

City of Norcross

*65 Lawrenceville Street
Norcross, GA 30071*



Meeting Agenda

Monday, March 30, 2020

6:30 PM

Teleconference

Special Called Meeting

Mayor Craig Newton

Mayor Pro Tem Josh Bare

Councilmember Andrew Hixson

Councilmember Elaine Puckett

Councilmember Matt Myers

Councilmember Bruce Gaynor

- A. **Call to Order by Craig Newton**
PLEASE TURN OFF ALL CELL PHONES AND ELECTRONIC DEVICES
- B. **Roll Call (recorded)**
- PH. **Public Hearings**
- D. **Items for Discussion**
 - 1. [20-5682](#) **Review for Acceptance Stay at Home Order Issued by Gwinnett County**
[Local Emergency Order revised for Cities](#)
 - 2. [20-5683](#) **Consideration of Emergency Ordinance to Incorporate Governor's Executive Order 3.23.20.0.1**
[Local Emergency Order Incorporating Governor's Exec. Order](#)
 - 3. [20-5684](#) **Consideration to Incorporate Stay at Home Order into the Norcross Emergency Ordinance**
[ORD 04-2020 Norcross Emergency Ordinance](#)
- E. **Adjourn to Executive Session Legal Personnel, and Real Estate**
- F. **Signed by _____ Mayor Craig Newton**
- G. **Attest _____ Monique Lang, City Clerk**



City of Norcross

Legislation Details (With Details)

65 Lawrenceville Street
Norcross, GA 30071

770-448-2122

770-242-0824

File#:	20-5682	Version:	
Type:	Agenda Item	Status:	Agenda Ready
File Created:	3/27/2020	In Control:	Special Called Meeting
On Agenda:	3/30/2020 6:30 PM	Status:	Reviewed
Title:	Review for Acceptance Stay at Home Order Issued by Gwinnett County		

Sponsors:

Code Sections:

Attachments:

1. [Local Emergency Order revised for Cities](#)

Title
Review for Acceptance Stay at Home Order Issued by Gwinnett County

Drafter
Craig Newton

City of _____

LOCAL EMERGENCY ORDER No. _____

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 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 public health emergency from the spread of COVID-19; and

WHEREAS, on March 16, 2020, pursuant to her authority under the Gwinnett County Emergency Management Ordinance as Chairman of the Gwinnett County Board of Commissioners, the Chairman signed a Declaration of Local Emergency activating emergency powers in order to allow the County to quickly and appropriately respond to the COVID-19 pandemic; and

WHEREAS, the undersigned **Mayor/City Council** issued an Emergency Declaration/Order on **March**, 2020 to declare a local emergency in the entirety of the City;

WHEREAS, on March 16, 2020, the President of the United States in conjunction with the CDC issued Coronavirus Guidelines for America – 15 Days to Slow the Spread; and

WHEREAS, these guidelines contain recommendations on how to protect oneself from the COVID-19 pandemic, including recommendations such as avoiding social gatherings in groups of more than 10 people for fifteen (15) days; and

WHEREAS, those guidelines also include a recommendation that communities with evidence of community transmission consider closing restaurants, food courts, gyms, and other indoor and outdoor venues where groups of people congregate; and

WHEREAS, social distancing is recommended by the CDC to prevent the continued spread of COVID-19 in the community; 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 12:00 p.m. on March 27, 2020, Georgia now has 2001 confirmed cases of COVID-19, including 102 confirmed cases in Gwinnett County; and

WHEREAS, according to the Georgia Department of Public Health COVID-19 update, 64 individuals in Georgia have died and 566 have been hospitalized after contracting COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) indicates that there is evidence of widespread community transmission in Georgia; and

WHEREAS, the CDC and public health officials expect that additional cases of COVID-19 will be identified in the coming days; and

WHEREAS, if COVID-19 continues to spread in Gwinnett 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, in accordance with Section _____ of the **City's Charter/Code of Ordinances** and pursuant to my March _____ 2020 Declaration of Local Emergency, the **Mayor/City Council** has the ability to exercise such powers as may be deemed necessary to promote and secure the safety and protection of the civilian population during an emergency; and

