

**RESOLUTION 09-2020**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF  
CARROLLTON, STATE OF GEORGIA, TO IMPOSE “STAY AT HOME” AND  
“SHELTER IN PLACE” REQUIREMENTS DURING THE PENDENCY OF THE  
LOCAL STATE OF EMERGENCY RELATED TO COVID-19 AND FOR OTHER  
PURPOSES**

**WHEREAS**, the City of Carrollton, Georgia (the “City”) has experienced an event of critical significance as a result of the Coronavirus (COVID-19) disease (“COVID-19”); and

**WHEREAS**, on March 22, 2020, the Mayor and City Council adopted Resolution 08-2020, which resolution declared a local state of emergency in the City as a result of COVID-19 and (i) required individuals using shared or outdoor spaces, as reasonably as possible, to maintain social distancing of at least six feet from any other person when they are outside their residence; (ii) prohibited all public and private gatherings of more than ten (10) people occurring outside a household or living unit, with certain exceptions; and (iii) closed all bars, restaurants, or businesses who sell food or beverages for consumption on premises or who provide entertainment on premises to in-person dining; and

**WHEREAS**, since the March 22, 2020 meeting of the Mayor and City Council, the World Health Organization (“WHO”) reports that the number of confirmed COVID-19 cases has grown from more than 267,000 to more than 334,000 and the number of deaths due to COVID-19 has increased from 11,000 to more than 14,652; and

**WHEREAS**, COVID-19 is officially a global pandemic according to the WHO; and

**WHEREAS**, on March 13, 2020, President Donald Trump declared a national emergency for the United States of America in response to COVID-19; and

**WHEREAS**, on March 14, 2020, Governor Brian Kemp declared a public health Emergency due to COVID-19; and

**WHEREAS**, Carroll County Chairman Michelle Morgan subsequently declared a public health emergency in Carroll County, Georgia; and

**WHEREAS**, since the March 22, 2020 meeting of the Mayor and City Council, the Georgia Department of Public Health, reports that the number of confirmed COVID-19 cases has grown from more than 550 to more than 1,000 statewide and the number of deaths due to COVID-19 has increased from twenty (20) to thirty-two (32); and

**WHEREAS**, since the March 22, 2020 meeting of the Mayor and City Council, the number of confirmed COVID-19 cases in Carroll County has continued to increase and now exceeds sixty (60); and

**WHEREAS**, the Centers for Disease Control and Prevention (“CDC”) expects that additional cases of COVID-19 will be identified in the coming days, including more cases in the United States, and that person-to-person spread is likely to continue to occur; and

**WHEREAS**, medical professionals have advised that if COVID-19 spreads in the City and the rest of Georgia, at a rate comparable to the rate of spread in other affected areas, it may greatly strain the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, such as COVID-19, and the situation may become too large in scope to be handled in its entirety by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State; and

**WHEREAS**, in the judgment of the Mayor and City Council, as of the date of this Ordinance, there exist emergency circumstances as a result of COVID-19 within the geographical boundaries of the City requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of Carrollton and the surrounding communities; and

**WHEREAS**, to prevent or minimize injury to people resulting from this pandemic, the Mayor and City Council find that certain actions are required beyond those measures currently in place as a result of Resolution 08-2020; and

**WHEREAS**, pursuant to Sections XXXVII – XL of the City’s Charter, the Mayor and City Council have the right, duty, power, privilege and authority to exercise and enjoy all other powers, duties, functions, rights, privileges, and immunities necessary and proper to promote or protect the safety, health, peace, security and general welfare of said government and its inhabitants and to exercise all implied powers necessary to carry into execution all powers granted in the Charter as fully and completely as if such powers were fully enumerated therein; and

**WHEREAS**, pursuant to O.C.G.A. Sec. 38-3-28, the Mayor and City Council are authorized to make, amend, and rescind orders, rules, and regulations as necessary for emergency purposes and to supplement carrying out the emergency management laws; and

**WHEREAS**, pursuant to O.C.G.A. Sec. 38-3-51, the Governor’s declared public health emergency authorizes the Mayor and City Council to use emergencies powers in O.C.G.A. Sections 38-3-1 through 38-3-64; and

**WHEREAS**, pursuant to O.C.G.A. Sec. 38-3-6, during an emergency, O.C.G.A. Sections 38-3-1 through 38-3-64 are supposed to be liberally construed to effectuate their purposes.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and City Council of Carrollton do hereby declare that a local state of emergency continues to exist within the territorial limits of the City of Carrollton, Georgia, and shall continue until the conditions requiring this declaration are abated. **THEREFORE, IT IS ORDERED** as follows:

1. This Order incorporates by reference Resolution 08-2020 as if fully set forth herein.

2. The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with the social distancing requirements set forth in Resolution 08-2020. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.

3. All individuals currently living within the territorial limits of the City of Carrollton, Georgia (“City”) shall shelter at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain the social distancing requirements set forth in Resolution 08-2020 when they are outside their residence. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 6 below. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize social distancing requirements in their operation).

