

## **RESOLUTION 2020-03-004**

### **DECLARING EMERGENCY DUE TO COVID-19 AND FOR PROVISIONS RELATED TO SAME**

**WHEREAS**, the outbreak of Coronavirus disease (“COVID-19”) has become a worldwide pandemic; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the COVID-19 pandemic a national emergency; and

**WHEREAS**, on March 14, 2020, the Governor of the State of Georgia declared that a public health state of emergency exists in the State of Georgia due to the spread of COVID-19; and

**WHEREAS**, the COVID-19 pandemic has the potential to result in significant loss of life and has the potential to result in a major disruption of community affairs, business services and governmental operations; and

**WHEREAS**, the governing body of the City of Oakwood (“City”) has encouraged adherence to guidelines established by the Centers for Disease Control and Prevention related to COVID-19; and

**WHEREAS**, although citizens of the City have acted to reduce the spread of COVID-19, the governing body of the City finds that additional measures are needed to reduce further spread of COVID-19; and

**WHEREAS**, Section 1.03 of the Code of Ordinances of the City (“the Code”) and O.C.G.A. Section 38-3-28 gives the Mayor the power to declare an emergency to exist in the municipal boundaries of the City when there is an extreme likelihood of danger and destruction of life due to unusual conditions and to suspend rules and regulations which includes the power to close business establishments within the area within which the emergency exists to protect the public health, safety and welfare of the City;

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the City as follows:

**Section 1:** The governing body hereby continues to encourage citizens and businesses in the City to adhere to directives of the state and federal governments and the guidelines established by the Centers for Disease Control and Prevention related to COVID-19. The governing body of the City encourages citizens and businesses in the City to work together to minimize the impact of the COVID-19 virus.

This action is in the best interest of all City citizens and the healthcare providers that attend to the needs of City citizens.

**Section 2:** The Mayor and City Council hereby find that there is an extreme likelihood of danger and destruction of life within the municipal boundaries of the City due to the unusual conditions of COVID-19, and, therefore, the Mayor and City Council hereby declare, pursuant to Section 1.03 of the Code, that an emergency exists within the municipal boundaries of the City. Furthermore, the Mayor and City Council hereby find that there is a civil disturbance and threat of civil disturbance due to COVID-19 to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare of all persons within the municipal boundaries of the City, and, therefore, the Mayor and City Council hereby proclaim pursuant to Section 1.03 of the Code that a civil emergency exists within the municipal boundaries of the City.

**Section 3:** Pursuant to said Section 1.03 and O.C.G.A. Section 38-3-28, the Mayor and City Council hereby find that the following provisions are imminently necessary for the protection of life and hereby order that the following provisions shall govern for so long as the state of emergency due to COVID-19 shall exist in the City.

- 3.1 All public hearings or meetings of any board, committee, commission or instrumentality of the City are hereby stayed, tolled and postponed, except as necessary, in the opinion of the City governing body or the City Manager, to conduct essential business.
- 3.2 All matters requiring a public hearing, including but not limited to zonings, special uses, variances, annexations and regulatory permits, are hereby stayed from the date of this Resolution. Upon the termination of the provisions of this Resolution, the scheduling of hearings shall resume in the ordinary course. City staff is directed to work with applicants and those otherwise affected by this stay to ensure that financial impacts and disruption to business function are minimized.
- 3.3 Effective at 9:00 a.m. on March 26, 2020, the following requirements shall become effective, in full force and shall be mandatory: all bars, restaurants and businesses which sell food or beverages for consumption on premises shall be closed to in-person dining and patio dining as well as in-person consumption of alcohol until the termination of the provisions of this Resolution. These requirements shall not apply to any retail establishment selling groceries so long as any such retail establishment has discontinued and closed all areas designated for the consumption of food and/or alcohol on the premises.
- 3.4 Bars, restaurants and other businesses which sell food may offer food for takeout, such that customers may consume such food other than on the premises of the business selling the food. In the event that customers choose to purchase food, beverages

and/or alcohol for takeout, such customers, including any minor children in the company of such customers, shall spend no more time in such businesses than is necessary to pay for and obtain any purchased food, beverages and/or alcohol. While on the premises of any such business, all customers shall work to maintain, as much as possible given the physical constraints of the business premises, at least six feet of personal distance from other customers, minor children and employees of such businesses.

- 3.5 Businesses affected by closures shall establish systems to ensure that all on-premises consumption of food and/or alcohol is prohibited and all such businesses shall work to ensure that customers, employees and vendors of such businesses, as much as possible given the physical constraints of the business premises, maintain at least six feet of personal distance between such persons.
- 3.6 The City further suspends its regulations with regard to the sale of alcohol to allow businesses with a consumption on premises license to sell bottled beer and/or bottled wine and allow the taking off the premises of such by customers with takeout meals.
- 3.7 Effective at 9:00 a.m. on March 26, 2020, the following requirements shall become effective, in full force and shall be mandatory: Due to the joint use of equipment and spaces and the close proximity required to utilize exercise facilities, the same being in contravention of the public health, safety and welfare due to COVID-19, gyms, studios, fitness centers and sports clubs offering use of exercise equipment, exercise spaces and/or close contact sports shall discontinue business until the termination of the provisions of this Resolution.
- 3.8 Cafeterias in hospitals, nursing homes or similar facilities shall not be subject to the restrictions contained in this Resolution and may continue normal operations, controlled by the rules and regulations applied thereto by the State of Georgia.
- 3.9 Effective at 9:00 a.m. on March 26, 2020, the following requirements shall become effective, in full force and shall be mandatory: due to the joint use of spaces, the same being in contravention of the public health, safety and welfare due to COVID-19, all movie theaters, live performance venues, bowling alleys and arcades shall discontinue business and operations until termination of the provisions of this Resolution.
- 3.10 Any person violating or failing to comply with any provision of this Resolution shall be punished in accordance with the enforcements sections of this Code.

**BE IT FURTHER RESOLVED THAT** the governing body of the City hereby authorizes its Mayor, the City Manager and City Attorney to execute all such documents and agreements that may be necessary to effectuate the terms of this Resolution.

This Resolution shall be effective upon adoption and shall be effective until such time as this Resolution is rescinded by the governing body of the City.

Adopted this 25<sup>th</sup> day of March, 2020.

  
Lamar Scroggs, Mayor

This is to certify that I am City Clerk of the City of Oakwood. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

**ATTEST:**

  
City Clerk

