

EMERGENCY PASSAGE: March 23, 2020

AN ORDINANCE NO. 82-2020-03-01

AN EMERGENCY ORDINANCE RELATED TO THE PUBLIC HEALTH EMERGENCY CREATED BY THE IMPACT OF THE COVID-19 VIRUS TO ACKNOWLEDGE THE DECLARATION OF A NATIONAL EMERGENCY CONCERNING COVID-19 BY PRESIDENT DONALD J. TRUMP AND A STATE PUBLIC HEALTH EMERGENCY BY GOVERNOR BRIAN P. KEMP; TO STATE A DECLARATION OF EMERGENCY FOR THE TOWN OF CLERMONT, GEORGIA, BASED UPON THESE PUBLIC HEALTH DECLARATIONS OF EMERGENCY; TO PROVIDE AUTHORIZATION FOR THE MAYOR TO ISSUE POLICIES, ORDERS, AND REGULATIONS NECESSARY TO RESPOND TO THIS PUBLIC HEALTH EMERGENCY; TO PROVIDE HOW TOWN COUNCIL MEETINGS ARE TO BE HANDLED DURING THE STATE OF THE EMERGENCY, MEETINGS OF OTHER BOARDS AND AUTHORITIES OF THE TOWN, REGULATIONS REGARDING LICENSE OR PERMITTED ACTIVITIES, PROVISIONS AS TO THE PURCHASE OF NEEDED SUPPLIES BY THE TOWN, ESTABLISHMENT OF PERSONNEL POLICIES TO DEAL WITH THE IMPACT OF THE PUBLIC HEALTH EMERGENCY, THE ESTABLISHMENT OF REGULATIONS REGARDING TOWN FACILITIES, AND TO PROVIDE FOR OTHER EMERGENCY POWERS TO BE EXERCISED BY THE MAYOR DURING THE DURATION OF THE PUBLIC HEALTH EMERGENCY; TO PROVIDE FOR THE DURATION OF THIS EMERGENCY ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, on March 13, 2020, President Donald J. Trump declared the outbreak of Coronavirus/COVID-19, being an infectious virus that can spread from person-to-person and can result in serious injury or death, a national emergency; and

WHEREAS, on March 14, 2020, Governor Brian P. Kemp issued a declaration of public health state of emergency based upon COVID-19 and by executive order that a public health state of emergency exists in the State of Georgia due to the public health emergency from the

spread of COVID-19, and took certain emergency actions to provide for the necessary and appropriate response to the public health state of emergency;

WHEREAS, the Town of Clermont desires to coordinate its response to said public health emergency with the appropriate federal and state agencies, and take those actions that are necessary to protect and promote the health, safety and welfare of its citizens;

WHEREAS, Sections 1.13(8), 1.13(12) and 2.19 of the Town Charter allow the Town Council to enact emergency ordinances to meet a public emergency affecting the life and health of the citizens and community of the Town of Clermont; and

NOW, THEREFORE, BE IT ORDAINED, and it is hereby ordained pursuant to the above-referenced authority and the general laws of the State of Georgia, as follows:

SECTION 1. DECLARATION OF PUBLIC HEALTH EMERGENCY.

In late 2019, a new and significant outbreak of respiratory disease caused by a novel Coronavirus emerged in Wuhan, China and with this respiratory disease being known as “COVID-19.” COVID-19 is an infectious virus that can spread from person-to-person and can result in serious illness or death. On March 13, 2020, President Donald J. Trump declared the outbreak of COVID-19 a national emergency and on March 14, 2020 Governor Brian P. Kemp declared the outbreak of COVID-19 a public health emergency for the State of Georgia. Therefore, a public health emergency exists due to the impact of the COVID-19 virus, and the Town Council pursuant to the authority granted by the Town Charter, does hereby adopt this emergency ordinance in order to adopt orders, rules, and regulations to mitigate the impact of the COVID-19 virus and act to promote the health, safety and welfare of the citizens of the Town of Clermont and the surrounding community. The rules, regulations, and authorization for the

Mayor to act to protect the health, safety and welfare of the citizens of the Town of Clermont shall be as provided by this emergency ordinance.

SECTION 2. TOWN COUNCIL MEETINGS.

