

AN AMENDED EMERGENCY ORDINANCE

AN AMENDED EMERGENCY ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF WEST POINT TO AMEND THE CODE OF THE CITY; TO TEMPORARILY PROHIBIT DINE-IN SERVICES WITHIN EATING ESTABLISHMENTS IN THE CITY; TO REQUIRE THE TEMPORARY CLOSURE OF CERTAIN BUSINESSES; TO PROHIBIT CERTAIN GATHERINGS AND TO REQUIRE PERSONAL DISTANCE SPACING; TO PROVIDE FOR INTERIM SUCCESSION OF THE CITY MANAGER; TO INSTITUTE A CURFEW; TO REPEAL CONFLICTING ORDINANCES; TO FIX EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF WEST POINT HEREBY ORDAINS:

WHEREAS, the President of the United States declared a National Public Health Emergency on March 13, 2020; and

WHEREAS, the Governor of the State of Georgia declared a State Public Health Emergency on March 14, 2020 and urged “local officials to do what’s in the best interests of their communities to keep people safe and stop the spread of coronavirus” on March 19, 2020; and

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

WHEREAS, the number of confirmed cases and deaths from COVID-19 is escalating rapidly, internationally, nationally, and locally; and

WHEREAS, based upon the experience of other local governments in Georgia, a growing number of other cases are likely to occur; and

WHEREAS, on March 16, 2020, the Center for Disease Control (CDC) and the President of the United States stated that any gathering of over 10 people should 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 (are) to isolate, quarantine, or shelter in place,”

specifically 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 “close all bars and nightclubs and . . . 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, public health experts, including those at the CDC and the National Institutes of Health (NIH), have advised that individuals infected with COVID-19 are contagious even while experiencing minor or no symptoms and implored leaders to take immediate action to prevent further community spread of COVID-19; and

WHEREAS, preventing and slowing community spread of COVID-19 provides health systems additional time to obtain personal protective equipment necessary to protect health care workers and medical equipment necessary to treat COVID-19, and is therefore vital to the health of the nation; and

WHEREAS, in the judgment of the governing authority of the City of West Point, there exist emergency circumstances located within its jurisdiction requiring extraordinary and immediate response for the protection of the health, safety, and welfare of the citizens of the community, the state, and the nation; and

WHEREAS, it is essential for the City to act immediately in order to minimize the spread of COVID-19 and to prevent or minimize sickness, injury, or death, to people and damage to property resulting from this public health crisis; and

WHEREAS, O.C.G.A. § 38-3-28 provides the political subdivisions of this state with the authority to make, amend, and rescind such orders, rules, and regulations as may be necessary for

emergency management purposes to supplement rules and regulations promulgated by the Governor during a State of Emergency; 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, Section 24(b)(8) of the Charter of the City of West Point authorizes the Mayor and Council “to meet a public emergency affecting life, health, property or public peace” through the adoption of one or more emergency ordinances.

SECTION 1:

For the purposes of describing the circumstances which warrant the adoption of an amended emergency ordinance pursuant to Section 24(b)(8) of the Charter, the Mayor and Council hereby adopt and make the findings included in the “WHEREAS” clauses as findings of fact.

SECTION 2:

The Mayor and Council hereby ratify the state of emergency in the City of West Point, as declared by emergency ordinance adopted March 21, 2020, and the terms of this amendment shall be effective for the duration of said initial emergency ordinance.

SECTION 3:

Restaurants and other eating and dining establishments where food is served must cease offering dine-in services but may continue preparing and offering food to customers via delivery, drive-through or take-out services. Patrons, employees and contractors of the establishments must maintain at least six (6) feet of personal distance between themselves as much as possible given the physical constraints of the premises. If a restaurant is licensed to sell beer and wine for on-premises consumption, such restaurant, during the effective dates of this ordinance only, shall be authorized to sell unopened bottles or cans of beer or wine for take-out consumption off-premises. Upon request of any individual restaurant within the central business district, the City Manager is authorized to temporarily designate public parking spaces to facilitate take-out and curbside orders

SECTION 4:

Gyms, fitness centers, indoor amusement facilities, bowling alleys, pool halls, theaters, massage parlors, nail salons, hair salons, barbershops and any other similar facility must close and remain closed for the duration of this emergency.

SECTION 5:

Establishments such as grocery stores, pharmacies, convenience stores, and other retail 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 as much as possible given the physical constraints of the premises.

SECTION 6:

All public and private gatherings of more than ten (10) people occurring outside of a household or living unit are prohibited. Nothing in this ordinance, 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 medical or health services.

SECTION 7:

The governing authority desires to make certain that the chain of authority within city management is clear. If the City Manager is unable to perform his duties, then the individual designated by the City Manager as the emergency interim successor pursuant to O.C.G.A. § 38-3-50 shall assume the duties of the City Manager. Should the emergency interim successor be unable to perform those duties the Mayor as Chief Executive Officer of the City shall assume those duties.

SECTION 8:

A curfew is imposed from 10:00 p.m. to 5:00 a.m. effective immediately. Residents, unless “exempt individuals” as defined herein, shall remain in their homes or on their property during the curfew period. Exempt individuals include those individuals engaged in the provision of designated, essential services, such as (1) fire; (2) law enforcement; (3) medical and hospital services; (4) military services; (5) utility repairs; (6) persons seeking medical services or hospital

services; (7) individuals traveling to and from their jobs with appropriate identification; (8) individuals engaged in the delivery of food, medicine, medical supplies, fuel including, but not limited to, the re-stocking of grocery stores, pharmacies, and convenience stores; (9) individuals engage in the retrieval or transport of bodies under the direction of funeral service personnel; (10) news media employees; (11) designated employees or agents of businesses designated by the Georgia Emergency Management Agency as “essential” pursuant to O.C.G.A. § 38-3-58; (12) persons providing necessary care of companion animals in the custody and care of an animal shelter, boarding facility, or kennel; and (13) critical infrastructure businesses and employees as designated by the Governor or identified by U.S. Department of Homeland Security Cybersecurity and Infrastructure Security Agency.

SECTION 9:

This Ordinance after adoption by the Council and upon approval by the Mayor shall become effective Wednesday, March 26, 2020, at 5:00 o’clock p.m.

READ AND ADOPTED _____

ATTEST:

Steve Tramell, Mayor

City Clerk

Joseph R. Downs, III, Councilmember

Alanteo Hutchinson, Councilmember

Gerald W. Ledbetter, Councilmember

Gloria R. Marshall, Councilmember

Sandra Thornton, Councilmember

Deedee Williams, Councilmember