Order#: 2020-04

EXECUTIVE ORDER OF THE MAYOR OF THE CITY OF SUWANEE, ACTING UNDER THE AUTHORITY OF SECTION 26-58 "POWERS AFTER DECLARATION" OF THE CITY OF SUWANEE CODE OF ORDINANCES AND FOR OTHER PURPOSES

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 become a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared the COVID-19 pandemic a national emergency; and

WHEREAS, on March 14, 2020, the Governor of the State of Georgia declared that a Public Health State of Emergency exists in the State of Georgia due to the public health emergency from the spread of COVID-19; and

WHEREAS, on March 16, 2020, pursuant to her authority under the Gwinnett County Emergency Management Ordinance as Chairman of the Gwinnett County Board of Commissioners, the Chairman signed a Declaration of Local Emergency activating emergency powers in order to allow the County to quickly and appropriately respond to the COVID-19 pandemic; and

WHEREAS, on March 16, 2020, the President of the United States in conjunction with the 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 also 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, social distancing is recommended by the CDC to prevent the continued spread of COVID-19 in the community; 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 isolate, quarantine, or shelter in place for fourteen (14) days; and

WHEREAS, the Suwanee City Council issued an Emergency Declaration/Order on March 26, 2020 to declare a local emergency in the entirety of the City; and

WHEREAS, Executive Order No. 2020-04 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, according to the Georgia Department of Public Health COVID-19 update at 12:00 p.m. on March 25, 2020, Georgia now has 1525 confirmed cases of COVID-19, including seventy-five (75) confirmed cases in Gwinnett County; and

WHEREAS, according to the Georgia Department of Public Health COVID-19 update, forty-eight (48) individuals in Georgia have died and 473 have been hospitalized after contracting COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) indicates that there is evidence of widespread community transmission in Georgia; and

WHEREAS, the CDC and public health officials expect that additional cases of COVID-19 will be identified in the coming days; and

WHEREAS, if COVID-19 continues to spread in Gwinnett County, it may greatly strain the resources and capabilities of county government, municipal governments, and local public health agencies that provide essential services, including services for containing and mitigating the spread of COVID-19; and

WHEREAS, in accordance with Section 2.23 of the City's Charter and pursuant to the March 26th, 2020 Emergency Declaration, the Mayor has the ability to exercise such powers as may be deemed necessary to promote and secure the safety and protection of the civilian population during an emergency; and

WHEREAS, pursuant to Section 2.23 of City's Charter and the March 26 Emergency Declaration, the Mayor may institute a curfew when it is determined necessary to protect and safeguard the people and the property of the County; and

WHEREAS, one of the purposes of the Georgia Emergency Management Act of 1981 is to confer upon the Governor and the executive heads of the governing bodies of the political subdivisions of the state emergency powers; and

WHEREAS, pursuant to O.C.G.A. Section 38-3-28, the City is 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. Section 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; 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 Gwinnett County Chairman has found that emergency circumstances continue to exist as a result of COVID-19 within the geographical boundaries of Gwinnett County requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the residents of Gwinnett County; and

WHEREAS, because of the number of Cities within the County in close proximity to one another and the mobility of the population across jurisdictional boundaries, it is necessary and beneficial for the City to take similar extraordinary and immediate corrective actions for the protection of the health, safety and welfare of the residents of the City; and

WHREAS, to prevent or minimize illness and/or injury to people resulting from the COVID-19 pandemic, I find that certain actions are required, including but not limited to, the social distancing measures set forth herein; and

WHEREAS, based upon available information from the CDC, the Georgia Department of Public Health, and local health partners concerning the spread of COVID-19 and available resources, I believe that it is necessary to ensure that the maximum number of people self-isolate in their place of residence to

the maximum extent feasible, while enabling essential services to continue, in order to slow the spread of COVID-19 to the maximum extent possible; and

WHEREAS, based upon the President's Coronavirus Guidelines for America – 15 Days to Slow the Spread and the Governor's Executive Order No. 03.23.20.01, I find that it is necessary when people need to leave their place 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 social distancing guidelines; and

WHEREAS, after consultation with local health care providers and our public health department, this Local Emergency Order is necessary to protect the health and well-being of the citizens of the City; and

NOW, THEREFORE, pursuant to the authority vested in me as Mayor of the City of Suwanee by local and state law; **IT IS HEREBY ORDERED AND DECREED AS FOLLOWS:**

(1) **Individuals to Stay at Home**. All individuals currently living within the City limits of the City are directed to stay at their place of residence unless otherwise allowed herein. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their place of residence only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as set forth in Section 5.

(2) **Businesses to Close.** All businesses with a facility in the City, except Essential Businesses as defined below in Section 5, are required to cease all activities at facilities located within the City except Minimum Basic Operations, as defined in Section 5. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own place of residence (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 5 below and as set forth in the Governor's Executive Order 03.23.20.01, including, but not limited to, when any customers are standing in line.

(3) **Public Gatherings Prohibited**. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 5. Nothing in this Order prohibits the gathering of members of a household or living unit.