That any regular or special meetings of the Town Council may be conducted at the call of the Mayor and two Council members via electronic means including audio or video conference. Such meetings may be held, providing such notice to the public and including a means for public participation. All such meetings shall be considered “emergency meetings” under the law. During this period of emergency, Council Rules are hereby modified to require an affirmative vote of a majority of a quorum present, electronically or physically, at the meeting for the passage of any Council resolution, motion, ordinance or to provide policy direction.

SECTION 3. MEETINGS OF BOARD AND COMMISSIONS.

That the Mayor may cancel meetings of any board or commission to which the Mayor and/or Council appoints members. Any such cancellation shall automatically extend such deadlines for required actions by such board or commission as is specified in the cancellation notice.

SECTION 4. LICENSED OR PERMITTED ACTIVITIES.

That the Mayor may suspend licenses or permits for special events or any other licenses or permits issued by the Town which in the judgment of the Mayor could impact the public health or well-being of residents to the community.

SECTION 5. PURCHASES.

That the Town Mayor may authorize any purchase for which funds are available reasonably related to the emergency. Such purchases may be made without following each formal requirement of the purchasing requirements of the Clermont Municipal Code.

SECTION 6. PERSONNEL POLICIES.

That the Town Mayor is hereby authorized to adjust any personnel policies related to leave time, other benefits or terms and conditions of employment as are reasonably related to providing sufficient staffing during the term of the emergency.

SECTION 7. ZONING MORATORIUM.

That a zoning moratorium is hereby imposed as to all proposed zoning applications of any type, and no actions by the Town of Clermont as to zoning matters of any type shall be taken, except as to applications pending prior to the enactment of this emergency ordinance, and for the term of this emergency.

SECTION 8. TOWN FACILITIES.

That the Town Mayor is hereby authorized to close Town facilities to the general public as is reasonably required to protect the health of the public and employees of the Town.

SECTION 9. ORDINANCE VIOLATIONS.

That the Municipal Court is hereby suspended during the term of this emergency ordinance and said Court is hereby authorized to extend any timeframe for payment or filing related to Town ordinance violations in recognition of the emergency. A special session of said Court may be called for the issuance of warrants, protective orders or other orders necessary for the health and safety of the community.

SECTION 10. AMOUNTS DUE AND OWING.

That the Town Mayor is hereby authorized to extend deadlines for payment related to any amounts due and owing to the Town.

SECTION 11. OTHER EMERGENCY POWERS.

That the Mayor may issue such orders, which shall have the force of law, as are provided for by Exhibit A attached hereto. Where applicable, such orders or regulations shall be reviewed and approved by the Town Council at the next Council meeting after issuance of such order.

SECTION 12. OPEN RECORDS ACT REQUESTS.

That as much as possible, all Open Records Act requests should be presented electronically. The Town shall electronically respond with three business day of receipt, but actual production of the records could take longer depending upon the impact of COVID-19 on Town staffing levels. The Town will provide an estimated response date to the request within three business days of receipt of the request.

SECTION 13. ABSENCE OR INCAPACITY.

That in the absence or incapacity of the Mayor, the Mayor may delegate such powers to the emergency interim successor who may take such actions as are provided herein.

SECTION 14. DURATION.

This ordinance shall be effective for 30 days from the date of passage. The ordinance may be renewed and continue for 30-day periods thereafter unless repealed or amended by the Town Council.

SO ORDAINED this 23 day of March, 2020.

CLERMONT TOWN COUNCIL

By: James E. Nix
Mayor

[Signature]
Councilperson


Councilperson


Cynthia Leitch
Councilperson


Councilperson

Councilperson

Attest:


Amy Lomax
Town Clerk

EXHIBIT A

Emergency Orders and Regulations.