WHEREAS, pursuant to Section _____ of City's **Charter/Code of Ordinances**, the **Mayor/City Council** may institute a curfew when it is determined necessary to protect and safeguard the people and the property of the City; and

WHEREAS, one of the purposes of the Georgia Emergency Management Act of 1981 is to confer upon the Governor and the executive heads of the governing bodies of the political subdivisions of the state emergency powers; and

WHEREAS, pursuant to O.C.G.A. Section 38-3-28, the City 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. Section 38-3-6, during an emergency, O.C.G.A. Sections 38-3-1 through 38-3-64 are supposed to be liberally construed to effectuate their purposes; 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 Gwinnett County Chairman has found that emergency circumstances continue to exist as a result of COVID-19 within the geographical boundaries of Gwinnett County requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the residents of Gwinnett County; and

WHEREAS, because of the number of Cities within the County in close proximity to one another and the mobility of the population across jurisdictional boundaries, it is necessary and beneficial for the City to take similar extraordinary and immediate corrective actions for the protection of the health, safety and welfare of the residents of the City;

WHEREAS, to prevent or minimize illness and/or injury to people resulting from the COVID-19 pandemic, I find 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 local health partners concerning the spread of COVID-19 and available resources, I believe 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, I find 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;

WHEREAS, after consultation with local health care providers and our public health department, this Local Emergency Order is necessary to protect the health and well-being of the citizens of the City; and

NOW, THEREFORE, pursuant to the authority vested in me as Mayor of the City of _____ by local and state law;

IT IS HEREBY ORDERED that:

- (1) **Individuals to Stay at Home.** All individuals currently living within the City limits are directed to stay at their place of residence unless 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 5.
- (2) **Businesses to Close** All businesses with a facility in the City, except Essential Businesses as defined below in Section 5, are required to cease all activities at facilities located within the City except Minimum Basic Operations, as defined in Section 5. 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). 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 5 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) **Public Gatherings Prohibited.** 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 5. Nothing in this Order prohibits the gathering of members of a household or living unit.
- (4) **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 5, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 5 below, to the greatest extent feasible. This Order allows travel into or out of the City to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

(5) Definitions and Exemptions.

A. For purposes of this Order, 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 urged to stay in their place of residence to the extent possible except as necessary to seek medical care.

1. 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.
2. 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.
3. 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.
4. 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.
5. To care for a family member or pet in another household.

B. **Healthcare Operations.** For purposes of this Order, 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 Order, 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 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. **Covered Businesses.** 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. **Essential Businesses.** For the purposes of this Order, “Essential Businesses” means:
1. Healthcare Operations and Essential Infrastructure;
 2. 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;

3. Food cultivation, including farming, livestock, and fishing;
4. Businesses and other organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
5. Newspapers, television, radio, and other media services;
6. Gas stations and auto-supply, auto-repair, and related facilities;
7. Banks and related financial institutions;
8. Hardware stores;
9. 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;
10. Businesses providing mailing and shipping services, including but not limited to post office boxes;
11. 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;
12. Laundromats, drycleaners, and laundry service providers;
13. Restaurants and other facilities that prepare and offer food or beverages to customers through delivery, takeout, and/or drive-thru service. 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 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;
14. Businesses that supply products needed for people to work from home;
15. Businesses or manufacturers that supply other essential businesses with the support or supplies necessary to operate;

16. Businesses that ship or deliver groceries, food, goods, or services directly to residences;
17. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
18. Home-based care for seniors, adults, or children;
19. Residential facilities including hotels, motels, shared rental units and similar facilities and shelters for seniors, adults, and children;
20. Professional services, such as legal, accounting services, real estate services, when necessary to assist in compliance with legally mandated activities;
21. Unless otherwise preempted by state law or executive order of the Governor, childcare facilities providing services that enable employees exempted in this Order to work as permitted provided that such businesses maintain social distancing requirements to the greatest extent feasible.
22. Businesses providing services, goods, materials or other items to any government.
23. Any service that is deemed by the _____ (City Manager/Administrator/Clerk) to be essential for the protection of public health, safety and welfare.

