

## RESOLUTION BR-2020-14

### DECLARING EMERGENCY DUE TO COVID-19 AND FOR PROVISIONS RELATED TO SAME

**WHEREAS**, the outbreak of Coronavirus disease (“COVID-19”) has become a worldwide 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 spread of COVID-19; and

**WHEREAS**, cases of COVID-19 have occurred in Hall County; and

**WHEREAS**, the COVID-19 pandemic has the potential to result in significant loss of life and has the potential to result in a major disruption of community affairs, business services, and governmental operations; and

**WHEREAS**, the governing body of the City of Gainesville (“City”) has encouraged adherence to guidelines established by the Centers for Disease Control and Prevention related to COVID-19; and

**WHEREAS**, although citizens of the City have acted to reduce the spread of COVID-19, the governing body of the City finds that additional measures are needed to reduce further spread of COVID-19; and

**WHEREAS**, Section 3-1-1(a)(1) of the Code of Ordinances of the City (“the Code”) gives the Mayor the power to declare an emergency to exist in the municipal boundaries of the City when there is an extreme likelihood of danger and destruction of life due to unusual conditions, and Section 3-1-2(a)(4) of the Code gives the Mayor the power to close business establishments within the area within which the emergency exists; and

**WHEREAS**, Section 3-1-22 of the Code gives the Mayor and City Council the power to proclaim a civil emergency when there is a civil disturbance or threat of civil disturbance to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare of the City, and Section 3-1-24(6) of the Code gives the governing body of the City the power, after the proclamation of a civil emergency, in the interest of public safety and welfare, to issue such orders as are imminently necessary for the protection of life;

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the City as follows:

**Section 1:** The governing body hereby continues to encourage citizens and businesses in the City to adhere to directives of the State and federal governments and the guidelines established by the Centers for Disease Control and Prevention related to COVID-19. The governing body of the City encourages citizens and businesses in the City to work together to minimize the impact of the COVID-19 virus. This action is in the best interest of all City citizens and the healthcare providers that attend to the needs of City citizens.

## RESOLUTION BR-2020-14

### DECLARING EMERGENCY DUE TO COVID-19 AND FOR PROVISIONS RELATED TO SAME

**Section 2:** The Mayor and City Council hereby find that there is an extreme likelihood of danger and destruction of life within the municipal boundaries of the City due to the unusual conditions of COVID-19, and, therefore, the Mayor and City Council hereby declare, pursuant to Section 3-1-1(a)(1) of the Code, that an emergency exists within the municipal boundaries of the City. Furthermore, the Mayor and City Council hereby find that there is a civil disturbance and threat of civil disturbance due to COVID-19 to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare of all persons within the municipal boundaries of the City, and, therefore, the Mayor and City Council hereby proclaim, pursuant to Section 3-1-22 of the Code that a civil emergency exists within the municipal boundaries of the City.

**Section 3:** Pursuant to Sections 3-1-2(a)(4) and 3-1-24(6) of the Code, the Mayor and City Council hereby find that the following provisions are imminently necessary for the protection of life and hereby order that the following provisions shall govern for so long as the state of emergency due to COVID-19 shall exist in the City:

