

**AN ORDINANCE FOR THE DECLARATION OF A LOCAL STATE OF
EMERGENCY RELATED TO COVID-19; AND FOR OTHER PURPOSES**

WHEREAS, Pickens County, Georgia has experienced an event of critical significance as a result of the Coronavirus disease ("COVID-19"); and

WHEREAS, the Centers for Disease Control and Prevention, (the "CDC") indicates that COVID-19 is a new and contagious respiratory disease caused by a novel (new) coronavirus that was first detected in China and which has now been detected in more than 100 locations around the world, including in the United States; and

WHEREAS, as reported by the World Health Organization ("WHO"), the world has experienced a deep humanitarian crisis with more than 334,981 cases and more than 14,652 deaths due to COVID-19; and

WHEREAS, COVID-19 is officially a global pandemic according to the WHO; and

WHEREAS; on March 13, 2020, President Donald Trump has declared a national emergency for the United States of America in response to COVID-19; and

WHEREAS, on March 14, 2020, Governor Brian Kemp declared a Public Health Emergency due to COVID-19; and

WHEREAS, as reported by the CDC effective as of March 24, 2020, Georgia now has 1026 confirmed cases of COVID-19, 32 COVID-19 related deaths, and Pickens County has four confirmed cases; 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 illness; and

WHEREAS, social distancing is recommended by the CDC to prevent the continued spreading of the illness in the community; and

WHEREAS, on March 16, 2020, President Donald Trump issued his Coronavirus Guidelines for America which instructs people to listen to their local authorities and to avoid social gatherings of more than ten (10) people; and

WHEREAS, cities, states, and counties, including but not limited to, Athens-Clarke County, Georgia, Sumter County, Georgia, Dougherty County, Georgia, the City of Atlanta, Georgia, Alameda County, California, the City of Los Angeles, California, the City of Seattle, Washington, and the states of New York, New Jersey, California, Delaware, Kentucky, Louisiana, and Connecticut have imposed temporary restrictions related to public and private gatherings to stop large numbers of people from gathering and staying in close proximity during the COVID-19 pandemic; and

WHEREAS, the CDC expects that additional cases of COVID-19 will be identified in the coming days, including more cases in the United States, and that person-to-person spread is likely to continue to occur; and

WHEREAS, local emergency hospital personnel have reported to the Commission that they are treating patients with symptoms consistent with COVID-19 and that there is a shortage of personal protective equipment as well as hospital beds which places the health, safety, and welfare of emergency medical personnel at risk and the general public; and

WHEREAS, medical professionals have advised that if COVID-19 spreads in Pickens County and the rest of Georgia, at a rate comparable to the rate of spread in other affected areas, it may greatly strain the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, such as COVID-19, and the situation may become too large in scope to be handled in its entirety by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State; and

WHEREAS, in the judgment of the Board of Commissioners of Pickens County, Georgia (the "Commission"), as of the date of this Ordinance, there exist emergency circumstances as a result of COVID-19 within the geographical boundaries of Pickens County as described in Section 22-31 et. seq. of the Pickens County Code of Ordinances requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of Pickens County and the surrounding communities; and

WHEREAS, to prevent or minimize injury to people resulting from this pandemic, the Commission finds that certain actions are required, including but not limited to, the social distancing measures set forth herein; and

WHEREAS, pursuant to Section 22-34 of the Pickens County Code of Ordinances, the Commission has the right, duty, power, privilege and authority to exercise and enjoy all other powers, duties, functions, rights, privileges, and immunities necessary and proper to promote or protect the safety, health, peace, security and general welfare of said government and its inhabitants and to exercise all implied powers necessary to call into execution all powers granted in the Georgia Constitution and the Pickens County Code of Ordinances as fully and completely as if such powers were fully enumerated herein and to do and perform all of the acts pertaining to its property, affairs and local government which are necessary or proper in the legitimate exercise of its corporate powers and governmental duties and functions; and

