terms and provisions of this Ordinance shall prevail.
10. **Duration.** This Ordinance shall take effect immediately upon approval by the Mayor and City Council of the City of Jonesboro and shall expire by its own terms at 11:59 pm on July 30, 2020, unless extended by further action of the Mayor and City Council.

11. **Enforcement.** This Ordinance shall be enforceable by the Jonesboro Police Department and other proper enforcement agencies in the Jonesboro Municipal Court.

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

**CITY OF JONESBORO, GEORGIA**

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**Joy Day**, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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**Ricky L. Clark, Jr.**, City Clerk

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City Attorney