

## **DECLARATION OF LOCAL STATE OF EMERGENCY**

WHEREAS, the outbreak of Coronavirus Disease 2019 (COVID-19) within the State of Georgia and the rapidly evolving threat to health and safety posed by that outbreak has created an emergency condition involving public safety and the preservation of public services; and

WHEREAS, the City has noted the increase in confirmed cases of COVID-19 within the State of Georgia and the Centers for Disease Control's (CDC) conclusion regarding the likelihood of more cases; and

WHEREAS, the City notes further the January 31, 2020 declaration of the Secretary of Health and Human Services of a public health emergency in the United States and the World Health Organization's March 11, 2020 declaration of COVID-19 as a pandemic; and

WHEREAS, as of the date of this Resolution, there have been over 100 confirmed cases of COVID-19 in the State of Georgia, including one death; and

WHEREAS, COVID-19 poses a serious risk of severe illness or even death for many people including but not limited to the public at large, the citizens of the City of Flowery Branch and all City personnel as well as the elected and appointed officials of the City of Flowery Branch; and

WHEREAS, Populations identified by the CDC who are particularly vulnerable include many members of the public; and

WHEREAS, in February of this year, the Centers for Disease Control and Prevention issued "Interim Guidance" recommending that all employers consider how best to decrease the spread of COVID-19, including the review of guidance from state and local health officials; and

WHEREAS, significant actions taken to date in response to the threat include the cancellation of essentially all events involving large gatherings of people, the closing of public and private schools, colleges and universities, and the conversion of business and government operations to telework platforms; and

WHEREAS, the President of the United States has declared a national emergency; and

WHEREAS, the Governor of Georgia declared a public health emergency on March 14, 2020; and

WHEREAS, the Mayor and Council of the City of Flowery Branch, Georgia (the "City") is the duly elected governing authority for the City; and

WHEREAS, based upon the President's Declaration of National Emergency, the Governor's Public Health State of Emergency Declaration of Local Emergency, and in recognition of the number of identified and projected cases of COVID-19 in the State of Georgia, the preventative

measures being implemented throughout the State of Georgia, and the severity of risk posed to the public, and given the above public health recommendations from public health authorities, the Mayor and Council of the City of Flowery Branch believe that it is in the best interests of the welfare of the City of Flowery Branch and its residents to declare a local state of emergency in order to invoke the power for the Mayor and Council to consider a resolution to hold all Public Meetings by Teleconference due to emergency circumstances as permitted by OCGA 50-14-1 (g) of the Georgia Open Meetings Act;

IT IS HEREBY DECLARED that a local state of emergency exists due to the COVID-19 pandemic;

IT IS FURTHER DECLARED that the local state of emergency is a circumstance involving public and the preservation of property and public services sufficient for the Mayor and Council to consider a resolution to hold all Public Meetings by Teleconference due to emergency circumstances as permitted by OCGA 50-14-1 (g) of the Georgia Open Meetings Act for so long as the local state of emergency exists; and

IT IS FURTHER DECLARED that this declaration of a local state of emergency shall continue until 11:59 P.M., Friday April 23, 2020 unless this declaration is renewed by the Mayor and Council of the City of Flowery Branch or until such time as the Mayor and the City Manager find that the emergency conditions no longer exist.


**PASSED AND ADOPTED** by the City Council of the City of Flowery Branch Georgia this 24<sup>th</sup> day of March 2020.

  
James Miller - Mayor

ATTEST:

  
Melissa McCain M.M.C.- City Clerk

APPROVED AS TO FORM:

  
E. Ronald Bennett, Jr., City Attorney



**ORDINANCE 586**

AN ORDINANCE ESTABLISHING THE CLOSING OF ALL EATING ESTABLISHMENTS AND RESTAURANTS TO IN-PERSON DINING AND PROCEDURES FOR TAKE OUT OR DELIVERY OF FOOD; EXTENDING THE DUE DATE FOR OCCUPATION TAX PAYMENT; REGULATING THE PROVISION OF WATER AND SEWER; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