- 3.1 All public hearings or meetings of any board, committee, commission or instrumentality of the City are hereby stayed, tolled, and postponed, except as necessary, in the opinion of the City governing body or the City Manager, to conduct essential business.
- 3.2 All matters requiring a public hearing, including but not limited to zonings, special uses, variances, annexations, and regulatory permits, are hereby stayed from the date of this Resolution. Upon the termination of the provisions of this Resolution, the scheduling of hearings shall resume in the ordinary course. City staff are directed to work with applicants and those otherwise affected by this stay to ensure that financial impacts and disruption to business function are minimized.
- 3.3 Effective at 3:00 p.m. on Tuesday, March 24, 2020, the following requirements shall become effective, in full force, and mandatory: All bars, restaurants, and businesses which sell food or beverages for consumption on premises shall be closed to in-person dining and patio dining, as well as in-person consumption of alcohol, until the termination of the provisions of this Resolution. These requirements shall not apply to any retail establishment selling groceries, so long as any such retail establishment has discontinued and closed all areas designated for the consumption of food and/or alcohol on the premises.
- 3.4 Bars, restaurants, and other businesses which sell food may offer food for takeout, such that customers may consume such food other than on the premises of the business selling the food. In the event that customers choose to purchase food, beverages, and/or alcohol for takeout, such customers, including any minor children in the company of such customers, shall spend no more time in such businesses than is necessary to pay for and obtain any purchased food, beverages, and/or alcohol. While on the premises of any such business, all customers shall work to maintain, as much as possible given the physical constraints of the business premises, at least six (6) feet of personal distance from other customers, minor children, and employees of such businesses.

## RESOLUTION BR-2020-14

### DECLARING EMERGENCY DUE TO COVID-19 AND FOR PROVISIONS RELATED TO SAME

- 3.5 Businesses affected by closures shall establish systems to ensure that all on-premises consumption of food and/or alcohol is prohibited, and all such businesses shall work to ensure that customers, employees, and vendors of such businesses, as much as possible given the physical constraints of the business premises, maintain at least six (6) feet of personal distance between such persons.
- 3.6 As set forth in the City's previous Resolution on March 20, 2020, enforcement of Section 6-4-87(a) of the Code of Ordinances of the City is hereby halted to allow businesses with a consumption on premises license to sell bottled beer and/or bottled wine and allow the taking off the premises of such by customers with takeout meals.
- 3.7 Effective at 3:00 p.m. on Tuesday, March 24, 2020, the following requirements shall become effective, in full force, and mandatory: Due to the joint use of equipment and spaces, and the close proximity required to utilize exercise facilities, the same being in contravention of the public health, safety, and welfare due to COVID-19, gyms, studios, fitness centers, and sports clubs offering use of exercise equipment, exercise spaces, and/or close contact sports shall discontinue business until the termination of the provisions of this Resolution.
- 3.8 Cafeterias in hospitals, nursing homes, or similar facilities shall not be subject to the restrictions contained in this Resolution and may continue normal operations, controlled by the rules and regulations applied thereto by the State of Georgia.
- 3.9 Effective at 3:00 p.m. on Tuesday, March 24, 2020, the following requirements shall become effective, in full force, and mandatory: Due to the joint use of spaces, the same being in contravention of the public health, safety, and welfare due to COVID-19, all movie theaters, live performance venues, bowling alleys, and arcades shall discontinue business and operations until the termination of the provisions of this Resolution.
- 3.10 Any person violating or failing to comply with any provision of this Resolution shall be punished in accordance with Section 1-1-7 of the Code.

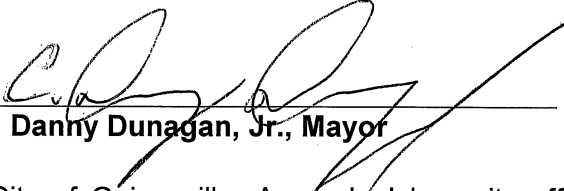
**BE IT FURTHER RESOLVED THAT** the governing body of the City hereby authorizes the Mayor, the City Manager and City Attorney to execute all such documents and agreements that may be necessary to effectuate the terms of this Resolution.

This Resolution shall be effective upon adoption and shall be effective until such time as this Resolution is rescinded by the governing body of the City.

RESOLUTION BR-2020-14

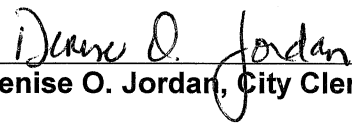
DECLARING EMERGENCY DUE TO COVID-19 AND FOR PROVISIONS RELATED TO SAME

Adopted this 23<sup>rd</sup> day of March, 2020.

  
C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

  
Denise O. Jordan, City Clerk