(4) **Cease Non-essential Travel.** All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined below in Section 10, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 5 below, to the greatest extent feasible. This Order allows travel into or out of the City to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

(5) **Definitions and Exemptions.**

A. For purposes of this Order, individuals, not under a Department of Public Health Order to isolate, quarantine, or shelter in place, may leave their place of residence to perform any of the following "**Essential Activities**." Individuals under a Department of Public Health Order to isolate, quarantine, or shelter in place shall follow the directives of any such order. Individuals at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their place of residence to the extent possible except as necessary to seek medical care.

1. 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.
2. To obtain necessary services or supplies from Essential Businesses or access Essential Governmental Services 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.
3. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, running, or bicycling.
4. 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.

5. To care for a family member or pet in another household.

B. **Healthcare Operations.** For purposes of this Order, individuals may leave their place of 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, fitness studios, and similar facilities.

C. **Essential Infrastructure.** For purposes of this Order, individuals may leave their place of 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, private construction and related activities, airport operations, water, sewer, gas, electrical, 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 Social Distancing Requirements as defined this Section, to the extent possible.

D. **Essential Governmental Functions.** 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 Social Distancing Requirements as defined in this Section, to the extent possible.

E. **Covered Businesses.** 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. **Essential Businesses.** For the purposes of this Order, "Essential Businesses" means:

1. Healthcare Operations and Essential Infrastructure;
2. 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 (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
3. Food cultivation, including farming, livestock, and fishing;
4. Businesses and other organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
5. Newspapers, television, radio, and other media services;
6. Gas stations and auto-supply, auto-repair, and related facilities;
7. Banks and related financial institutions;
8. Hardware stores;
9. 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;
10. Businesses providing mailing and shipping services, including post office boxes;
11. Educational institutions, except to the extent closed by the Governor—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;
12. Laundromats, drycleaners, and laundry service providers;
13. Restaurants and other facilities that prepare and offer food or beverage to customers through delivery, takeout, and/or drive-thru service. Any establishment that is licensed for on-premises consumption of alcoholic beverages shall be authorized to sell unopened bottles or new, sealed growlers of beer or unopened bottles of wine curbside or to takeout customers only during the times specified by alcoholic beverage license and pertinent Code sections. The City makes no representations as to the effect of these types of sales on an establishment's state liquor license. 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;

14. Businesses licensed to sell retail unopened packaged beer, wine, and/or distilled spirits via takeout;
15. Businesses that supply products needed for people to work from home;
16. Businesses or manufacturers that supply other essential businesses with the support or supplies necessary to operate;
17. Businesses that ship or deliver groceries, food, goods, or services directly to residences;
18. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
19. Home-based care for seniors, adults, or children;
20. Residential facilities including hotels, motels, shared rental units and similar facilities and shelters for seniors, adults, and children;
21. Professional services, such as legal, accounting services, real estate services, when necessary to assist in compliance with legally mandated activities;
22. Unless otherwise preempted by state law or executive order of the Governor, 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:
    i. 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).
    ii. Children shall not change from one group to another.
    iii. 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.
    iv. Childcare providers shall remain solely with one group of children.
23. Businesses providing services, goods, materials or other items to any government.
24. Any service that is deemed by the City Manager to be essential for the protection of public health, safety and welfare.

G. **Minimum Basic Operations.** For the purposes of this Order, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined in this Section to the extent possible, while carrying out such operations.

1. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
2. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their place of residence.

H. **Essential Travel.** For the purposes of this Order, "Essential Travel" includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section below.

1. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
2. Travel to care for the elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
3. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
4. Travel to return to a place of residence from outside the jurisdiction.
5. Travel required by law enforcement or court order.
6. Travel required for non-residents to return to their place of residence outside the City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel.

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

J. **Social Distancing Requirements.** For purposes of this Order, "Social Distancing Requirements" includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or, if soap and water is not available using an alcohol-based hand sanitizer containing at least 60% alcohol, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

(6) In recognition that the City does not have the personnel or resources to monitor and police distancing or gathering limitations or stay at place of residence requirements for all individuals currently living within the City limits of the City of Suwanee, the City Police Department and other departments of the City as deemed necessary by the City Manager under this Order 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.

(7) For the duration of the City's March 26, 2020 Emergency Declaration, the City Manager shall be vested with the following discretion and authority:

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 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 City Manager redirects the employee to other services;

D. To maintain, to the best of the ability of the resources of the City, the provision of essential services, which shall include, but not be limited to, public safety, public works, building permits, and inspections; and

E. To close City buildings and facilities.

(8) This Order shall become effective at 12:01 a.m. on March 28, 2020 and will continue to be in effect as allowed by law, or until it is extended, rescinded, superseded, or amended.

(9) If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the reminder 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.

(10) All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby temporarily suspended.

SO ORDERED AND DECREED, this 27th day of March, 2020.

CITY OF SUWANEE, A Georgia Municipal Corporation

James M Burnette

Jimmy Burnette, Mayor