G. Minimum Basic Operations. 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.

1. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.
2. 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 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.

1. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
2. Travel to care for the elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
3. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.

4. Travel to return to a place of residence from outside the jurisdiction.
5. Travel required by law enforcement or court order.
6. 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. For purposes of this Order, residences include hotels, motels, shared rental units and similar facilities.
 - J. **Social Distancing Requirements.** 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, 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.
- (6) In recognition that the City does not have the personnel or resources to monitor and police distancing or gathering limitations or stay at place of residence requirements for all individuals currently living within the City limits, the _____ (Code Enforcement Officers/Marshal) and other departments of the City as deemed necessary by the _____ (City Manager/Administrator/Clerk) under this Order 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.
- (7) For the duration of the March _____, 2020 Declaration of Emergency, the _____ (City Manager/Administrator/Clerk) 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/Administrator/Clerk) 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; and

- E. To close City buildings and facilities.
- (8) This Order shall become effective at 12:01 a.m. on March 28, 2020 and will continue to be in effect until 11:59 p.m. on April 13, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Mayor. Section 7 of this Order shall be effective immediately and continue in effect until April 13, 2020 at 11:59 p.m., or until it is extended, rescinded, superseded, or amended.
- (9) 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.
- (10) All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby temporarily suspended.
- (11) To the extent that any provisions of this Order conflict with the March _____, 2020 Declaration of Emergency or any Local Emergency Order issued thereunder, the more restrictive provisions shall control.

SO ORDERED this ____ day of March, 2020.

Mayor

City Clerk

Approved as to Form:

City Attorney



City of Norcross

Legislation Details (With Details)

65 Lawrenceville Street
Norcross, GA 30071

770-448-2122

770-242-0824

File#:	20-5683	Version:	
Type:	Agenda Item	Status:	Agenda Ready
File Created:	3/27/2020	In Control:	Special Called Meeting
On Agenda:	3/30/2020 6:30 PM	Status:	Reviewed
Title:	Consideration of Emergency Ordinance to Incorporate Governor's Executive Order 3.23.20.0.1		

Sponsors:

Code Sections:

Attachments:

1. [Local Emergency Order Incorporating Govenors Exec. Order](#)

Title

Consideration of Emergency Ordinance to Incorporate Governor's Executive Order 3.23.20.0.1

Drafter

Craig Newton

ORDINANCE NO. ____- 2020

**EMERGENCY ORDINANCE TO MEET A PUBLIC EMERGENCY AFFECTING LIFE,
HEALTH, PROPERTY AND PUBLIC PEACE PURSUANT TO
THE NORCROSS CITY CHARTER SEC. 2.24;
TO INCORPORATE THE GOVERNOR’S EXECUTIVE ORDER NO. 03.23.20.01;
TO ORDER CITIZENS TO SHELTER IN PLACE;
TO AUTHORIZE THE CITY MANAGER TO ENFORCE EMERGENCY ORDINANCE;
AND FOR OTHER PURPOSES.**

WHEREAS, the Mayor and Council of the City of Norcross, Georgia (the “City”) is the duly elected governing authority for the City; 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 now become a worldwide pandemic; and

WHEREAS, on March 16, 2020, under the Gwinnett County Emergency Management Ordinance, the Chairman of the Gwinnett County Board of Commissioners signed a Declaration of Local Emergency activating certain emergency powers in order to allow the County to quickly and appropriately respond to the COVID-19 pandemic; and

WHEREAS, on March 16, 2020, the President of the United States in conjunction with the Centers for Disease Control and Prevention (CDC) issued Coronavirus Guidelines for America – 15 Days to Slow the Spread; and

WHEREAS, these guidelines contain recommendations on how to protect oneself from the COVID-19 pandemic, including recommendations such as avoiding social gatherings in groups of more than 10 people for fifteen (15) days; and

