

TOWN OF BROOKS
STATE OF GEORGIA

ORDINANCE

NO.: 2020-02

AN ORDINANCE OF THE MAYOR AND COUNCIL FOR THE TOWN OF BROOKS, GEORGIA, TO PROVIDE FOR THE DECLARATION OF AN EMERGENCY PURSUANT TO THE EMERGENCY POWERS IN THE TOWN'S CHARTER; TO PROVIDE THE EMERGENCY DECLARATION WITHIN THE TERRITORIAL JURISDICTIONAL LIMITS OF THE TOWN OF BROOKS; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

BE IT ORDAINED THAT THE PUBLIC PEACE WITHIN THE TERRITORIAL JURISDICTIONAL LIMITS OF THE TOWN OF BROOKS IS THREATENED DUE TO THE COVID-19 PANDEMIC; AND THE MAYOR AND COUNCIL OF THE TOWN OF BROOKS, GEORGIA HEREBY EXERCISE ITS EMERGENCY POWERS ACCORDING TO THE CHARTER FOR THE TOWN OF BROOKS AS FOLLOWS:

WHEREAS, pursuant to Section 1.12.41 of the Charter of the Town of Brooks ("Town"), and O.C.G.A. § 38-3-28, the Mayor and Town Council, shall have the emergency power to declare an emergency to exist when, in the Mayor and Town Council's opinion, there is a public emergency affecting life, health, property or public peace; and

WHEREAS, pursuant to Section 1.12.41 of the Charter of the Town of Brooks, the Mayor and Town Council may enact emergency ordinances which expire in 30 days from adoption unless sooner terminated, or extended by ordinance after 30 days; and

WHEREAS, the Town is currently responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2" and the disease it causes named "coronavirus disease 2019" (abbreviated "COVID-19"); and

WHEREAS, on March 11, 2020 the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 13, 2020 the President of the United States announced a national emergency in response to the COVID-19 pandemic, which included two emergency declarations: one under the National Emergencies Act and one under the Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, on March 14, 2020 Governor Brian Kemp signed a public health state of emergency to address the COVID-19 pandemic through assisting health and emergency management officials across Georgia by deploying all available resources for the mitigation and treatment of COVID-19; and

WHEREAS, the Center for Disease Control ("CDC") has issued guidance on the emerging and rapidly evolving situation of the COVID-19 pandemic, including how to protect oneself from this illness; and

WHEREAS, "social distancing" as defined by the CDC is recommended to prevent the continued spreading of this illness in the community; and

WHEREAS, as on March 16, 2020, the CDC advised that during the next fifteen (15) days, all events in the United States of ten (10) or more people should be cancelled or held virtually; and

WHEREAS, in accordance with the guidance of the CDC, it is the Mayor and Town Council's determination that certain actions are to be taken by the Town consistent with the guidance from the CDC as follows:

Section 1: Emergency – The Mayor and Town Council of the Town of Brooks declare a state of emergency in the Town of Brooks based on the global pandemic Coronavirus/COVID-19 disease, and pursuant to the findings herein, which are incorporated herein by this reference.

Section 2: Affected Businesses

(1) Restaurants.

- a. All restaurants and other establishments which sell food or beverages for consumption on the premises shall be closed to in-person dining or alcohol consumption during the term of this ordinance.
- b. Said restaurants may offer food for take away, delivery, or for customers to eat at location(s) other than the establishment, consistent with this Ordinance.
- c. Businesses affected by these closures shall establish systems that restrict in person contact as much as possible consistent with CDC guidelines, to include a limitation of the number of customers at a time to be in the premises.
- d. During the term of this Ordinance any establishment licensed for the sale of beer and/or wine for consumption on the premises may sell unopened bottles or cans of beer and bottles of wine with the purchase of food for takeout only, but not delivery. Unopened cans and bottles must meet federal law for sealed containers.

Section 3: Service Industry – Service industry businesses, e.g., hair and nail salons, barbers, those businesses providing a service requiring one-on-one contact between the provider and the client are called to immediately incorporate the aforementioned guidelines in providing

services to their clients and continue for the term of this Ordinance, unless sooner repealed or modified by subsequent ordinance of the Mayor and City Council. Additionally, all services should be performed on an appointment-only basis. Consistent with this Ordinance, dentists and optometrists are to provide only urgent care. Consistent with the current Executive Order from the Governor, all businesses required to close by said Executive Order are to be closed within the Town of Brooks.

Section 4: Social Gatherings; Group Activities – The public shall adhere to CDC guidelines, as revised from time to time, related to public social gatherings. All indoor group activities conducted for profit or otherwise comprised of physical exercise/activity, e.g., gymnasiums and exercise facilities, are called to close these locations upon the effective date of this Ordinance.

Section 5. Shelter in Place – All Brooks citizens, especially those considered medically high risk, are called to shelter in place, i.e., stay at home except for essential activities, for the duration of this emergency.

Section 6: Adherence to State and Federal Recommendations – The Mayor and Council further recommend that, in addition to the foregoing, all individuals continue to adhere to recommendations by State of Georgia and Federal Officials and Agencies related to health and safety during this health emergency.

Section 7: Effective Dates – Unless otherwise stated herein, this Ordinance shall be effective immediately upon its adoption by the Mayor and Council. This Ordinance shall be automatically repealed on Monday, April 6 at 5:00 p.m. However, the Ordinance may be reenacted in the same manner or repealed earlier by a repealing ordinance.

Section 8: Severability – If any sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, sentence paragraph or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such an illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Section 9: Repeal – All ordinances or parts thereof in conflict with or contrary to this Ordinance are hereby temporarily repealed for the term of this Emergency Ordinance and any extension thereof.

SO ORDAINED this 30th day of March 2020.

TOWN OF BROOKS

By: Daniel C. Langford, Jr., Mayor

ATTEST:

Kimberly Bradley, Clerk