

Third Addendum to Declaration of Emergency

WHEREAS, it is the intent of this Order to ensure that the maximum number of people in the City of Cartersville self isolate in their places of residence to the maximum extent feasible while enabling essential services to continue.

When people need to leave their residences to obtain or perform vital services or to otherwise facilitate authorized activities necessary for continuing social and commercial life, they should at all times as reasonably possible comply with the distancing requirements stated herein.

WHEREAS, on March 11, 2020, the World Health Organization declared that the Novel Coronavirus 2019 (“COVID-19”) disease is a global pandemic, in response to over 118,000 cases present in over 110 countries globally, while currently there are over 372,700 cases, over 16,200 deaths in 195 countries; and

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency and pledged the “full power of the federal government” to fight this pandemic; and

WHEREAS, on March 14, 2020, Governor Brian Kemp issued Executive Order 3.14.20.01 which declared a public health emergency for the purpose of easing restrictions that might otherwise hinder the ability of public health systems to respond appropriately to the COVID-19 pandemic, through April 13, 2020, unless further extended; and

WHEREAS, on March 16, 2020, the Georgia General Assembly entered a 2020 Special Session to adopt House Resolution 4EX, ratifying Governor Brian Kemp’s public health emergency declaration, and reserving the right to terminate the emergency declaration through future legislative action; and

WHEREAS, as of 12:00 P.M. on March 25, 2020, the Georgia Department of Public Health has confirmed 1,387 positive cases of COVID-19 in Georgia, including 47 fatalities caused by COVID-19 statewide, with Bartow County having 82 positive cases at this time and still waiting on a number of tests to be returned, including at least 1 confirmed death in Bartow County; and

WHEREAS, medical professionals have advised that if COVID-19 continues to spread in City of Cartersville and the rest of Georgia at a rate comparable to that 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 this State; and

WHEREAS, a critical component of the public response to the COVID-19 pandemic is to practice “social distancing” by minimizing contact between people residing in different households as much as possible; and

WHEREAS, despite guidance from the United States Centers for Disease Control and Prevention (“CDC”), stating that people should avoid gathering in crowds of ten or more, and guidance from the Georgia Emergency Management Agency (“GEMA”), recommending that Georgians should avoid gathering in groups of any size, it has been evidenced that people in Cartersville continue to gather in large numbers in enclosed spaces where social distancing cannot be effectuated; and

WHEREAS, pursuant to O.C.G.A. §38-3-28, the Mayor and City Council, as the governing authority of a political subdivision of the State of Georgia, 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, under O.C.G.A. §38-3-6, emergency powers created by the law are intended to be liberally construed so as to allow government officials to meet the demands of emergencies within their jurisdictions; and

WHEREAS, pursuant to O.C.G.A. §38-3-51, the Governor of the state of Georgia has declared a public health emergency which authorizes the Mayor and City Council to use emergency powers as set out in O.C.G.A. §38-3-1 through 38-3-64; and

WHEREAS, the City of Cartersville Code of Ordinances in Chapter 8-5 entitled “Emergency Management” provides that, the Mayor and City Council, in addition to the rights, duties, powers, privileges and authority expressly conferred upon it by this Code of Ordinances, shall 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 this Code of Ordinances as fully and completely as if such powers were fully enumerated in this Code and to do and perform all of the acts pertaining to its local affairs, property and government that are necessary or proper in the legitimate exercise of its corporate powers and governmental duties and functions.; and

WHEREAS, on March 19, 2020, the Mayor and City Council declared a local emergency by Ordinance establishing the initial emergency management for the City of Cartersville; on March 20 2020, the City of Cartersville and Bartow County and other municipalities in Bartow County, approved a joint resolution setting out additional emergency management routine for

Cartersville, Bartow County, and other municipalities; furthermore, on March 24, 2020 the City adopted a Second Addendum to the Declaration of Emergency; and

WHEREAS, said declarations and resolution certifies that the Mayor and City Council of the City of Cartersville has 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 the citizens of the City of Cartersville, and to exercise all implied powers necessary to carry into execution all powers granted herein and the Code of Ordinances as fully and completely as if such powers are fully enumerated herein and to do and perform all the acts pertaining to its property, affairs and local government which are necessary or proper in the legitimate exercise of the corporate powers and governmental duties and functions; and

WHEREAS, pursuant to the earlier ordinances, declarations and resolution and restated herein, the Mayor of the City of Cartersville and the City Manager as designated therein has the power to temporarily suspend the enforcement of the Code of Ordinances of City of Cartersville, Georgia, or any portion thereof, where such a suspension is consistent with the protection of the public health, safety and welfare of the citizens of Cartersville; and

WHEREAS, inherent in the power to suspend ordinances is the power to take emergency affirmative actions, consistent with the protection of public health, safety and welfare, and consistent with state and federal law; and

WHEREAS, to prevent or minimize injury to people resulting from this pandemic, the Mayor finds that certain actions are required, including but not limited to, the social distancing measures set forth herein.

NOW, THEREFORE, BY THE POWER VESTED IN THE MAYOR BY THE

CITY COUNCIL, IT IS HEREBY ORDERED THAT:

1.

The City of Cartersville is declared to be under a state of emergency, which shall continue until April 7, 2020, at 11:59 P.M., unless modified by subsequent order.

2.

That, all public or private Community Gatherings of more than ten (10) people anywhere within the City of Cartersville are prohibited for the duration of this Order.