WHEREAS, those guidelines include a recommendation that communities with evidence of community transmission consider closing restaurants, food courts, gyms, and other indoor and outdoor venues where groups of people congregate; and

WHEREAS, the CDC indicates that there is evidence of widespread community transmission in Georgia; and

WHEREAS, on March 20, 2020, Gwinnett County strongly encouraged all restaurants, fitness centers, entertainment venues, and similar establishments to take voluntary measures such as closing or modifying operations to help slow the spread of COVID-19; and

WHEREAS, the Mayor and Council of the City of Norcross declared a state of local emergency on March 17, 2020; and

WHEREAS, the Mayor and Council of the City of Norcross, pursuant to the Norcross City Charter Sec. 2.24 passed its first Emergency Ordinance, Ord. No. ____-2020 on March 23, 2020; 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 12:00 p.m. on March 25, 2020, Georgia now has 1525 confirmed cases of COVID-19, including seventy-five (75) confirmed cases in Gwinnett County; and

WHEREAS, according to the Georgia Department of Public Health COVID-19 update, forty-eight (48) individuals in Georgia have died and 473 have been hospitalized after contracting COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) indicates that there is evidence of widespread community transmission in Georgia; and

WHEREAS, the CDC and public health officials expect that additional cases of COVID-19 will be identified in the coming days; and

WHEREAS, if COVID-19 continues to spread in Gwinnett 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, one of the purposes of the Georgia Emergency Management Act of 1981 is to confer upon the Governor and the executive heads of the governing bodies of the political subdivisions of the state emergency powers; and

WHEREAS, pursuant to O.C.G.A. Section 38-3-28, the City 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. Section 38-3-6, during an emergency, O.C.G.A. Sections 38-3-1 through 38-3-64 are supposed to be liberally construed to effectuate their purposes; 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 Gwinnett County Chairman has found that emergency circumstances continue to exist as a result of COVID-19 within the geographical boundaries of Gwinnett County requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the residents of Gwinnett County; and

WHEREAS, because of the number of Cities within the County in close proximity to one another and the mobility of the population across jurisdictional boundaries, it is necessary and beneficial for the City of Norcross to take similar extraordinary and immediate corrective actions for the protection of the health, safety and welfare of the residents of the City;

WHEREAS, to prevent or minimize illness and/or injury to people resulting from the COVID-19 pandemic, the Mayor and Council of the City of Norcross find 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 local health partners concerning the spread of COVID-19 and available resources, I believe 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, I find 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;

WHEREAS, after consultation with local health care providers and our public health department, this Local Emergency Order is necessary to protect the health and well-being of the citizens of the City of Norcross; and

WHEREAS, the Mayor and Council of the City of Norcross find that it is necessary to temporarily close certain establishments, where the public gathers and where social distancing recommendations cannot be maintained, to help slow the spread of COVID-19 in the City in order to help protect the health and safety of the citizens and businesses of the City; and

WHEREAS, the Mayor and Council of the City of Norcross find that it is necessary to require social distancing measures where businesses, corporations, non-profit entities, and other organizations continue to operate to help slow the spread of COVID-10 in the City and to supplement the emergency declaration, resolution, and ordinance previously enacted so as to incorporate the terms of Governor's Executive Order No. 03.23.20.01.

WHEREAS, Section 2.24 of the City Charter for the City of Norcross permits the Mayor and Council for the City of Norcross to convene on call of the mayor or three (3) councilmembers to meet a public emergency affecting life, health, property or public peace, and promptly adopt one (1) or more emergency ordinances, provided that but such ordinances do not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except as provided by law; and

WHEREAS, Section 2.24 of the City Charter for the City of Norcross further provides that such emergency ordinances shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms; and

WHEREAS, Section 2.24 of the City Charter for the City of Norcross further provides that an emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three (3) councilmembers shall be required for adoption; and

WHEREAS, Section 2.24 of the City Charter for the City of Norcross further provides that such an emergency ordinance shall become effective upon adoption or at such later time as it may specify; and

WHEREAS, Section 2.24 of the City Charter for the City of Norcross further provides that an emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances; and

NOW THEREFORE, the Mayor and Council hereby amend Chapter 43 of the Code of Ordinances for the City of Norcross, entitled “EMERGENCY ORDINANCES” is amended by adding new ordinance Sections 43-2 “Incorporation of Governor’s Executive Order No. 03.23.20.01,” 43-3 entitled “Order to Shelter in Place”, 43-4 entitled “Enforcement of Emergency Ordinances,” and 43-5 entitled “Conflicts,” as is more particularly set forth below.