4. All businesses with a facility in the City, except Essential Businesses as defined below in Section 6, are required to cease all activities at facilities located within the City except Minimum Basic Operations, as defined in Section 6. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with the social distancing requirements set forth in Resolution 08-2020, including, but not limited to, when any customers are standing in line.

5. [ Reserved ]

6. Definitions and Exemptions.

a. For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities.” But people at high risk of severe illness from COVID-19

and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.

- i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or partners or significant others (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.
- ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.
- iii. To engage in outdoor activity, provided the individuals comply with the social distancing requirements set forth in Resolution 08-2020, such as, by way of example and without limitation, walking, hiking, running, or bicycling.
- iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
- v. To care for a family member or pet in another household.

b. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operations” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include fitness and exercise gyms and similar facilities.

c. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, construction and all related activities (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided

that they carry out those services or that work in compliance with the social distancing requirements set forth in Resolution 08-2020, to the extent possible.

d. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with the social distancing requirements set forth in Resolution 08-2020, to the extent possible.

e. For the purposes of this Order, covered businesses include any for-profit, nonprofit, or private educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

f. For the purposes of this Order, “Essential Businesses” means:

- i. Healthcare Operations and Essential Infrastructure;
- ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products as cleaning and personal care products. This includes stores that sell groceries and also sell other nongrocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
- iii. Food cultivation, including farming, livestock, and fishing;
- iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- v. Newspapers, television, radio, and other media services;
- vi. Gas stations and auto-supply, auto-repair, and related facilities;
- vii. Banks and related financial institutions;
- viii. Hardware stores;
- ix. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;

- x. Businesses providing mailing and shipping services, including post office boxes;
- xi. Educational institutions—including private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
- xii. Laundromats, drycleaners, and laundry service providers;
- xiii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;
- xiv. Businesses that supply products needed for people to work from home;
- xv. Businesses or manufacturers that supply other essential businesses with the support or supplies necessary to operate;
- xvi. Businesses that ship or deliver groceries, food, goods, or services directly to residences;
- xvii. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- xviii. Home-based care for seniors, adults, or children;
- xix. Residential facilities including hotels, motels, shared rental units and similar facilities and shelters for seniors, adults, and children;
- xx. Professional services, such as legal, accounting services, real estate services, when necessary to assist in compliance with legally mandated activities;
- xxi. Unless otherwise preempted by state law, childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions: 1. Childcare must be carried out in stable groups of 12 or fewer (“stable” means that the same 12 or fewer children are in the same group each day). 2. Children shall not change from one group to another. 3. If more than one group of children is cared for at one facility, each group shall be in a separate

room. Groups shall not mix with each other. 4. Childcare providers shall remain solely with one group of children.

- xxii. All businesses which possesses a license to sell beer, wine, or distilled spirits by the package, but only via drive-thru or in parking lots or at curb.
- xxiii. Existing construction projects.
- xxiv. Funeral homes, facilities, services operating under the following mandatory conditions:
  - 1. Any indoor or covered facility or service shall not be open to the public and limited to employees only.
  - 2. Funeral services are limited to graveside funeral services with 10 or fewer immediate family members.
- xxv. Any “Essential Critical Infrastructure Workforce” as defined by the United States Department of Homeland Security.

g. For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with the social distancing requirements set forth in Resolution 08-2020, to the extent possible, while carrying out such operations:

- i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.
- ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

h. [ Reserved ]

i. For purposes of this Order, residences include hotels, motels, shared rental units and similar facilities.

#### 7. Enforcement and Remedies.

a. Individuals: In recognition that the City does not have the personnel or resources to monitor and police distancing or gathering limitations or shelter in place requirements for all individuals currently living within the territorial limits of the City, the Police Department and other departments of the City are authorized to support compliance with this Order through information delivery and education of individuals regarding the imminent threat to public health posed by COVID-19. In addition, any violations of this Order by individuals may be considered

ordinance violations subject to the general penalty provisions outlined in Section 1-11 of the Official Code of the City of Carrollton, Georgia.

b. Covered Businesses: Any violations of this Order by covered businesses shall be considered ordinance violations subject to the general penalty provisions outlined in Section 1-11 of the Official Code of the City of Carrollton, Georgia.

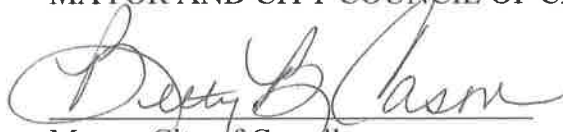
8. This Order shall become effective immediately upon its adoption and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Mayor and City Council.

9. Copies of this Order shall promptly be: (1) made available at City Hall; (2) posted on the City's website; and (3) provided to any member of the public requesting a copy of this Order.

10. If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

ADOPTED this 25<sup>th</sup> day of March, 2020.

MAYOR AND CITY COUNCIL OF CARROLLTON

  
\_\_\_\_\_  
Mayor, City of Carrollton

  
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Clerk, City of Carrollton

