

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF "CENTERVILLE" GEORGIA DECLARING A STATE OF EMERGENCY ARISING BECAUSE OF COVID-19 AND TAKING IMMEDIATE EMERGENCY MEASURES; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

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

WHEREAS, the Governor of the State of Georgia declared a State Public Health Emergency on March 14, 2020 and urged "local officials to do what's in the best interests of their communities to keep people safe and stop the spread of coronavirus" on March 19, 2020; and

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

WHEREAS, the number of confirmed cases and deaths from COVID-19 is escalating rapidly, internationally, nationally, and locally; and

WHEREAS, based upon the experience of other local governments in Georgia, a growing number of other cases are likely to occur; and

WHEREAS, the Center for Disease Control (CDC) and the President of the United States have recommended that any gathering of over 10 people be discontinued or prohibited; and

WHEREAS, public health experts, including those at the CDC and the National Institutes of Health (NIH) have implored that preventing further community spread of COVID-19 is vital to the health of the nation; and

WHEREAS, in the judgment of the Governing Authority of the City of Centerville, there exists emergency circumstances located within its jurisdiction requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of the community, the state, and the nation; and

WHEREAS, it is essential for the Governing Authority of the City of Centerville to act immediately in order to minimize the spread of COVID-19 and to prevent or minimize sickness, injury, or death, to people and damage to property resulting from this public health crisis; and

WHEREAS, O.C.G.A. § 38-3-28 provides the political subdivisions of this state with the authority to make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes to supplement rules and regulations promulgated by the Governor during a State of Emergency; and

WHEREAS, the United States Supreme Court has previously held that “[u]pon the principle of self-defense, of paramount necessity, a community has the right to protect itself against an epidemic of disease which threatens the safety of its members.”; and

WHEREAS, the Charter and the Code of Ordinances of the City of Centerville provides the Governing Authority of the City with the authority to take actions deemed necessary to deal with such an emergency for the protection of the safety, health, and well-being of the citizens of the City of Centerville; and

NOW, THEREFORE, IT IS HEREBY DECLARED that a local state of emergency exists within the City of Centerville and shall continue until the conditions requiring this declaration are abated; and

NOW, THEREFORE, IT IS ORDERED AND ORDAINED BY THE AUTHORITY OF THE MAYOR AND COUNCIL OF THE CITY OF CENTERVILLE AS FOLLOWS:

Section 1. Findings of Fact

For purposes of describing the circumstances which warrant the adoption of an emergency ordinance, the governing authority of the City of Centerville hereby adopt and make the findings included in the “WHEREAS” clauses as findings of fact.

Section 2. Declaration of Public Health State of Emergency

The Mayor and Council of the City of Centerville hereby declare a public health state of emergency within the City of Centerville because of the proliferation of COVID-19 in the United States and the State of Georgia, which will remain in force and effect for fourteen (14) days from the date hereof.

Section 3. Public Gatherings on City Property

For the duration of the declared emergency, there shall be no public gatherings on any property owned or controlled by the City. To avoid confusion, the following definitions shall apply under this Section: a “public gathering” shall mean the organized gathering or assembly of multiple persons at a specific location; “property owned or controlled by the City” shall include any park, public square, public space, playground, recreational area, or similar place of public gathering, but nothing herein shall prohibit individuals or families from using sidewalks or designated pedestrian areas of parks for walking or other exercise where no organized gathering is occurring.

Section 4. Police, Fire and Utility Services

City police, fire and utility services shall continue as during normal operations. For the duration of the declared emergency, the City will not disconnect any public utility service provided by the City on account of non-payment. After the conclusion of the declared emergency, utility customers will have a period of sixty (60) days to make such payments to before service may be disconnected.

Section 5. Classification of City Services

For the duration of the declared emergency, the Mayor shall be vested with the following discretion and authority, to wit:

- (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 use his or her discretion to permit employees to telework.
- (d) 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 Mayor redirects the employee to other services.
- (e) To contract for and expend non-budgeted sums and services, as may in his discretion be required to meet the demands upon government and services of the City for the duration of the declared emergency, including therein authority to spend such sums from the reserves of the City. Any such non-budgeted expenditures shall, within twenty-four (24) hours, be reported to the entire Governing Authority of the City.