I. Declaration. A state of local emergency exists due to the Coronavirus Disease 2019 (COVID-19) pandemic as set forth in the Declaration of State of local Emergency Dated March 17, 2020 of the City of Norcross, which is hereby incorporated into this Ordinance by reference as if fully set forth herein.

II. Amendment. Chapter 43 of the Code of Ordinances for the City of Norcross, entitled “EMERGENCY ORDINANCES” is amended by adding new ordinance Sections 43-2 “Incorporation of Governor’s Executive Order No. 03.23.20.01,” 43-3 entitled “Order to Shelter in Place”, 43-4 entitled “Enforcement of Emergency Ordinances,” and 43-5 entitled “Conflicts,” as follows:

“Chapter 43 – EMERGENCY ORDINANCES.

Sec. 43-2 – Incorporation of Governor’s Executive Order No. 03.23.20.01.

The Governor of the State of Georgia, by Executive Order No. 03.23.20.01, ordered the following temporary actions to protect the health, safety and welfare of Georgia’s residents and visitors:

- (1) The Governor’s Executive Order No. 03.23.20.01 is hereby incorporated by reference herein, such that:
 - a. All persons ordered by the Department of Public Health to isolate, quarantine, or shelter in place within their homes or place of residence shall comply with such executive order or administrative order. In accordance with the Governor’s executive, the following populations are specifically included:
 - i. Those persons who live in a nursing home or long-term care facility;
 - ii. Those persons who have chronic lung disease;
 - iii. Those persons who are currently undergoing cancer treatment; and
 - iv. Those persons included in any Department of Public Health Administrative Order.

- b. All businesses which possess a license to operate as or otherwise meet the definition of “bar” as defined in Official Code of Georgia Section 3-1-2(2.1) shall cease operation.
 - c. 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 to be seated within six (6) feet of any other person.
- (2) The provisions of Chapter 43-2 (1) shall be effective immediately upon its adoption by the Mayor and Council of the City of Norcross as specified in Sec. 2.24 of the City Charter and shall expire on April 6, 2020 at 12:00 p.m. to conform with the expiration set forth in Governor’s Executive Order No. 03.23.20.01. The remaining provisions of Chapter 43 shall remain in effect for the duration of the state of local emergency or until Chapter 43 is repealed, expired or terminated as set forth in Sec. 43-5 subparagraphs (4), (5) and (6).

Sec. 43-3 – Order to Shelter in Place.

- (1) All individuals currently living within the City limits of the City of Norcross are directed to stay at their place of residence. To the extent individuals are using shared or outdoor spaces, they must always 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 5.
- (2) All businesses with a facility in the City, except Essential Businesses as defined below in Section 5, are required to cease all activities at facilities located within the City except Minimum Basic Operations, as defined in Section 5. 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). 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 5 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.
- (3) 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 5. Nothing in this Order prohibits the gathering of members of a household or living unit.
- (4) 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 must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 5 below, to the greatest extent feasible. This Order allows travel into or out of the City to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.
- (5) Definitions and Exemptions.

