

ORDINANCE NO. 2020-03

AN ORDINANCE BY THE CITY OF PINE LAKE TO DECLARE A STATE OF EMERGENCY DUE TO THE NOVEL CORONAVIRUS DISEASE 2019 GLOBAL PANDEMIC; TO ENCOURAGE RESIDENTS TO SHELTER IN PLACE AND ABIDE BY A VOLUNTARY CURFEW; TO DELEGATE CERTAIN POWERS TO THE MAYOR TO RESPOND TO THE EMERGENCY; TO PROHIBIT DINING AT RESTAURANTS AND ESTABLISHING REGULATIONS FOR TAKE-OUT OR DELIVERY OF FOOD; TO ESTABLISH PUBLIC HEALTH AND SAFETY STANDARDS FOR BUSINESSES AND FOR GATHERINGS OF MORE THAN 10 PEOPLE; TO CLOSE PUBLIC FACILITIES THAT ENCOURAGE CONGREGATING AND HAVE FIXTURES THAT MAY CONTAIN AND TRANSMIT THE VIRUS; AND TO REPEAL CONFLICTING ORDINANCES

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 of Emergency in Georgia on March 14, 2020; and

WHEREAS, the Chief Executive Officer of DeKalb County issued an executive order on March 23, 2020 declaring a public health emergency exists within DeKalb County; and

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

WHEREAS, the Centers for Disease Control and Prevention have recommended that public gatherings be limited in order to mitigate the spread of the virus and protect vulnerable members of the community including those who are elderly or immune compromised; and

WHEREAS, Section 2.24 of the Charter of the City of Pine Lake authorizes the adoption of emergency ordinances and Section 1.12(b), subsections (8), (11), and (41) provide the City with powers to declare an emergency, take steps to address the emergency, prohibit any practice or use of property that is detrimental to the health of the inhabitants of the City and enforce such standards, and to exercise all powers necessary or desirable to protect the health and general welfare of the inhabitants of the City;

NOW THEREFORE, BE IT ORDAINED by the City of Pine Lake, in a public and specially called meeting as authorized by O.C.G.A. § 50-1-14(1)(g), as follows:

Section 1. The Mayor and Council adopt and make the findings in the “Whereas” paragraphs the factual findings of the Mayor and Council.

Section 2. The Mayor and Council hereby declare a state of emergency in the City of Pine Lake. They encourage inhabitants to shelter in place as much as possible and to abide by a voluntary curfew beginning at 9:00 p.m. each night and ending at 6:00 a.m. the next morning.

Section 3. To the extent not otherwise already authorized by state or federal law or by the City’s charter or ordinances, the City Council does hereby grant to the Mayor the authority to use all powers set forth in Section 58-23 of the City’s Code of Ordinances so that she may act in an expeditious fashion to protect and promote the health, safety and welfare of the residents, businesses and visitors to the City of Pine Lake. Any act taken by the Mayor pursuant to this ordinance may be reviewed and repealed by the City Council.

Section 4. All public City meetings through the end of April, 2020 will be conducted by teleconference in accordance with O.C.G.A. § 50-14-1(g) without the requirement of a quorum being present in person so long as the public is afforded simultaneous access to the teleconference meeting. Regular meetings of the Mayor and Council will be held each Tuesday night at 7:00 p.m. through the end of April, 2020.

Section 5.

- (a) All businesses within the City, including churches and social clubs, shall establish and implement systems that restrict in-person contact as much as possible, to include not permitting more than one (1) customer or member at a time to be in the premises. Such systems may include the business taking food or other items sold to the customer, the customer’s home or the customer’s vehicle. Businesses shall ensure that all persons in the premises, including, but not limited to, employees, contractors, vendors and customers, maintain at least 6 feet of personal distance from other persons. In accordance with recommendations from the Centers for Disease Control and Prevention, to reduce transmission of the virus, all businesses shall provide facilities for employees to wash their hands and shall regularly throughout each workday clean and disinfect frequently touched surfaces such as workstations, counters, door handles and door knobs.
- (b) All restaurants, bars and other businesses who sell food or beverages for consumption on the premises or who provide entertainment on premises shall be closed for in-person dining or entertainment for the duration of this ordinance.

- (c) Restaurants, bars, and other businesses who sell food for consumption on the premises and food trucks authorized to sell within the City may only offer food for take-away or delivery. Customers must consume the food somewhere other than at the establishment. Such businesses which are licensed to sell beer and wine for on-premises consumption shall be authorized to sell unopened containers of beer or wine for take-out consumption during the effective dates of this ordinance only.
- (d) Violation of this Section shall constitute a misdemeanor. Additionally, any business to which this Section applies that violates the terms set forth herein may be closed in order to protect public health and safety.

Section 6. For all gatherings of ten (10) or more persons in any public or private place, all individuals shall maintain a distance of at least 6 feet between themselves as much as reasonably practicable. The limit of ten (10) persons shall be measured by including the aggregate of all persons present at one time, including, but not limited to, all children, customers, visitors, employees, and instructors. The distance restriction shall not apply to persons who are all domiciled within the same dwelling unit. For gatherings of up to ten (10) persons, all individuals are encouraged to maintain a distance of at least six (6) feet between themselves as much as reasonably practicable.

Section 7. In recognition that the virus may live on surfaces located in public places and parks and thus be transmitted to persons touching such surfaces, all playground equipment, the Beach House, and the Club House are closed to the public during the term of this ordinance. Violation of this Section shall constitute a misdemeanor. Individuals may still use public paths, trails, greenspaces and tennis courts for exercise.

Section 8. The various clauses and subsections of this ordinance are intended to be severable. Should any of the provisions of this ordinance be deemed invalid by a court of competent jurisdiction, it is the intent of the City Council that the remaining provisions remain in full force and effect.

Section 9. All ordinances and portions of ordinances in conflict with the terms of this ordinance are hereby repealed as to the subject matter of this ordinance.

Section 10. This ordinance shall become effective upon its approval by the City Council, signature by the Mayor, and approval as to form by the City Attorney.

Section 11. Pursuant to Section 2.24 of the Charter of the City of Pine Lake, this emergency ordinance shall automatically stand repealed thirty (30) days following the date upon which it was adopted.


ADOPTED this 24th day of March, 2020.

MAYOR AND CITY COUNCIL OF PINE LAKE, GEORGIA



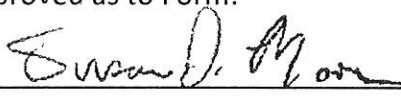
Mayor Melanie Hammet

ATTEST:



Valerie Caldwell, City Clerk
(SEAL)

Approved as to Form:



Susan J. Moore, City Attorney