

**AN ORDINANCE TAKING IMMEDIATE EMERGENCY MEASURES TO REQUIRE SHELTER IN PLACE; TO CLOSE NON-ESSENTIAL BUSINESSES; TO PROHIBIT GATHERINGS; TO PROVIDE AN EFFECTIVE DATE; TO SUSPEND CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**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 with the world experiencing a deep humanitarian crisis with more than 413,000 cases and more than 18,400 deaths due to COVID-19, as of March 25, 2020; and

**WHEREAS**, as reported by the CDC, effective March 25, 2020, Georgia now has 1,247 confirmed cases of COVID-19 and forty (40) COVID-19 related deaths; 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 ten (10) people should be discontinued or prohibited; 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**, the 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 is recommended by the CDC to prevent the continued spread of illness in the community; and

**WHEREAS**, local health departments and the State Department of Public Health have urged Rockdale County to take appropriate measures to protect the community and to decrease the spread of COVID-19; and

**WHEREAS**, the CEO of Piedmont Rockdale Hospital has informed the Chairman of the Rockdale County Board of Commissioners that the hospital has experienced a surge of COVID-19 cases within the past several days; and

**WHEREAS**, the CEO has requested that effective 12:01 a.m. Thursday, March 26, 2020 there be a Stay at Home Ordinance imposed for fourteen (14) days with only essential personnel being deployed during this emergency; and

**WHEREAS**, in the judgment of the Rockdale County Board of Commissioners, there exists 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 governing authority of Rockdale County to act immediately by this Ordinance 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**, the Rockdale County Code of Ordinances provides the governing authority of the County with the authority to take actions deemed necessary to deal with such an emergency for the protection of the safety, health, and well-being of the citizens of the city; and

**WHEREAS**, all individuals living in the territorial jurisdictional limits of Rockdale County are directed to shelter at their place of residence; to permit persons subject to this Ordinance to leave their places of residence to provide or receive certain essential services or engage in certain essential activities and work for essential business and government services;

directing all businesses to cease non-essential operations at physical locations within Rockdale County; prohibiting all non-essential gatherings of any number of individuals: and

**WHEREAS**, the intent of this Ordinance is to ensure that the maximum number of people self-isolate in their places 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. When people need to leave their places 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 as are reasonably possible, comply with social distancing.

**THEREFORE, IT IS ORDERED AND ORDAINED BY THE AUTHORITY OF THE ROCKDALE COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:**

**Section 1. Findings of Fact**

For purposes of describing the circumstances that warrant the adoption of an emergency ordinance, the governing authority of the County hereby adopts and makes the findings included in the “WHEREAS” clauses as findings of fact.

**Section 2: Emergency Powers**

In accordance with Section 26-37 of the Rockdale County Code of Ordinances, the Chairman of the Rockdale County Board of Commissioners, shall exercise the emergency powers as outlined therein, to order that all individuals living within Rockdale County are directed to stay at their place of residence; to permit persons subject to this order to leave their places of residence to provide or receive certain essential services or engage in certain essential activities and work for essential business and government services; and directing all businesses to cease non-essential operations at physical locations within Rockdale County.

**Section 3. Shelter in Place for Rockdale County Residents**

Pursuant to this Ordinance, all individuals currently living within the territorial jurisdictional limits of Rockdale County are ordered to stay at their place of residence. 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 residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined herein.

**Section 4. Closure of Non-Essential Businesses.**

All businesses physically located within the territorial jurisdictional limits of Rockdale County, except Essential Businesses as defined herein, are required to cease all activities therein except Minimum Basic Operations, as defined herein. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined herein, including by maintaining six-foot social distancing for both

employees and members of the public, including, but not limited to, when any customers are standing in line.

### **Section 5. Gatherings.**

All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes as expressly permitted herein. Nothing in this Ordinance prohibits the gathering of members of a household or living unit. Further, nothing in this ordinance prohibits the gathering of individuals for the purposes of carrying on Essential Business.

### **Section 6. County Park and Recreation Facilities**

All Rockdale County Parks and Recreation parks, trails, and facilities shall be closed for public access and shall remain closed for the duration of this Ordinance. Signage and barricades shall be placed at these locations to notify the public of same. Any and all programs organized by or taking place at these locations shall be canceled and remain so for the duration of this Ordinance.

