

AN AMENDED AND RESTATED EMERGENCY ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEACHTREE CORNERS, GEORGIA, UNDER SECTION 2.23 OF THE CHARTER OF THE CITY OF PEACHTREE CORNERS, GEORGIA, DECLARING LOCAL EMERGENCY OF THE NOVEL CORONAVIRUS DISEASE 2019 GLOBAL PANDEMIC, AND FOR OTHER PURPOSES

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

WHEREAS, Section 2.23 of the Charter of the City of Peachtree Corners, 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, beginning in late 2019, the severe acute respiratory syndrome coronavirus 2, SARS- CoV-2, emerged causing a novel coronavirus disease, COVID-19, which has now become a worldwide pandemic; 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 16, 2020, the President of the United States in conjunction with the Centers for Disease Control and Prevention (CDC) issued Coronavirus Guidelines for America - 15 Days to Slow the Spread; and

WHEREAS, these guidelines contain recommendations on how to protect oneself from the COVID-19 pandemic, including recommendations such as avoiding social gatherings in groups of more than 10 people for fifteen (15) days; and

WHEREAS, those guidelines include a recommendation that communities with evidence of community transmission consider closing restaurants, food courts, gyms, and other indoor and outdoor venues where groups of people congregate; and

WHEREAS, the CDC indicates that there is evidence of widespread community transmission in Georgia; and

WHEREAS, on March 23, 2020, the Governor issued Executive Order No. 03.23.20.01, which requires the Department of Public Health to order that certain specific higher risk populations to shelter in place for fourteen (14) days; and

WHEREAS, Executive Order No. 03.23.20.01 further orders that no business, establishment, corporation, non-profit corporation, or organization shall allow more than ten (10) persons to be gathered at a single location if such gathering requires persons to stand or be seated within six (6) feet of any other person; and

WHEREAS, the confirmed cases of COVID-19 in Gwinnett County and in the State of Georgia continue to rise and have more than doubled since March 16, 2020; 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 Peachtree Corners, 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 City Council hereby ordains that the following requirements shall become effective, in full force, and mandatory for all businesses subject to these requirements:

(1) Gyms, fitness centers, fitness studios, theaters, live performance venues, bowling alleys, arcades, and other similar establishments within the City be temporarily closed

(2) Restaurants, food courts, brewpubs, breweries, and other eating establishments within the City cease offering dine-in and/or outdoor/patio service. Such establishments may continue to prepare and offer food to customers through delivery, takeout, and/or drive-thru service. If a business is licensed by the City to sell alcohol for on-premises consumption, such business, during the efficacy of this Emergency Ordinance only, shall be authorized to sell unopened bottles, or otherwise appropriately sealed containers, of alcohol for take-away for consumption off-premises. Any alcohol licensee who engages in a course of conduct permitted under this section does so at the licensee’s own peril as it concerns the licensee’s state liquor license. This ordinance makes no representation as to the legality, under state law and state alcohol licenses, of any course of conduct undertaken pursuant to this section.

(3) Cafeterias or on-site dining services in hospitals, nursing homes, assisted living facilities, and other similar facilities within the City following previously issued state and federal public health guidelines shall not be subject to the closure requirements of this Ordinance.

(4) All employers and business which remain open for use by the public must take the necessary steps to restrict in person contact and maintain a distance of 6 feet between individuals while in the establishment.

(5) The Governor's Executive Order No. 03.23.20.01 is hereby incorporated by reference herein, such that

- a. All persons ordered by the Department of Public Health to isolate, quarantine, or shelter in place within their homes or place of residence shall comply with such executive order or administrative order. In accordance with the Governor's Executive Order, the following populations are specifically included:
 - i. Those persons who live in a nursing home or long-term care facility;
 - ii. Those persons who have chronic lung disease;
 - iii. Those persons who are currently undergoing cancer treatment; and
 - iv. Those persons included in any Department of Public Health Administrative Order.
 - b. All businesses which possess a license to operate as or otherwise meet the definition of "bar" as defined in Official Code of Georgia Section 3-1-2(2.1) shall cease operation.
 - c. No business, establishment, corporation, non-profit, corporation, or organization shall allow more than ten (10) persons to be gathered at a single location if such gathering requires persons to stand or to be seated within six (6) feet of any other person.
- (6) The City Manager shall be authorized to utilize personnel and resources to support compliance with and to assist in the enforcement of this Ordinance.

SECTION 3. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. 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 5. This Ordinance shall become effective immediately upon adoption.

SECTION 6. This Ordinance shall automatically stand repealed thirty (30) days after the date of its enactment unless otherwise terminated or extended by action of the Mayor and Council, unless re-enacted as provided herein.

SECTION 7. 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.

SO ORDAINED this 26th day of March 2020, by the Mayor and Council of the City of Peachtree Corners, Georgia.

CITY OF PEACHTREE CORNERS, GEORGIA

By: *Mike Mason*
Mike Mason, Mayor

Attest:

Kymberly Clark
City Clerk



VOTE: Y N A Sadd / Y N A Christ / Y N A Wright / Y N A Mason / Y N A Aulbach / Y N A Christopher / Y N A Gratwick