WHEREAS, pursuant to O.C.G.A. Sec. 38-3-28, the Commission is authorized to make, amend, and rescind orders, rules, and regulations as necessary for emergency purposes and to supplement carrying out the emergency management laws; and

WHEREAS, pursuant to O.C.G.A. Sec. 38-3-51, the Governor's declared public health emergency authorizes the Commission to use emergency powers in O.C.G.A. Sections 38-3-1 through 38-3-64; and

WHEREAS, pursuant to O.C.G.A. Sec. 38-3-6, during an emergency, O.C.G.A. Sections 38-3-1 through 38-3-64 are to be liberally construed to effectuate their purposes;

NOW, THEREFORE, the Board of Commissioners of Pickens County, Georgia, hereby ordains that it is hereby declared that a local state of emergency exists within the unincorporated area of Pickens County, Georgia, and shall continue until the conditions requiring this declaration are abated.

THEREFORE, IT IS ORDERED:

Article 1.

That the Pickens County Office of Emergency Management activates the Emergency Operations Plan.

Article 2.

That Chapter 22, Civil Emergencies, of the Pickens County Code of Ordinances be implemented.

Article 3.

1. The intent of this Order 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, 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 reasonably possible comply with Social Distancing Requirements as defined in Section 10 below. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.

2. All individuals currently living within the unincorporated boundaries of Pickens County, Georgia (the "County") shall shelter 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 in Section 10.

3. All businesses with a facility in the County, except Essential Businesses as defined below in Section 10, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 10. 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 in Section 10 below, including, but not limited to, when any customers are standing in line.

4. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 10. Nothing in this Order prohibits the gathering of members of a household or living unit.

5. 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 10, is prohibited. People riding on public transit must comply with Social Distancing Requirements as defined in Section 10 below, to the greatest extent feasible. This Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

6. This Order is issued based on evidence of increasing occurrence of COVID-19 within the County and throughout the State of Georgia, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the healthcare system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the County.

7. This Order also is issued in light of the existence of four confirmed cases of COVID-19 in Pickens County, Georgia, as of noon on Tuesday, March 24, 2020, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This Order is necessary to slow the rate of spread and the Commission will re-evaluate it as further data becomes available. The Commission also makes the findings discussed in the "Whereas" paragraphs part of the factual findings of the Commission.

8. This Order is issued in accordance with, and incorporates by reference, the March 16, 2020, Proclamation of a State of Emergency issued by Governor Brian Kemp as well as the two Orders issued by the Governor on March 23, 2020.

9. This Order comes after the release of substantial guidance from the Centers for Disease Control and Prevention, the Georgia Department of Public Health, and other public health officials throughout the United States and around the world, including a variety of prior orders to

combat the spread and harms of COVID-19. The Commission will continue to assess the quickly evolving situation and may modify or extend this Order, or issue additional Orders, related to COVID-19.

10. Definitions and Exemptions.

a. For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities." However, 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 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 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, fishing, walking, hiking, running, golfing, tennis, 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 Order, including Minimum Basic Operations.

v. To care for a family member or pet in another household.

b. For purposes of this Order, individuals may leave their 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 and similar facilities.

c. For purposes of this Order, 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, construction and all related activities (in particular affordable housing or housing for individuals experiencing homelessness), airport

operations, water, sewer, gas, electrical, oil refining, 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 in this Section, to the extent possible.

d. For purposes of this Order, 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 Order. Further, nothing in this Order 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. For the purposes of this Order, 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. For the purposes of this Order, "Essential Businesses" means;

i. Healthcare Operations and Essential Infrastructure, Pharmacies, Drug Stores;