- A. For purposes of this Order, 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 urged to stay in their place of residence to the extent possible except as necessary to seek medical care.
1. 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.
 2. 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.
 3. 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.
 4. 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.
 5. To care for a family member or pet in another household.
- B. For purposes of this Order, 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. For purposes of this Order, 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, 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. 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:
1. Healthcare Operations and Essential Infrastructure;
 2. 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;
 3. Food cultivation, including farming, livestock, and fishing;
 4. Businesses and other organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 5. Newspapers, television, radio, and other media services;
 6. Gas stations and auto-supply, auto-repair, and related facilities;
 7. Banks and related financial institutions;
 8. Hardware stores;
 9. 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;
 10. Businesses providing mailing and shipping services, including post office boxes;
 11. 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;

12. Laundromats, drycleaners, and laundry service providers;
13. Restaurants and other facilities that prepare and offer food to customers through delivery, takeout, and/or drive-thru service. 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 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;
14. Businesses that supply products needed for people to work from home;
15. Businesses or manufacturers that supply other essential businesses with the support or supplies necessary to operate;
16. Businesses that ship or deliver groceries, food, goods, or services directly to residences;
17. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in Chapter 43;
18. Home-based care for seniors, adults, or children;
19. Residential facilities including hotels, motels, shared rental units and similar facilities and shelters for seniors, adults, and children;
20. Professional services, such as legal, accounting services, real estate services, when necessary to assist in compliance with legally mandated activities;
21. Unless otherwise preempted by state law or executive order of the Governor, 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:
 - i. 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).
 - ii. Children shall not change from one group to another.
 - iii. 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.
 - iv. Childcare providers shall remain solely with one group of children.

22. Businesses providing services, goods, materials or other items to any government.
 23. Any service that is deemed by the City Manager and the Mayor to be essential for the protection of public health, safety and welfare.
- 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.
1. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.
 2. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their place of residence.
- 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.
1. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
 2. Travel to care for the elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
 3. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
 4. Travel to return to a place of residence from outside the jurisdiction.
 5. Travel required by law enforcement or court order.
 6. 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. 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, 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.
- (6) In recognition that the City does not have the personnel or resources to monitor and police distancing or gathering limitations or stay at place of residence requirements for all individuals currently living within the City limits of the City, the Norcross Police Department and other departments of the City as deemed necessary by the City Manager and the Mayor under this

Order 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.

- (7) For the duration of the City's March 17, 2020 Declaration of Emergency, the City Manager and the Mayor 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 and the Mayor 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; and
 - E. To close City buildings and facilities.
- (8) Secs. 43-2 through 43-5 of this Chapter 43 shall become effective at 12:01 a.m. on March 30, 2020 and will continue to be in effect for the duration of the State of local Emergency, or until it is extended, rescinded, superseded, or amended in writing by the Mayor and Council. Section 7 of this Order shall continue in effect until April 13, 2020 at 11:59 p.m., or until it is extended, rescinded, superseded, or amended.

Sec. 43-4 Enforcement of Emergency Ordinances.

The City Manager shall be authorized to utilize personnel and resources, including but not limited to the Norcross Police Department to support compliance with and to assist in the enforcement of this Chapter 43.

Sec. 43-5 – Conflicts, Effective Date and Termination of Emergency Ordinances.

- (1) To the extent that there is any conflict in the restrictions and limitations in Chapter 43, the more stringent restriction or limitation shall apply.
- (2) If any provision of this Chapter 43 to the application thereof to any person or circumstance is held to be invalid, the reminder of Chapter 43, 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 Chapter 43 are severable.
- (3) All ordinances or parts thereof in conflict with any provision or any section, subsection, paragraph, subdivision or clause of Chapter 43 are suspended for the duration of the state of local emergency.
- (4) The provisions of Chapter 43 shall remain in effect only for so long as March 17, 2020 Declaration of Local State of Emergency remains in force and shall stand automatically

repealed upon its expiration or termination.

(5) This Emergency Ordinance becomes effective immediately upon its adoption by the Mayor and Council of the City of Norcross as specified in Sec. 2.24 of the City Charter.

(6) Chapter 43 also be repealed by adoption of a repealing ordinance in the same manner specified in Sec. 2.24 of the City Charter for adoption of emergency ordinances.”

III. Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this Emergency Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any ordinance, section, subsection, paragraph, subdivision or clause of this Emergency Ordinance.

IV. Repealer. All ordinances or parts thereof which conflict with any provision or any section, subsection, paragraph, subdivision or clause of this ordinance is hereby repealed to the extent of the conflict for the duration of the State of Local Emergency.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal to be affixed, this the ____ day of _____, 2020.

