

STATE OF GEORGIA

CITY OF HAMPTON

ADOPTED BY THE GOVERNING BODY THIS 2nd DAY OF April 2020.

EMERGENCY ORDINANCE NO. 20-515

AN EMERGENCY ORDINANCE OF THE CITY OF HAMPTON’S MAYOR AND COUNCIL ESTABLISHING A STATE OF EMERGENCY; TO PROVIDE FOR RESTRICTIONS IN RESPONSE TO AND TO CONTROL THE SPREAD OF COVID-19; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE AND TERMINATION DATE.

WHEREAS, the City of Hampton (hereinafter “City”) located wholly within Henry County is governed by the Mayor and Council; and

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 13, 2020, City staff met to amend governmental operations to address the 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 national emergency from the spread of COVID-19; and

WHEREAS, on March 16, 2020, the President of the United States in conjunction with the CDC issued Coronavirus Guidelines for America; 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, Executive Order No. 03.23.20.01 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 7:00 pm. on March 30, 2020, Georgia now has 328 confirmed cases of COVID-19, including 68 confirmed cases in Henry County; and

WHEREAS, according to the Georgia Department of Public Health COVID-19 update, 100 individuals in Georgia have died and 771 have been hospitalized after contracting COVID-19; and

WHEREAS, public health experts, including those at the Center for Disease Control (“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, the CDC has described the symptoms of COVID-19 as including fever, cough and shortness of breath which may occur 2-14 days after exposure (www.cdc.gov/COVID19-symptoms) and has also recommended maintaining physical separation of no less than six (6) feet between persons and urged that any gathering of over 10 people be discontinued or prohibited (www.cdc.gov/coronavirus/2019-ncov/community/retirement/guidance-retirement-response.html); and

WHEREAS, the CDC and public health officials project that additional cases of COVID-19 will potentially double every two to three days; and

WHEREAS, if COVID-19 continues to spread in Henry 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, O.C.G.A. 38-3-28, grants to local governments, including the City of Hampton, the power, during a state of emergency to *"to make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes..."*; and

WHEREAS, to prevent or minimize injury to people resulting from this pandemic, the City Council finds 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 County health partners concerning the spread of COVID-19 and available resources, the City finds 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, the City finds 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 due consideration, the City seeks to pass this Ordinance pursuant to City Code §§ 2-95 and 2-96 making it effective immediately as an emergency ordinance without the need of two reads based on the public health crisis and rising numbers of infected persons and deaths from COVID-19 and its highly contagious nature; and

WHEREAS, pursuant to City Charter Section 2.24, this emergency ordinance is valid for thirty (30) days; however, the City Council reserves the right to amend, extend, revoke, or repeal this emergency ordinance as the situation regarding COVID-19 changes; and

WHEREAS, the City does hereby find and declare that, in order to protect the health, safety and welfare of the City of Hampton, and its citizens, and in order to manage the pending emergency created by the COVID-19 the measures described below must be implemented:

Section 1.

NOW THEREFORE, BE IT AND IT IS HEREBY DECLARED, that a local state of emergency exists within the City and shall continue until the conditions requiring this declaration cease to exist and are abated.

Section 2.

NOW, THEREFORE, be it and it is hereby **ORDAINED** by the City of Hampton, Georgia, as follows:

- (1) Individuals to Stay at Home.** All individuals currently living within the territorial limits of the incorporated City of Hampton are **strongly urged** to shelter at home as much as possible except as 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 6.
- (2) Businesses to Close.** All businesses with a facility in the City, except Essential Businesses as defined below in Section 6, are **required to cease** all activities at

facilities located within the City except Minimum Basic Operations, as defined in Section 6. 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). Any business not listed herein is deemed a Non-Essential business. 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 6 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. Door to door sales by Essential Businesses are strongly discouraged.

(3) Gatherings on or at Public Property/Facilities.

- a. For the duration of the declared emergency, all city facilities, except for the police department, are closed to the public.
- b. **There shall be no gatherings** on any property owned or controlled by the City. For the purposes of this ordinance, property owned or controlled by the City shall mean any park, public space, playground, recreational area, or other city-owned facilities, including the parking lots of those city-owned facilities. Nothing shall prohibit using the public sidewalks to exercise or for pedestrian travel.
- c. The Municipal Court is closed until further notice.

