

UNION COUNTY RESOLUTION NO. R-2020-06

RESOLUTION DECLARING STATE OF EMERGENCY IN UNION COUNTY,
GEORGIA AND ESTABLISHING AN EMERGENCY PROTECTIVE ORDINANCE
TO HELP CONTROL THE SPREAD OF COVID-19 (Coronavirus).

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 Public Health State of Emergency in Georgia on March 14, 2020; and

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

WHEREAS, on March 16, 2020, the Centers for Disease Control and Prevention recommended that any gathering of over 10 people be discontinued or prohibited; and

WHEREAS, on March 23, 2020, Governor Kemp announced that “certain individuals with an increased risk of complications from COVID-19 to isolate, quarantine, or shelter in place,” covering those who “live in long-term care facilities, have chronic lung disease, are undergoing cancer treatment, have a positive COVID-19 test, are suspected to have COVID-19 because of their symptoms or exposure, or have been exposed to someone who has COVID-19,” and that the Department of Public Health would institute rules and regulations to implement such measures; and

WHEREAS, on March 23, 2020, Governor Kemp additionally announced measures to, “...ban all gatherings of ten or more people” unless they can assure spacing for at least six (6) feet apart between people at all times beginning at noon on March 24, 2020 and lasting until noon on April 6, 2020; and

WHEREAS, pursuant to OCGA 38-3-27 (b) (2), each political subdivision of the State has the power and authority to provide for the health and safety of persons and property; and,

WHEREAS, pursuant to OCGA 38-3-28, political subdivisions of the State are authorized and empowered to make, amend, and rescind such orders, rules and regulations as may be necessary for emergency management purposes, which has the full force and effect of law; and,

WHEREAS, the Union County Sole Commissioner desires to declare a local state of emergency and establish an emergency protective ordinance in an effort to control the spread of the COVID-19.

NOW THEREFORE, IT IS RESOLVED AND ORDERED as follows:

Section 1: Effective 12:01am, March 30, 2020, a local state of emergency is declared throughout the entirety of Union County.

Section 2: All required resources of Union County and its municipalities shall be made available to assist in activities designed to address this emergency, control the spread of COVID-19 and aid in recovery efforts.

Section 3: The Union County Emergency Management Agency shall activate the Union County Emergency Operations Plan (EOP) in response to this emergency event.

Section 4: Any person showing symptoms recognized by the CDC as indicators of COVID-19 shall refrain from entering public buildings, restaurants, shops, public transportation facilities and all other areas where the public ingresses or egresses. Such person should seek medical attention and follow the directions of their Primary Care Physician until given the clearance to return to public interaction.

Section 5: For the duration of the declared State of emergency, there shall be no public gatherings of more than 10 persons on any property owned or controlled by Union County. Nothing herein shall prohibit individuals or families from using sidewalks or designated pedestrian areas of parks for walking or other exercise if they are not participating in an organized gathering.

Section 6: Restaurants and other eating and dining establishments where food is served must cease offering dine-in services, but may continue to offer delivery, take-out, or drive through services. Restaurants which are licensed to sell beer/wine for consumption on the premises may sell beer/wine by the package in sealed containers without obtaining an additional license. However, the sale of beer/wine must be incidental to the sale of food and may not be sold separately.

Section 7: All establishments providing body care services which require physical contact between the provider and client, including but not limited to, barbering, hair design, cosmetology, massage therapy, body waxing, or nail care shall be closed for business. This paragraph shall not restrict any services performed by or under the direct supervision of a licensed medical doctor, nurse, dentist, physical therapist, chiropractor or other healthcare professional.

Section 8: All other establishments not covered in Sections 6 or 7 of this Declaration such as grocery stores, pharmacies, 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 and shall not allow more than ten (10) people into such establishment at any one time if such social distancing cannot be maintained.

Section 9: Nothing in this Declaration, 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 the medical or health services.

Section 10: Shelter in Place and Curfew.

- (a) Shelter in Place. Citizens are not required to confine themselves to their home or workplace at this time but are encouraged to do so voluntarily. However, the Sole Commissioner reserves the right to impose a “Shelter in Place” order if the public fails to otherwise comply with this Declaration or if it becomes necessary to more fully address the declared emergency.
- (b) Curfew. No curfew is imposed at this time, but the Sole Commissioner reserves the right to impose a curfew if the public fails to otherwise comply with this Declaration or if it becomes necessary to more fully address the declared emergency.

Section 11: All ordinances or parts of ordinances in conflict with the provisions of this Declaration are hereby suspended during the effective dates of this Declaration (or any extension thereof) and the terms and provisions of this Declaration shall prevail.

Section 12: Enforcement and Remedies:

- (a) Law enforcement. In accordance with O.C.G.A. 38-3-4, the Union County Sheriff's Office shall be authorized to enforce the orders, rules and regulations contained herein and/or implemented by the Sole Commissioner during a declared emergency.
- (b) Penalties. Failure to comply with any of the requirements or provisions of the regulations contained herein, or with any code section, order, rule or regulation made effective by the Sole Commissioner upon or after the declaration of an emergency shall constitute a violation of the provisions of this ordinance. Any person who violates any provision in this ordinance shall, upon conviction thereof, be guilty of a misdemeanor punishable by a fine not exceeding \$1,000.00, imprisonment for a term not exceeding 60 days, or both such fine and imprisonment, for each violation. Each person assisting in the commission of a violation shall be guilty of separate offenses. Each day during which a violation or failure to comply continues shall constitute a separate violation.
- (c) Injunctive relief. In accordance with O.C.G.A. 38-3-5, in addition to the remedies prescribed in this section, the EMA director is authorized to obtain an injunction to restrain violation of laws, code sections, orders, rules and regulations that are contained in the Georgia

Emergency Management Act and/or this ordinance, and/or are implemented by the Sole Commissioner during a declared emergency.

(d) Enforcement. Except as otherwise provided herein or by law, this ordinance may be enforced by the Union County Sheriff's Office and the EMA director.

This Resolution shall remain in effect until April 30, 2020 at 11 :59 p.m., shall terminate in conjunction with the termination of the Governor's State of Emergency, or the Union County Sole Commissioner has the authority to terminate the declaration at any time deemed appropriate, whichever occurs first.

SO RESOLVED, this 26th day of March 2020.

ATTEST:

UNION COUNTY, GEORGIA


Jennifer Mahan


Lamar Paris, Sole Commissioner