Craig Newton, Mayor

ATTEST:

Monique Lang, City Clerk



City of Norcross

Legislation Details (With Details)

65 Lawrenceville Street
Norcross, GA 30071

770-448-2122

770-242-0824

File#:	20-5684	Version:	
Type:	Agenda Item	Status:	Agenda Ready
File Created:	3/28/2020	In Control:	Special Called Meeting
On Agenda:	3/30/2020 6:30 PM	Status:	Reviewed
Title:	Consideration to Incorporate Stay at Home Order into the Norcross Emergency Ordinance		
Sponsors:			
Code Sections:			
Attachments:	ORD 04-2020 Norcross EMERGENCY ORDINANCE		

Title
Consideration to Incorporate Stay at Home Order into the Norcross Emergency Ordinance

Drafter
Craig Newton

ORDINANCE NO. 04- 2020

EMERGENCY ORDINANCE TO MEET A PUBLIC EMERGENCY AFFECTING LIFE, HEALTH, PROPERTY AND PUBLIC PEACE PURSUANT TO THE NORCROSS CITY CHARTER SEC. 2.24 PLACING RESTRICTIONS ON CERTAIN BUSINESSES AND CITY FACILITIES FOR THE DURATION OF THE STATE OF LOCAL EMERGENCY

WHEREAS, the Mayor and Council of the City of Norcross, Georgia (the “City”) is the duly elected governing authority for the City; and

WHEREAS, the outbreak of Coronavirus Disease 2019 (COVID-19) poses a serious risk of severe illness or even death for many people including but not limited to the public at large, the citizens of the City of Norcross and all City personnel as well as the elected and appointed officials of the City of Norcross; and

WHEREAS, the President of the United States has declared a national emergency; and

WHEREAS, the Governor of Georgia declared a public health emergency on March 14, 2020; and

WHEREAS, the Gwinnett County Board of Commissioners has declared a local emergency on March 16, 2020 and delegated certain emergency powers to the Chairman of the Gwinnett County Board of Commissioners; and

WHEREAS, the Mayor and Council of the City of Norcross declared a state of local emergency on March 17, 2020; and

WHEREAS, Section 2.24 of the City Charter for the City of Norcross permits the Mayor and Council for the City of Norcross to convene on call of the mayor or three (3) councilmembers to meet a public emergency affecting life, health, property or public peace, and promptly adopt one (1) or more emergency ordinances, provided that but such ordinances do not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except as provided by law; and

WHEREAS, Section 2.24 of the City Charter for the City of Norcross further provides that such emergency ordinances shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms; and

WHEREAS, Section 2.24 of the City Charter for the City of Norcross further provides that an emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three (3) councilmembers shall be required for adoption; and

WHEREAS, Section 2.24 of the City Charter for the City of Norcross further provides that such an emergency ordinance shall become effective upon adoption or at such later time as it may specify; and

WHEREAS, Section 2.24 of the City Charter for the City of Norcross further provides that an emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

NOW THEREFORE, the Mayor and Council hereby add a new Chapter 43 entitled “EMERGENCY ORDINANCES” of the Code of Ordinances for the City of Norcross, shall be added to the Code of Ordinances immediately after Chapter 42, and a new ordinance Sec. 43-1 is added entitled “Restrictions on Certain Businesses and City Facilities for the Duration of the State of Local Emergency, as is more particularly set forth below.

ENACTING CLAUSE. The Mayor and City Council of the City of Norcross, Georgia, hereby ordains that the adopted Code of Ordinances, is hereby amended as more particularly set forth below. It is the intention of the Mayor and City Council, and it is hereby ordained that the following provisions shall become and be made a part of the Code of the City of Norcross, and the Sections in the Code in the Ordinance be renumbered to accomplish that intention.

I. **Declaration.** A local state of emergency exists due to the Coronavirus Disease 2019 (COVID-19) pandemic as set forth in the Declaration of Local State of Emergency Dated March 17, 2020 of the City of Norcross, which is hereby incorporated into this Ordinance by reference as if fully set forth herein.

