

AN EMERGENCY ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA, UNDER SECTION 1.02 AND 2.12 OF THE CHARTER OF THE CITY OF DORAVILLE, GEORGIA, DECLARING LOCAL EMERGENCY OF THE NOVEL CORONAVIRUS DISEASE 2019 GLOBAL PANDEMIC AND OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Doraville, Georgia (“City”), are charged with the protection of the public health, safety, and welfare of the citizens of the City; and

WHEREAS, Section 1.02 of the Charter of the City of Doraville, Georgia (“City Charter”), empowers the Mayor and City Council to establish procedures for determining and proclaiming that an emergency situation exists within or without the City, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health or well-being of the citizens of the City; and

WHEREAS, Section 2.12 of the Charter of the City of Doraville, Georgia (“City Charter”), empowers the Mayor and City Council to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this Charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Doraville and may enforce such ordinances by imposing penalties for violation thereof.; and

WHEREAS, the World Health Organization has declared the novel coronavirus known as COVID-19 as a global pandemic (“COVID-19 Pandemic”); and

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency in response to the outbreak of COVID-19; and

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

WHEREAS, the novel coronavirus disease 2019 global pandemic is a public emergency affecting and threatening the safety, health and well-being of the citizens of the City; and

WHEREAS, to prevent or minimize injury to people resulting from this event, certain actions are required; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Doraville, Georgia (“City Council”), that:

SECTION 1. The City Council hereby declares that a state of emergency exists within the City affecting the safety, health and well-being of citizens due to the novel coronavirus disease 2019 global pandemic (“COVID-19 Pandemic”).

SECTION 2. The following provisions shall govern the operation of the City during the COVID-19 Pandemic:

2.1 Essential Services Continued. The operation of essential services including, but not limited to, those related to public safety and health, as determined now or hereafter by the City Council, shall continue during the COVID-19 Pandemic.

2.2 Public Hearings/Meetings of City-Affiliated Entities. All public hearings and meetings of City-affiliated boards, committees, commissions and zoning and administrative entities of the City, such as the Planning Commission, Board of Zoning Appeals, are hereby suspended until this Ordinance, or any re-enactment hereof, is repealed or expires. At the termination of this Ordinance, the scheduling of hearings shall resume in the ordinary course of business, barring further extension of this Ordinance.

2.3 Matters Requiring Public Hearing. All matters requiring a public hearing, including but not limited to zonings, special use permits, variances, and regulatory permits (i.e., alcohol) are hereby stayed while this Ordinance is in effect. At the termination of this Ordinance, the scheduling of hearings shall resume in the ordinary course of business, barring further extension of this Ordinance. City staff are directed to work with applicants and those otherwise affected by this stay to ensure that financial impact and/or disruptions to business function is kept to a minimum.

2.4 Existing Regulatory Permits. If there are in effect existing regulatory permits that require a public hearing prior to renewal or extension, and that will lapse in the absence of such renewal or extension, then such permits shall be extended and remain in full force and effect until such time as public hearings are resumed. For any permit which expires during the pendency of this emergency declaration, should the extension or renewal not be possible due to limited city services, the City Manager may temporarily extend such permit until the emergency is over, however, no rights shall vest in the permittee as a result of such temporary extension.

2.5 City Council Operations. City Council shall continue to operate and assemble at public meetings, subject to the following;

- (a) Pursuant to the provisions of O.C.G.A. § 50-14-1(g), City Council may conduct public meetings via teleconference while this Ordinance is in effect, without the requirement of having a quorum present in person, so long as notice is provided and simultaneous access is afforded to the public to the teleconference meeting.
- (b) All policy-making functions of City Council (i.e., strategic plans, ordinances, land use planning functions, visioning, development of City-wide objectives and goals, and like activities) shall be suspended while this Ordinance is in effect, except for policy-making and ordinance functions: (1) *directly* related to addressing COVID-19 and related public health and safety issues, or (2) those which due to the duration of the emergency become critical to the orderly governance of the City;
- (c) All zonings, plats, variances, and other land-use decision-making shall be suspended while this Ordinance is in effect;
- (d) All non-essential business (i.e., proclamations, presentations, etc.) shall be suspended while this Ordinance is in effect;

- (e) Contract, budgeting, and fiscal operations shall continue in the ordinary course of business.

2.6 Re-Enaction or Repeal of Ordinance. On or before March 31, 2020, or the thirtieth (30th) day after the date this Ordinance, or any re-enaction hereof, is adopted, the City Council shall convene on the call of the Mayor, or the Mayor pro-tem and (2) councilmembers of the City Council to re-enact or repeal this Ordinance.

SECTION 3. The City strongly urges all citizens to review and comply with:

3.1 CDC 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

3.2 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; and

3.3 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 4. The City Council hereby ordains that the City strongly advises all businesses to follow the below requirements as of this adoption of this Ordinance, and further ordains that as of 5:00 p.m. Saturday, March 21, 2020, the following requirements shall become effective, in full force, and mandatory for all businesses subject to these requirements:

4.1 Bars, Restaurants, or Businesses that sell food or beverages for consumption on premises

4.1(a) All bars, restaurants, or businesses who sell food or beverages for consumption on premises shall be closed to in-person dining, consumption of alcohol, or other business activities until the expiration of this resolution.

4.2(b) Bars, restaurants, and other businesses who sell food may offer food for take-away or for customers to eat somewhere other than at the establishment.

4.3(c) Businesses affected by these closures shall establish systems that restrict in-person contact as much as possible, to include not permitting more than 1 customer at a time to be in the premises. Such processes may include the business taking the food to the customer's vehicle rather than the customer coming inside the business.

4.4(d) Furthermore, business shall ensure that all onsite consumption of food is prohibited, and that employees and contractors of the business maintain at least 6 feet of personal distance between themselves as much as possible given the physical constraints of the premises.

4.2 Establishments offering Massage, Manicure, Hairstyling, or Personal Grooming Services

4.2(a) Due to the close proximity required to deliver Massage, Manicure,

Hairstyling, or Personal Grooming services the same being in contravention to the public health, safety and welfare due to the nature of this emergency, establishments providing Massage, Manicure, Hairstyling, or Personal Grooming services shall discontinue business until this emergency declaration is terminated.

4.3 Gyms or Sports Clubs offering use of Exercise Equipment or Close Contact Sports

4.3(a) Due to the joint use of equipment and close proximity required to deliver both exercise facilities and close contact sports, the same being in contravention to the public health, safety and welfare due to the nature of this emergency, Gyms or Sports Clubs offering use of exercise equipment or close contact sports shall discontinue business until this emergency declaration is terminated.

4.4 Event Facilities

4.4(a) Due to the nature of events and the potential close proximity of participants and enclosed nature of many event facilities, the same being in contravention to the public health, safety and welfare due to the nature of this emergency, Event Facilities capable of hosting gatherings of more than ten (10) persons shall discontinue business until this emergency declaration is terminated.

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, provisions, 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 so held to be invalid. It is hereby declared as the intent of the 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.

SECTION 8. This Ordinance shall automatically stand repealed March 31, 2020 days, unless re-enacted as provided herein.

SECTION 9. This Ordinance may be re-enacted for one (1) or more additional periods of thirty (30) days (or repealed) upon a meeting of the City Council called by the Mayor, or the Mayor pro-tem and (2) councilmembers of the City Council.

SO ORDAINED this _____ day of _____ 2020, by the Mayor and Council of the City of Doraville, Georgia.

CITY OF DORAVILLE, GEORGIA

By: _____
Joseph Geierman, Mayor

Attest:

City Clerk

(SEAL)