(4) Other Gatherings Prohibited. All gatherings of any number of people occurring outside a household or living unit **are prohibited**, except for the limited purposes as expressly allowed in Section 6. Nothing in this Ordinance prohibits the gathering of members of a household or living unit or the gathering of persons for the purposes of religious worship as authorized in Section 7.

(5) 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 6, is **strongly discouraged**. People using public transit must comply with Social Distancing Requirements as defined in Section 6 below, to the greatest extent feasible. This Ordinance allows travel into or out of the City to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

(6) Definitions and Exemptions.

- a. For purposes of this Ordinance, 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 **strongly urged** to stay in their place of residence to the extent

possible except as necessary to seek medical care.

- i. 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.
 - ii. 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.
 - iii. 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.
 - iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Ordinance, including Minimum Basic Operations.
 - v. To care for a family member or pet in another household.
 - vi. To engage in religious worship.
- b. **Healthcare Operations.** For purposes of this Ordinance, 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 Ordinance, 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 all 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 Ordinance, 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 Ordinance. Further, nothing in this Ordinance 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 Ordinance, **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 Ordinance, "**Essential Businesses**" means:
 - i. Healthcare Operations and Essential Infrastructure;
 - ii. 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;

- iii. Package Stores engaged in the retail sale of off-premise consumption of beer, wine, and distilled spirits offered for sale through only curbside delivery, takeout, and/or drive-thru service;
- iv. Vape/tobacco shops;
- v. Food cultivation, including farming, livestock, and fishing;
- vi. Businesses and other organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- vii. Newspapers, television, radio, and other media services;
- viii. Gas stations and auto-supply, auto-repair, and related facilities;
- ix. Banks and related financial institutions;
- x. Hardware stores;
- xi. 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;
- xii. Businesses providing mailing and shipping services, including but not limited to post officeboxes;
- xiii. 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;
- xiv. Laundromats, drycleaners, and laundry service providers;
- xv. Restaurants and other facilities that prepare and offer food or beverages to customers through only delivery, takeout, and/or drive-thru service. Dine-in/patio service is neither allowed nor deemed an Essential Business. 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 Ordinance 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;

- xvi. Businesses that supply products needed for people to work from home;
- xvii. Businesses or manufacturers that supply other Essential Businesses with the support or supplies necessary to operate;
- xviii. Businesses that ship or deliver groceries, food, goods, or services directly to residences;
- xix. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Ordinance;
- xx. Home-based care for seniors or adults;
- xxi. Residential facilities including hotels, motels, shared rental units and similar facilities and shelters for seniors, adults, and children;
- xxii. Unless otherwise preempted by state law or executive order of the Governor, childcare facilities providing services that enable employees exempted in this Ordinance to work as permitted. To the extent possible, these childcare facilities should operate under the following conditions:
 - 1. Childcare must be carried out in stable groups of 10 or fewer (inclusive of childcare providers for the group);
 - 2. Children and childcare providers shall not change from one group to another;
 - 3. If more than one group of children is care for at one facility, each group shall be in a separate room;
 - 4. Groups shall not mix or interact with each other;
 - 5. All play equipment used by one group of children must be cleaned and sanitized before use by another group of children;
 - 6. Any child exhibiting symptom of COVID-19 illness shall not be allowed to remain in the childcare facility.

- xxiii. Professional services, such as legal, accounting services, real estate services, when necessary to assist in compliance with legally mandated activities;
 - xxiv. Businesses providing services, goods, materials or other items to any government.
 - xxv. Businesses that support and perform repair or construction work for business or homes;
 - xxvi. Road construction, maintenance, and repair and related engineering and construction services;
 - xxvii. Businesses that supply other Essential Businesses with support or supplies;
 - xxviii. Industrial Manufacturers;
 - xxix. Any business or service that has been deemed essential by the State of Georgia, or any agency thereof or by the Federal Government, or any agency thereof.
 - xxx. 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 Ordinance, "**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.
- i. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
 - ii. 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 Ordinance, "**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.
- i. Any travel related to the provision of or access to Essential Activities,

Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.