**WHEREAS**, the President of the United States declared a National Health Emergency on March 13, 2020; and

**WHEREAS**, the Governor of the State of Georgia declared a State of Emergency in Georgia on March 14, 2020; and

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

**WHEREAS**, the Mayor and Council of the City of Flowery Branch, Georgia declared a State of Emergency in Flowery Branch on March 24, 2020; and

**WHEREAS**, the Mayor and Council of the City of Flowery Branch is authorized adopt an ordinance to meet a public emergency affecting life, health, property or public peace; and

**WHEREAS**, to prevent or minimize harm to the citizens of Flowery Branch resulting from the public health emergency caused by the COVID-19 pandemic.

**NOW THEREFORE**, the Council of the City of Flowery Branch hereby ordains as follows:

**SECTION 1. Guidelines for Coronavirus.** The Mayor and Council strongly urge all citizens to review and comply with:

1.1 Guidelines for Coronavirus, as they may evolve during the course of the COVID 19 Pandemic, found at <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>; and

1.2 The President's Coronavirus Guidelines for America, as they may evolve during the course of the COVID-19 Pandemic, found at [https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20\\_coronavirus-guidance\\_8.5x11\\_315PM.pdf](https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf); and

1.3 State of Georgia Guidelines for Coronavirus through the Georgia Department of Public Health, as they may evolve during the course of the COVID-19 Pandemic, found at <https://dph.georgia.gov/novelcoronavirus>.

**SECTION 2. Eating Establishments and Restaurants.** All eating establishments and restaurants located within the City of Flowery Branch, Georgia shall follow the below requirements until the expiration of the Mayor and Council's declaration of emergency.

2.1 Eating establishments and restaurants which sell food or beverages for consumption on the premises shall be closed to in-person dining, consumption of alcohol, or other business activities; provided that this requirement shall not apply to retail grocery stores so long as said stores discontinue and close any areas designated for consumption of food on the premises.

2.2 Eating establishments and restaurants may sell food for take-out or delivery for customers to eat somewhere other than the premises of the establishment.

2.3 Eating establishments and restaurants implementing the closure set forth in Section shall establish systems that prohibit in-person dining, and that require patrons, employees and contractors of the business to remain at least 6 feet of personal distance between themselves as much as possible given the physical constraints of the premises.

2.4 If the eating establishment or restaurant holds a valid license to sell beer and/or wine for on-premises consumption, it shall be authorized to sell unopened bottles of beer and/or wine for take-out or delivery for consumption off-premises.

**SECTION 3. Occupation Tax.** The occupation tax deadline established by Section 20-56 of the Code of Ordinances for the City of Flowery Branch is hereby extended up and through September 30, 2020.

**SECTION 4. Utilities.** Utilities shall be regulated as follows until the expiration of the Mayor and Council's declaration of emergency.

4.1 No penalties or interest authorized by Section 50-1 of the Code of Ordinances for the City of Flowery Branch shall be applied to late payment.

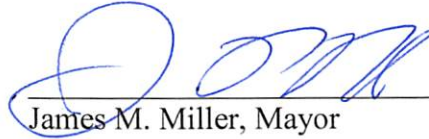
4.2 There shall be no suspension of service per Section 50-6 of the Code of Ordinances for the City of Flowery Branch.

**SECTION 5.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 6.** If any section, subsection, provision, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to a particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not held to be invalid or unconstitutional. It is hereby declared as the intent of the Mayor and City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained herein.

**SECTION 7.** This Ordinance shall become effective immediately upon adoption.

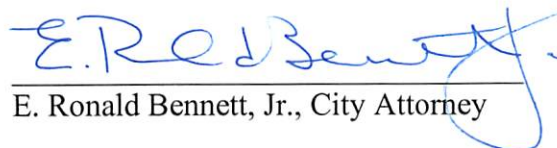
**SO ORDAINED** this 24<sup>th</sup> day of March, 2020.

  
James M. Miller, Mayor

Attest:

  
Melissa McCain, City Clerk

Approved as to form:

  
E. Ronald Bennett, Jr., City Attorney