After the declaration of an emergency, the Mayor may in the interest of public safety and welfare make any or all of the following orders and provide the following direction:

- 1) Issue such other orders as are imminently necessary for the protection of life and property;
- 2) Order a general curfew applicable to such geographical areas of the Town or to the Town as a whole, as the Mayor deems advisable, and applicable during such hours of the day or night as the Mayor deems necessary in the interest of public safety and welfare;
- 3) Order the discontinuance of selling, distributing, or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;
- 4) Order the discontinuance of selling, distributing, dispensing or giving away of explosives or explosive agents, firearms or ammunition of any character whatsoever;
- 5) Order the control, restriction and regulation within the Town by rationing, issuing quotas, fixing or freezing prices, allocating the use, sale or distribution of food, fuel, clothing and other commodities, materials, goods or services or the necessities of life;
- 6) (a) Order Town employees or agents, on behalf of the Town, to take possession of any real or personal property of any person, or to acquire full title or such lesser interest as may be necessary to deal with a disaster or emergency, and to take possession of and for a limited time, occupy and use any real estate to accomplish alleviation of the disaster, or the effects thereof;
(b) In the event any real or personal property is utilized by the Town, the Town shall be liable to the owner thereof for the reasonable value of the use or for just compensation as the case may be.
- 7) Order restrictions on ingress or egress to parts of the Town to limit the occupancy of any premises;
- 8) To make provision for the availability and use of temporary emergency housing;
- 9) With the consent of the Town Council (which may be given by telephone and then ratified in a subsequent Town Council meeting) as to Town Council meetings,

- temporarily suspend, limit, cancel, convene, reschedule, postpone, continue, or relocate all meetings of the Town Council, and any Town committee, commission, board, authority, or other Town body as deemed appropriate by the Mayor;
- 10) Require closing of business establishments;
 - 11) Prohibit the sale or distribution within the Town of any products which could be employed in a manner which would constitute a danger to public safety;
 - 12) Temporarily close any and all streets, alleys, sidewalks, bike paths, public parks or public ways;
 - 13) Temporarily suspend or modify, for not more than sixty (60) days, any regulation or ordinance of the Town, including, but not limited to, those regarding health, safety, and zoning. This period may be extended upon approval of the Town Council;
 - 14) Suspend or limit the use of the water resources or other infrastructure;
 - 15) Control restrict, allocate, or regulate the use, sale, production, or distribution of food, water, fuel, clothing, and/or other commodities, materials, goods, services and resources;
 - 16) Suspend or limit burning of any items or property within the Town limits and up to two (2) miles outside the corporate limits;
 - 17) Direct and compel the evacuation of all or part of the population from any stricken or threatened areas within the Town if the mayor deems this action is necessary for the preservation of life, property, or other disaster or emergency mitigation, response or recovery and to prescribe routes, modes of transportation and destination in connection with an evacuation;
 - 18) Approve application for local, state, or federal assistance;
 - 19) Establish and control routes of transportation, ingress or egress;
 - 20) Control ingress and egress from any designated disaster or emergency area or home, building or structures located therein;
 - 21) Approve the transfer of the direction, personnel, or functions of Town departments and agencies for the purpose of performing or facilitating emergency or disaster services;
 - 22) Accept services, gifts, grants, loans, equipment, supplies, and/or materials whether from private, nonprofit, or governmental sources;
 - 23) Require the continuation, termination, disconnection, or suspension of natural gas, electrical power, water, sewer, communication or other public utilities or infrastructure;

- 24) Close or cancel the use of any municipally owned or operated building or other public facility;
- 25) Declare issue, enforce, modify and terminate orders for quarantine and isolation of persons or animals posing a threat to the public, not conflicting with the directions of the Health Officer of the community;
- 26) Exercise such powers and functions in light of the exigencies of emergency or disaster including the waiving of compliance with any time-consuming procedures and formalities, including notices, as may be prescribed by law; and
- 27) Issue any and all such other orders or undertake such other functions and activities as the Mayor reasonably believes is required to protect the health, safety, and welfare of persons or property within the Town or otherwise preserve the public peace or abate, clean up, or mitigate the effects of any emergency or disaster.

TOWN OF CLERMONT
PUBLIC HEALTH EMERGENCY PLAN

Effective March 23, 2020

- I. PURPOSE: To provide procedures for use in COVID-19 pandemic event as determined by the World Health Organization.
- II. SCOPE: All Employees
- III. POLICY: Sick employees who report to work with Contagious Symptoms and/or a Contagious Condition, as those terms are defined in this Section, may significantly impact Town operations due to the potential for spreading sickness, diminished productivity, and lack of quality or attention to safety.