Section 6. Tolling of Deadlines

Any deadlines for the purchasing or obtaining of occupation tax certificates, permits or similar civil approvals mandated by the City Code shall be tolled for the duration of the emergency as established herein, and for 15 days thereafter.

Section 7. Eating Establishments

Restaurants and other eating and dining establishments where food is served must cease offering dine-in services but may continue preparing and offering food to customers via delivery, drive-through or take-out services. Patrons, employees and contractors of the establishments must maintain at least six (6) feet of personal distance between themselves as much as possible given the physical constraints of the premises. If a restaurant is licensed to sell beer and wine for on-premises consumption, such restaurant, during the effective dates of this ordinance only, shall be authorized to sell unopened bottles or cans of beer or wine for take-out consumption off-premises. No liquor or distilled spirits by the drink may be sold for the duration of the emergency as established herein.

Section 8. Closure of Certain Businesses

Houston County Galleria Mall, gyms, fitness centers, indoor amusement facilities, bowling alleys, pool halls, theaters, massage parlors, nail salons, hair salons and barber shops, and any other similar facility must close and remain closed for the duration of this emergency.

Section 9. Personal Distance

Establishments such as grocery stores, pharmacies, laundry mats and other businesses which remain open during the emergency must post signage on entrance doors informing consumers to maintain at least six (6) feet of personal distance between themselves and others as much as possible given the physical constraints of the premises.

Section 10. Gatherings

All public and private gatherings of more than ten (10) people occurring outside of a household or living unit are prohibited. Nothing in this ordinance, however, prohibits the gathering of individuals for the purposes of carrying on business certified as "essential" by the Georgia

Emergency Management Agency pursuant to O.C.G.A. § 38-3-58 or designated by the Governor as "critical infrastructure" or the provision of medical or health services.

Section 11. Emergency Interim Successor to Mayor

The Governing Authority desires to make certain that the chain of authority within city management is clear. If the Mayor is unable to perform his duties, then the Mayor Pro Tem or other individual designated by the Mayor as the emergency interim successor pursuant to O.C.G.A. § 38-3-50 shall assume the duties of the Mayor. Should the Mayor Pro Tem or other emergency interim successor be unable to perform those duties, then the individual designated by the Mayor Pro Tem shall assume those duties.

Section 12. Curfew

No curfew is imposed at this time.

Section 13. Procurement

The governing authority hereby suspends the bidding and competitive portions of all City policies and authorizes the Mayor or designees, as outlined in Section 11 above, to utilize single-source selection and to require Department Heads to provide a written justification for all non-budgeted procurements/expenditures made during the effective dates of this Ordinance and/or to utilize any emergency procurement provisions contained herein. City officials shall continue to seek the best prices during the state of emergency. Actions taken under the provisions of this Section shall be reported in writing to the Governing Authority within 24 hours of the same. The provisions of this Section shall not change any current RFP process that is taking place for projects within the City of Centerville.


Section 14.

All ordinances or parts of ordinances in conflict with the provisions of this Declaration and Ordinance are hereby suspended during its effective dates (or any extension thereof) and the terms and provisions of this Declaration and Ordinance shall prevail.


This Declaration and Ordinance, after adoption by the Mayor and Council of the City of Centerville, shall become effective at 8:00 p.m. on March 24, 2020 and shall continue until 8:00 p.m., April 7, 2020, unless modified by subsequent ordinance.

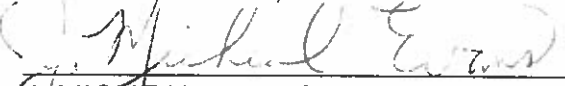
SO DECLARED AND ORDAINED this 24th day of March, 2020.

CITY OF "CENTERVILLE", GEORGIA

BY: 
MAYOR JOHN R HARLEY


CAMERON W. ANDREWS, COUNCILMAN


JUSTIN WRIGHT, COUNCILMAN


J. MICHEAL EVANS, COUNCILMAN


EDWARD D. ARMIJO, COUNCILMAN

ATTEST: 
KRISTA BEDINGFIELD, CITY CLERK