

Order#: 2020-02

**EXECUTIVE ORDER OF THE CHAIRMAN OF THE CITY OF BUFORD,
ACTING UNDER THE AUTHORITY OF CHAPTER 30 "POWERS AFTER
DECLARATION" OF THE CITY OF BUFORD CODE OF ORDINANCES
TO PROVIDE INDIVIDUALS TO STAY AT HOME; TO PROVIDE THAT CERTAIN
BUSINESS BE CLOSED; TO PROVIDE FOR EXEMPTIONS; TO PROVIDE FOR
DEFINITIONS; TO PROVIDE FOR AN EFFECTIVE DATE,
AND FOR OTHER PURPOSES**

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

WHEREAS, the Governor of the State of Georgia declared a State 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 Centers for Disease Control and Prevention has recommended that any gathering of over 50 people be discontinued or prohibited; 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, in order to mitigate or alleviate some of the impacts of the COVID-19 pandemic in the City, certain actions are needed; and

WHEREAS, based upon the President's Declaration of National Emergency and the Governor's Public Health State of Emergency, it is in the best interest of the welfare of the City of Buford, Georgia and its citizens to declare a local state of emergency to activate certain emergency powers under the City's Charter and Code of Ordinances;

WHEREAS, Chapter 30. *Civil Emergencies* of the City of Buford Code of Ordinances authorizes the Chairman to temporarily declare an emergency to exist when, in his opinion, one or more of the following conditions exist:

- (1) There is extreme likelihood of danger of destruction of life or property due to unusual conditions.
- (2) Unusual or extreme weather conditions making use of city streets or areas difficult or impossible.
- (3) Civil unrest, commotion or uprising is eminent or exists.
- (4) There is a stoppage or loss of electrical power affecting a major portion of the city.



WHEREAS, Section 30-32 – *Powers after Declaration*, authorizes the Chairman the right to exercise any or all of the following powers under emergency conditions:

- (1) Use employees of the city to assist in the safety and preservation of life, limb and property of its citizens.
- (2) Close streets and sidewalks and delineate areas within the city wherein an emergency exists.
- (3) Impose emergency curfew regulations.
- (4) Close business establishments within the affected area.
- (5) Close any or all city-owned buildings and other facilities to the use of the general public.
- (6) Do all acts necessary and incidental to the preservation of life, limb and property of the citizens of the city.

WHEREAS, because of the number of Cities within the County in close proximity to one another and the mobility of the population across jurisdictional boundaries, it is necessary and beneficial for the City to take similar extraordinary and immediate corrective actions for the protection of the health, safety and welfare of the residents of the City;

WHEREAS, to prevent or minimize illness and/or injury to people resulting from the COVID-19 pandemic, I find that certain actions are required, including but not limited to, the social distancing measures set forth herein; and

WHEREAS, based upon available information from the CDC, the Georgia Department of Public Health, and local health partners concerning the spread of COVID-19 and available resources, I believe that it is necessary to ensure that the maximum number of people self-isolate in their place of residence to the maximum extent feasible, while enabling essential services to continue, in order to slow the spread of COVID-19 to the maximum extent possible; and

WHEREAS, based upon the President's Coronavirus Guidelines for America – 15 Days to Slow the Spread and the Governor's Executive Order No. 03.23.20.01, I find that it is necessary when people need to leave their place of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with social distancing guidelines;



WHEREAS, after consultation with local health care providers and our public health department, this Local Emergency Order is necessary to protect the health and well-being of the citizens of the City; and

WHEREAS, Chapter 30 further prescribes when an emergency is declared by the Chairman that emergency powers may be effective for more than 72 hours after the declaration of an emergency by the Chairman; however, upon declaration of a second or further emergencies to exist, the emergency powers may be exercised during such further emergency period, but not for more than 72 hours in one declared emergency period; and

NOW THEREFORE BE IT DECLARED, AND IT IS HEREBY DECLARED by the Chairman of the City of Buford that the Covid-19 crisis is a risk that is extremely likely to result in destruction of life or property and emergency powers pursuant to Sec. 30-32 are hereby invoked and it is hereby ORDERED as follows:

- (1) **Individuals to Stay at Home.** All individuals currently living within the City limits are directed to stay at their place of residence unless otherwise allowed herein. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their place of residence only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as set forth in Section 5.
- (2) **Businesses to Close** All businesses with a facility in the City, except Essential Businesses as defined below in Section 5, are required to cease all activities at facilities located within the City except Minimum Basic Operations, as defined in Section 5. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own place of residence (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 5 below and as set forth in the Governor's Executive Order 03.23.20.01, including, but not limited to, when any customers are standing in line. Door to door sales by essential businesses are strongly discouraged.
- (3) **Public Gatherings Prohibited.** All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited

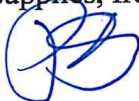


purposes as expressly permitted in Section 5. Nothing in this Order prohibits the gathering of members of a household or living unit.

- (4) **Cease Non-essential Travel.** All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined below in Section 5, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 5 below, to the greatest extent feasible. This Order allows travel into or out of the City to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

(5) **Definitions and Exemptions.**

- A. For purposes of this Order, individuals, not under a Department of Public Health Order to isolate, quarantine, or shelter in place, may leave their place of residence to perform any of the following “Essential Activities.” Individuals under a Department of Public Health Order to isolate, quarantine, or shelter in place shall follow the directives of any such order. Individuals at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their place of residence to the extent possible except as necessary to seek medical care.
1. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or partners or significant others (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.
 2. To obtain necessary services or supplies from Essential Businesses or access Essential Governmental Services for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other



household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

3. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, running, or bicycling.
4. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
5. To care for a family member or pet in another household.