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 nongrocery 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. Auto sales, gas stations and auto-supply, auto-repair, and related facilities;

vii. Banks and related financial institutions;

viii. Hardware stores;

ix. Plumbers, electricians, exterminators, contractors, and other service providers who provide services that are necessary to constructing and maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;

x. Businesses providing mailing and shipping services, including post office boxes;

xi. Educational institutions--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;

xii. Laundromats, drycleaners, and laundry service providers;

xiii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order 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;

xiv. Businesses that supply products needed for people to work from home;

xv. Businesses or manufacturers that supply other essential businesses with the support or supplies necessary to operate;

xvi. Businesses that ship or deliver groceries, food, goods, or services directly to residences;

xvii. Airlines, taxis, car rental services, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;

xviii. Home-based care for seniors, adults, or children;

xix. Residential facilities including hotels, motels, shared rental units and similar facilities and shelters for seniors, adults, and children;

xx. Professional services, such as legal, accounting services, real estate services, when necessary to assist in compliance with time-sensitive legal matters, and other legally needed or mandated activities;

xxi. Unless otherwise preempted by state law, childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:

1. Childcare must be carried out in stable groups of 12 or fewer ("stable" means that the same 12 or fewer children are in the same group each day).

2. Children shall not change from one group to another.

3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.

4. Childcare providers shall remain solely with one group of children. For the purposes of this Order, "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.

xxii. All businesses which possess a retail liquor package license; retail beer package license; or retail wine package license shall be authorized;

xxiii. Manufacturers, Distribution Centers, Food Processors, Food Product manufacturers, flour mills, similar industrial facilities, provided that employees comply with Social Distancing Requirements as defined in this Section, to the extent possible, while carrying out such operations.

g. For the purposes of this Order, "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 residences.

h. For the purposes of this Order, "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 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 County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

i. For purposes of this Order, residences include hotels, motels, shared rental units and similar facilities.

j. For purposes of this Order, "Social Distancing Requirements" 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 using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

11. Enforcement and Remedies.

a. Individuals: In recognition that Pickens County does not have the personnel or resources to monitor and police distancing or gathering limitations or shelter in place requirements for all individuals currently living within the unincorporated area of Pickens County, Georgia, the Pickens County Sheriff's Office as well as other departments of the County as deemed necessary by the Commission Chair under this Declaration are authorized to support compliance with this Order through information delivery and education of individuals regarding the imminent threat to public health posed by COVID-19.

b. Covered Businesses: Any violations of this Order by covered businesses shall be considered ordinance violations subject to the general penalty provisions outlined in Code of Ordinances for Pickens County, Georgia.

c. Commission Chair: The Commission directs its Chairman to provide guidance to any business within the unincorporated area of Pickens County, Georgia, as to whether said business meets the definition of Essential Business, or is exempted from this Order.

12. Funding:

a. Pickens County, Georgia, shall seek reimbursement from the State of Georgia and from Federal Emergency funds for all eligible expenditures.

b. Pickens County, Georgia, shall pursue ways and explore the possibility of providing relief to County residents during the COVID-19 pandemic.

13. Copies of this Order shall promptly be: (1) made available at the Pickens County Administrative Offices; (2) posted on Pickens County's website; and (3) provided to any member of the public requesting a copy of this Order.

14. If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect.

To this end, the provisions of this Order are severable.

Article 3. Severability

1. It is hereby declared to be the intention of the Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Commission to be fully valid, enforceable, and constitutional.

2. It is hereby declared to be the intention of the Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or 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 Commission 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.

3. 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 Commission 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 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Article 4. All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

Article 5. This Ordinance shall become effective following approval by the Commission at _____ P.M. on March 24, 2020, and will continue to be in effect until 11:59 P.M. on April 7, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Commission.

SO ORDERED AND ORDAINED this 24th day of March, 2020.

PICKENS COUNTY BOARD OF COMMISSIONERS

BECKY DENNEY
Commissioner (Eastern District)




JERRY BARNES
Commissioner (Western District)



ROBERT P. JONES
Commission Chair

Attest:



Lesa Thomason
County Clerk

[COUNTY SEAL]