- ii. Travel to care for the elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
 - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
 - iv. Travel to return to a place of residence from outside the jurisdiction.
 - v. Travel required by law enforcement or court order.
 - vi. 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. **Residences.** For purposes of this Ordinance, **residences** include hotels, motels, shared rental units and similar facilities.
 - j. **Social Distancing Requirements.** For purposes of this Ordinance, "**Social Distancing Requirements**" as defined by the CDC, 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.
- (7) **Houses of Worship/Funeral Services.** The regulations, requirements and prohibitions set forth herein shall not apply to churches, synagogues, temples or other houses of worship or facilities in which religious worship and ceremonies are conducted. Such houses of worship are **strongly encouraged** to utilize drive-up/parking lot service, social media, or other electronic means to broadcast services. To the extent in-person services are held, such houses of worship shall take all reasonable steps to ensure that participants comply with all "Social Distancing Requirements" as set forth in paragraph 6(j) above. For funeral and graveside services, funeral directors shall take all reasonable steps to ensure that participants comply with all "Social Distancing Requirements" as set forth in paragraph 6(j) above.
- (8) **Enforcement.** The Hampton Police Department and other departments of the City as deemed necessary by the City Manager under this Ordinance are authorized to support compliance with this Ordinance through information delivery and

education of individuals and/or businesses regarding the imminent threat to public health posed by COVID-19 up to notice of violation and/or citation. Any violations of this Ordinance shall be considered an ordinance violation subject to the general penalty provisions outlined in Section 1-11 of the Code of Hampton, Georgiaⁱ

(9) City Manager Authority. For the duration of this Declaration of Emergency, 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;
- e. To close City buildings and facilities;
- f. To coordinate with appropriate officials in neighboring jurisdictions, to ensure, to the extent possible, a coordinated and efficient response to the COVID-19 pandemic;
- g. To make any disciplinary actions without Council approval which is normally required by City Code, so long as the action is documented and ratified by the Council after the emergency has ceased;
- h. To enact and implement policy to govern or amend government operations; and
- i. To sign any contract without the approval of City Council not routinely budgeted for the provision of services or purchase of products/materials that are necessary for the continued operation of government during the emergency.
- j. The City Manager shall notify the Mayor and Council if he exercises his authority under this subsection (9).

(10) Effective Date. This Ordinance shall become effective immediately.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Hampton.

Section 5. This Ordinance shall take effect immediately upon its adoption. All Ordinances in conflict herewith are expressly repealed. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Hampton, Georgia, and the sections of this Ordinance may be renumbered, if necessary, to accomplish such intention.

Section 6.

- a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.
- b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause and phrase of this Ordinance is severable from every other, section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- c. In the event that any phrase, clause, sentence, paragraph or Section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 7. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed temporarily and until the emergency declared herein ceases to exist.

SO ORDAINED, this ____ day of _____, 2020.

HAMPTON, GEORGIA

BY: _____
STEVE HUTCHISON, MAYOR

ATTESTED TO BY:

MELISSA BROOKS, CITY CLERK

APPROVED AS TO FORM:

L'ERIN BARNES WIGGINS, CITY ATTORNEY

ⁱ **Sec. 1-11. - General penalty, continuing violations.**

- (a) Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or in any ordinance the doing of any act is required and the failure to do such act is declared to be unlawful, and no specific penalty is provided therefor, and unless otherwise provided by state law, the violation of any such provision of this Code or any such ordinance shall be punished by a fine not to exceed \$1,000.00 and imprisonment in the county jail or other appropriate detention facility and work and labor on the streets or public works of the city, whether within or without the corporate limits, not exceeding six months, or both a fine and sentence of imprisonment and labor and all sentences may be in the alternative and fines may be imposed with the alternative of sentence to imprisonment and labor in the event the fines are not paid. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.
- (b) The judge of the municipal court shall have the power and authority to:
- (1) Impose upon persons convicted in the municipal court the fines provided for in this Code, the ordinances of the city, or as otherwise provided by law, with the alternative of other punishment allowed by law, in the event that such fines are not paid;
 - (2) Sentence such person to community service work; or
 - (3) Impose a sentence consisting of any combination of the penalties provided for in this section.
- (c) The judge of the municipal court shall have full power and authority to declare the forfeiture of bonds given by offenders for their appearance before the municipal court upon the offender's failure to appear as provided for in such bond; the procedure for the forfeiture of such bonds shall be as is provided for the forfeiture of bonds and recognizance set forth in O.C.G.A. § 17-6-70 et seq.