B. Healthcare Operations. For purposes of this Order, individuals may leave their place of residence to work for or obtain services at any “Healthcare Operations” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include fitness and exercise gyms, fitness studios, and similar facilities.

C. Essential Infrastructure. For purposes of this Order, individuals may leave their place of residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, private construction and all related activities, airport operations, water, sewer, gas, electrical, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

D. Essential Governmental Functions. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are



categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

- E. **Covered Businesses.** For the purposes of this Order, covered businesses include any for-profit, nonprofit, or private educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- F. **Essential Businesses.** For the purposes of this Order, “Essential Businesses” means:
1. Healthcare Operations and Essential Infrastructure;
 2. 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 non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
 3. Food cultivation, including farming, livestock, and fishing;
 4. Businesses and other organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 5. Newspapers, television, radio, and other media services;
 6. Gas stations and auto-supply, auto-repair, and related facilities;
 7. Banks and related financial institutions;
 8. Hardware stores;
 9. 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;



10. Businesses providing mailing and shipping services, including but not limited to post office boxes and warehouse/distribution shippers.
11. Educational institutions, except to the extent closed by the Governor—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;
12. Laundromats, drycleaners, and laundry service providers;
13. Restaurants and other facilities that prepare and offer food or beverages to customers through delivery, takeout, and/or drive-thru service. Takeout shall be limited to strict adherence to six (6) foot social distancing requirements and no more than ten (10) individuals within any one area. No dine-in services, sitting or standing. Any establishment that is licensed for on-premises consumption of alcoholic beverages shall be authorized to sell unopened bottles or new, sealed growlers of beer or unopened bottles of wine curbside or to takeout customers only during the times specified by alcoholic beverage license and pertinent Code sections. The City makes no representations as to the effect of these types of sales on an establishment's state liquor license. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order 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;
14. Businesses that supply products needed for people to work from home;
15. Businesses or manufacturers that supply other essential businesses with the support or supplies necessary to operate;
16. Businesses that ship or deliver groceries, food, goods, or services directly to residences;



17. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
18. Home-based care for seniors, adults, or children;
19. Residential facilities including hotels, motels, shared rental units and similar facilities and shelters for seniors, adults, and children;
20. Professional services, such as legal, accounting services, real estate services, when necessary to assist in compliance with legally mandated activities;
21. Unless otherwise preempted by state law or executive order of the Governor, childcare facilities providing services that enable employees exempted in this Order to work as permitted provided that such businesses maintain social distancing requirements to the greatest extent feasible.
22. Businesses providing services, goods, materials or other items to any government.
23. Any service that is deemed by the City Manager in conjunction with the Chairman to be essential for the protection of public health, safety and welfare.

G. **Minimum Basic Operations.** For the purposes of this Order, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined in this Section to the extent possible, while carrying out such operations.

1. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
2. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their place of residence.


H. **Essential Travel.** For the purposes of this Order, "Essential Travel" includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section below.



1. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
 2. Travel to care for the elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
 3. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
 4. Travel to return to a place of residence from outside the jurisdiction.
 5. Travel required by law enforcement or court order.
 6. Travel required for non-residents to return to their place of residence outside the City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel.
- I. For purposes of this Order, residences include hotels, motels, shared rental units and similar facilities.
- J. **Social Distancing Requirements.** For purposes of this Order, "Social Distancing Requirements" includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or, if soap and water is not available using an alcohol-based hand sanitizer containing at least 60% alcohol, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.
- (6) In recognition that the City does not have the personnel or resources to monitor and police distancing or gathering limitations or stay at place of residence requirements for all individuals currently living within the City limits, the Director of Public Safety, Code Enforcement, designated City Employees, and the Gwinnett County Police Department and Hall County Sheriff's Office under this Order are authorized to support compliance with this Order through information delivery and education of individuals regarding the imminent threat to public health posed by COVID-19.
- (7) For the duration of the March 27, 2020 Declaration of Emergency, the City Manager shall be vested with the following discretion and authority:



- 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 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 maintain, to the best of the ability of the resources of the City, the provision of essential services, which shall include, but not be limited to, public safety, public works, building permits, and inspections; and
- E. To close City buildings and facilities.

- (8) This Order shall become effective at 12:01 a.m. on March 28, 2020 and will continue to be in effect until 11:59 p.m. on April 13, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Chairman or City Commission. Section 7 of this Order shall be effective immediately and continue in effect until April 13, 2020 at 11:59 p.m., or until it is extended, rescinded, superseded, or amended.
- (9) If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
- (10) All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby temporarily suspended.
- (11) To the extent that any provisions of this Order conflict with any prior Declaration of Emergency or any Local Emergency Order issued thereunder, the more restrictive provisions shall control. 



The City staff shall take reasonable and necessary efforts to disseminate such Order and educate local business and the public impacted thereto.

SO ORDERD AND DECREED, this 27th day of March, 2020.

**CITY OF BUFORD, A GEORGIA
MUNICIPAL CORPORATION**

BY:



PHILLIP BEARD, CHAIRMAN




CHRIS BURGE, VICE CHAIRMAN



BRAD WEEKS, COMMISSIONER

ATTESTED TO BY:

BY:



KIM WOLFE, CITY CLERK

APPROVED AS TO FORM:

CHANDLER, BRITT, & JAY, LLC



GREGORY D. JAY, CITY ATTORNEY