A “Community Gathering” is defined as any indoor or outdoor event, meeting or convening of people, subject to the exceptions below, that brings together, or is likely to bring together, or solicits to bring together, ten (10) or more persons at the same time in a single room or other single confined or enclosed space, such as an auditorium, stadium (indoor or outdoor), tent, arena, event center, music venue, meeting, hall, conference center, large cafeteria or any other confined indoor and outdoor space.

A Community Gathering does not include the following or similar uses, so long as persons attending the same are generally not within six (6) feet of each other for extended periods: (1) governmental operations; (2) spaces where persons may be in transit or waiting for transit such as airports, bus stations or terminals; (3) child-care or adult care facilities, residential buildings or any type of temporary sheltering or housing; (4) grocery stores or pharmacies; (5) hospital or medical facilities; (6) educational institutions engaged in medical, engineering or other efforts by students or faculty to deal with the impact of COVID-19; (7) the performance of job duties by persons not exhibiting symptoms of COVID-19 or residing with any person exhibiting symptoms of COVID-19; (8) manufacturers, distribution centers, food processors, flour mills, and similar industrial facilities provided that employees comply with the social distancing requirements as stated herein; (9) pastors who need access to church materials located at the church building and/or sanctuary and who hold on-line services as long as the social distancing requirements of ten (10) or less persons are followed; (10) contractors; (11) gas stations and convenience stores, (12) hardware stores, and (13) banks.

3.

For the purposes of this Order, the social distancing requirement includes maintaining six (6) feet distance from any other individual(s).

4.

Notwithstanding the previous section, the following business categories will be regulated as follows:

A. Restaurants shall close to the public except to provide take out, delivery, drivethrough or curbside service. Alcohol Sales for restaurants shall remain as ordered by the Second Addendum. Cafeterias in hospitals, nursing homes, higher education institutions or similar facilities shall not be subject to the restrictions contained in this Section.

B. Except for food service establishments licensed by the Department of Public Health, all business locations properly licensed in the City of Cartersville for the sale of alcoholic beverages for consumption on premises or for brown bagging for consumption on premises, such as bars, taverns and similar establishments, shall be closed for business.

C. All establishments providing body care services which require physical contact between the provider and client, including, without limitation, barbering, hair design, cosmetology, esthetics, massage therapy, tattooing, body waxing, tanning salons 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.

D. All indoor recreation facilities, including, without limitation, gyms, health studios, yoga, barre, spin or other fitness classes, spas, saunas, indoor amusement

facilities, arcades, bowling alleys, pool halls, movie theatres, playhouses, concert venues and all Cartersville Parks and Recreation Facilities, including playgrounds shall be closed for business.

E. All other retail, commercial or industrial establishments will be permitted to remain open subject to the following restrictions: (i) reasonable steps are taken to ensure that customers, employees and other persons on the premises shall generally not be within six (6) feet of each other for longer than brief periods; and (ii) employees are not suffered or permitted to work if they are exhibiting symptoms of COVID-19 or residing with anybody exhibiting symptoms of COVID-19.

5.

All permits for special events, including park facility rentals, to be held on City of Cartersville property for the duration of this Order are hereby canceled, and no new special event permits shall be authorized for the duration of this Order. Persons affected by this cancellation shall be entitled to a refund of any permit or rental fees paid.

6.

All deadlines imposed under the City of Cartersville Code of Ordinances for the renewal of self service fuel licenses and/or alcohol licenses and any other specific licenses required by the City of Cartersville Code of Ordinances shall be tolled for the duration of this Order, and for Thirty (30) days following the expiration of this Order.

7.

All deadlines of any action, determination or decision required of any official, board or commission of the City of Cartersville government under the provisions of the City of Cartersville Code of Ordinances shall be tolled for the duration of this Order, and for thirty (30) days following the expiration of this Order. Additionally, all public hearings before any , board

or commission of The City of Cartersville scheduled through April 20, 2020 are hereby cancelled and rescheduled to the next available hearing date.

8.

Pursuant to the emergency powers granted to the City of Cartersville, violation of any provision of this Order, upon conviction, shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) per violation and/or imprisonment not to exceed sixty (60) days. For purposes of enforcing the provisions of this Order, each day a business operates within Cartersville without complying with this Order shall constitute a separate offense.

9.

Nothing in this Order shall be construed as creating any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the City of Cartersville, its departments, agencies or entities, its officers, employees or agents, or any other person.

10.

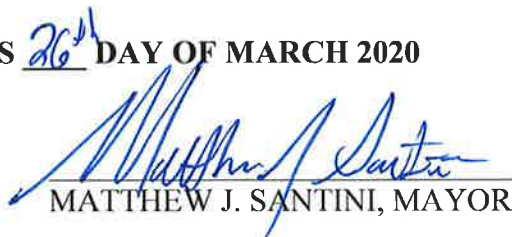
The City of Cartersville shall seek reimbursement from the state of Georgia and/or FEMA for all eligible expenditures.

11.

This Order shall become effective at Friday, March 27, 2020 at 5:00 p.m. hours after the time indicated below, and

shall remain in effect through and including 11:59 P.M. on April 7, 2020, unless modified by subsequent order.

BE IT AND IT IS HEREBY ORDERED THIS 26th DAY OF MARCH 2020


MATTHEW J. SANTINI, MAYOR