### **Section 7. Definitions and Exemptions.**

- a) For purposes of this Ordinance, individuals may leave their residence only to perform any of the following “Essential Activities.” But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their 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 (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 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 supply, 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, or running.
  - 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.
- b) For purposes of this Ordinance, individuals may leave their residence to work for or obtain services at any “Healthcare Operations”, which means 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” specifically does not include spas, massage therapists, fitness and exercise gyms and similar facilities.
- c) For purposes of this Ordinance, individuals may leave their 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, airport operations, utility, water, sewer, gas, electrical, oil refining, roads and highways, railroads, public transportation, taxi/rideshare, 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 herein, to the extent possible.
- d) For purposes of this Ordinance, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others working for or to support Essential Businesses are categorically exempt from this Ordinance. Further, nothing in this Ordinance shall prohibit any individual from performing or accessing Essential Governmental Functions. “Essential Governmental Functions” means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined this Section, to the extent possible.
- e) For the purposes of this Ordinance, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- f) For the purposes of this Ordinance, “Essential Businesses” means:
  - i. Healthcare Operations and Essential Infrastructure;
  - ii. Grocery stores, farmer’s 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. Food cultivation, including farming, livestock, and fishing;
- iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- v. Newspapers, television, radio, and other media services;
- vi. Gas stations and auto-supply, auto repair, and related facilities;
- vii. Banks and related financial institutions;
- viii. Hardware stores
- ix. Lodging businesses (e.g., hotels, motels, conference centers);
- x. 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;
- xi. Businesses providing mailing and shipping services, including post office boxes;
- xii. Educational institutions-including public and 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;
- xiii. Laundromats, dry cleaners, and laundry service providers;
- xiv. Restaurants and other facilities that prepare and serve food, but only for delivery or curbside service. For the duration of this ordinance, if a restaurant is properly licensed to sell beer and/or wine for on-premises consumption, said restaurant may sell beer and/or wine in unopened, sealed containers for curbside service or delivery for off-premises consumption without obtaining any additional licensure. However, any such transaction must include the purchase of food.
- xv. Schools and other entities that typically provide 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

takeaway 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. Cafeterias in hospitals, nursing homes, or similar facilities shall not be subject to the restrictions contained in this Ordinance.

- xvi. Businesses that supply products needed for people to work from home;
  - xvii. Businesses 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. Home-based care for seniors, adults, or children;
  - xx. Residential facilities and shelters for seniors, adults, and children;
  - xxi. Professional services, such as legal, insurance or accounting services;
  - xxii. Childcare facilities; and
  - xxiii. Utility, water, sewer, gas, electrical, oil refining, roads and highways, railroads, construction, public transportation, taxi/rideshare, 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).
  - xxiv. Any other businesses and/or facilities deemed necessary by the Board of Commissioners for the health, safety, and general welfare of Rockdale County residents.
- g) For the purposes of this Ordinance, “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined 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 residences.

**Section 8. Utilities**

Rockdale Water Resources (RWR) shall refrain from taking any action which would result in the termination of water services for any RWR customer due to non-payment during this Ordinance’s effective term.

**Section 9. Social Distancing Signage Requirements**

Essential Businesses that remain open during this 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 10. Conflicting Laws and General Waivers**

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby suspended during the effective dates of this Ordinance (or any extension thereof) and the terms and provisions of this Ordinance shall prevail.

This Declaration of Emergency is not intended to and does not create and right or benefit, substantive or procedural, enforceable in law or equity by any party against Rockdale County, its officials, employees, or agents.

**Section 11. Severability**

If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the Board of Commissioners that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

**Section 12. Effective Date**

This Ordinance shall take effect at 12:01 a.m. on Thursday, March 26, 2020 and shall expire by its own terms on 11:59 p.m. on Wednesday, April 8, 2020, unless extended by further action of the Board of Commissioners.

**SO ORDAINED** by the Rockdale County Board of Commissioners this \_\_\_\_ day of March, 2020.

**Rockdale County, Georgia  
Board of Commissioners**

By: \_\_\_\_\_  
Oz Nesbitt, Sr., Chairman

[Signatures continued to next page]

Attest:

By: \_\_\_\_\_  
Jennifer Rutledge, County Clerk

Approved as to form:

By: \_\_\_\_\_  
M. Qader A. Baig, County Attorney