Employees must consider options and practices that will reduce the risk of contracting a contagious condition or passing on a contagious condition by observing healthy practices such as: receiving flu vaccinations, covering their noses or mouths when coughing or sneezing, washing or sanitizing their hands, using sanitizers on common work areas, and other health practices that are designed to reduce infection and the spread of disease. Employees should also refrain from reporting to work with Contagious Symptoms and/or a Contagious Condition, so as not to spread a condition or disease.

In the interest of maintaining a safe and healthy workplace, the Town may require persons with Contagious Symptoms and/or a Contagious Condition not to report to work and/or may send employees with Contagious Symptoms and/or a Contagious Condition home.

(a) Contagious Symptoms and/or Condition

For purposes of this Section, Contagious Symptoms and/or a Contagious Condition exist when:

- (1) An employee exhibits COVID-19 related symptoms (e.g., fever, vomiting, diarrhea, headache, cough, sore throat, runny or stuffy nose, muscle aches) or other symptoms, described by a public health organization as indicative of COVID-19.
- (2) An employee is diagnosed with COVID-19.
- (3) An employee and/or family member/household member has recently traveled or plans to travel to a geographic area actively identified by the World Health Organization to present a high degree of COVID-19 health risk or an area for which the Centers for Disease Control and Prevention (CDC) has issued a Level 2 or 3 travel advisory related to COVID-19.

(b) Workplace Requirements

The Town and its employees bear responsibility for a safe and productive workplace environment. Accordingly, an employee with Contagious Symptoms and/or a Contagious Condition:

- (1) Will not report to the workplace so as not to infect other employees or members of the public.
- (2) Will not report to the workplace until his/her symptoms have subsided and the employee is symptom free.
- (3) Will not report to the workplace after returning from, or after a family/household member has returned from, a geographic area or confined area recently identified by a recognized health organization to present a high degree of contagion health risk or an area for which the CDC has issued a Level 2 or 3 travel advisory. In such case, the employee cannot return to the workplace until completion of the incubation period as identified by a public health organization and until the employee has been cleared with a health care provider's statement that the employee may return to work. (Such statement must be submitted to Mayor for approval as provided in subsection (d), below, in advance of returning to the workplace.)
- (4) May be sent home, with or without the opportunity to work from home, based on observations of symptoms of COVID-19.

(c) Absence Due to Contagious Symptoms or Conditions

An employee who has been sent home by the Town and/or has not reported to work due to Contagious Symptoms and/or a Contagious Condition, or who has been quarantined, as defined in this policy will be compensated for hours they would normally have been scheduled to work during the absence; provided however, paid administrative leave will be authorized only when the employee submits medical documentation from a practitioner or the public health agency that the absence is related to COVID-19.

Employees will be compensated through paid administrative leave for a period not to exceed 14 calendar days. In the event that an employee's absence pursuant to an approved administrative leave extends beyond 14 calendar days, the Mayor will require that the employee provide additional medical certification as to the employees' current condition. Any extension of paid administrative leave that extends beyond 14 calendar days will require the approval of the Mayor and Council with submission of additional medical certification similar to above requiring extended absence related to public health emergency.

Ultimately, any prolonged absences will be addressed in compliance with all federal and state laws and regulations, including the ADA and the FMLA (where a serious health condition is involved).

The Mayor may require an employee to work from home or another private location while recuperating. This will be dependent upon consideration of factors, including the employee's position, the severity of the illness, and other safety and logistical considerations.

(d) Return to Work from Contagious Symptoms or Contagious Condition

A health care provider's statement that the Contagious Symptom or Contagious Condition that the employee experienced has been cleared and the employee may return to work without risk to other employees may be required during COVID-19. The written statement must be submitted *electronically* to the Mayor, which shall review and must approve the release *before* the employee may return to work. An employee failing to provide a written return to work authorization prior to reporting to work will be immediately sent home and may be subject to disciplinary action for failure to comply with this requirement.

(e) Compliance

Due to the seriousness of the ramifications of non-compliance, any violation of the policy as set forth will subject the employee to disciplinary action, up to and including, termination.

This policy will be administered in accordance with all federal and state laws and regulations, including the ADA and the FMLA (where a serious health condition is involved).

Approved at a Special Called Meeting of the Mayor and Town Council on _____, March 23, 2020.



Mayor James Nix



Town Clerk