II. **Amendment.** A new Chapter 43 entitled “EMERGENCY ORDINANCES” of the Code of Ordinances for the City of Norcross, shall be added to the Code of Ordinances immediately after Chapter 42, and a new ordinance Sec. 43-1 is added entitled “Restrictions on Certain Businesses and City Facilities for the Duration of the State of Local Emergency”, as follows:

“Chapter 43 – EMERGENCY ORDINANCES.

Sec. 43-1 – Restrictions on Certain Businesses and City Facilities for the Duration of the State of Local Emergency.

A local state of emergency exists due to the Coronavirus Disease 2019 (COVID-19) pandemic as set forth in the Declaration of Local State of Emergency Dated March 17, 2020 of the City of Norcross, which is hereby incorporated into this Emergency Ordinance by reference as if fully set forth herein.

The following restrictions shall apply to the following businesses and City Facilities for the duration of the state of local emergency:

- (1) In accordance with the guidelines from the President of the United States, the Governor of the State of Georgia and the Centers for Disease Control and Prevention to prevent the spread of the COVID-19 virus, all bars, eating establishments, restaurants, brewpubs, growler shops, gyms and fitness centers, movie theatres, live performance venues, event centers, pool or billiard halls, assembly halls, bowling alleys, arcades, massage parlors and private social clubs (with respect to food services and other indoor gatherings at such social clubs) located within the City Limits of the City of Norcross are hereby ordered closed for the duration of the State of Local Emergency; provided however, that eating establishments, restaurants, brewpubs, growler shops and other establishments in the business of selling food for consumption of the premises may remain open for off premises sales of food and alcoholic beverages as more specifically set forth in subsections (3) and (5) below
- (2) Homeless shelters, soup kitchens, food assistance programs, and churches, may continue to operate and provide shelter and food to those in need as each such organization deems reasonable and appropriate in their own sole discretion. All such homeless shelters, soup kitchens, food assistance programs, and churches are encouraged to comply with the guidelines issued by the Centers for Disease Control and Prevention to prevent the spread of the COVID-19 virus which can be found at <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/index.html>.
- (3) All eating establishments, restaurants, brewpubs, growler shops, and all other establishments in the business of selling food for consumption on the premises shall close all inside dining facilities but may remain open to prepare and offer food to customers via delivery service, drive-through and take out service (hereinafter collectively referred to as "Off Premises Food Service") and provided further that the delivery and receipt of such Off Premises Food Service complies with the Social Distancing requirements and other guidelines issued by the Centers for Disease Control and Prevention to prevent the spread of the COVID-19 virus established by the Centers for Disease Control and Prevention which can be found at <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>.
- (4) All City owned athletic facilities, outdoor gym equipment, exercise stations, playgrounds and other City owned or operated "high touch" equipment, areas or facilities are hereby closed. Outdoor activity in City parks such as walking, hiking, biking and running may continue so long as individuals comply with the Social Distancing requirements and other guidelines issued by the Centers for Disease Control and Prevention to prevent the spread of the COVID-19 virus established by the Centers for Disease Control and Prevention which can be found at <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>.

The City Manager, in his own sole discretion, may direct City Staff to placard, blockade and/or bar access to all or any portion of all City Owned park and

recreation facilities that he or his designee designates as “high touch” areas, facilities and/or equipment, including but not limited to, pavilions, exercises equipment and stations, playgrounds, and public grills and food preparation areas to prevent the spread of the COVID-19 virus as set forth above, including but not limited to the closure of all or a portion of Discovery Garden Park and all other City owned parks and facilities.

- (5) All eating establishments, restaurants, brewpubs, growler shops and bars licensed by the City of Norcross to sell beer and wine, hold a pouring permit from the City or that are otherwise licensed to operate as a retail consumption dealer for the sale of alcohol for on premises consumption shall be authorized to sell sealed containers of beer or wine for takeout consumption (hereinafter referred to as “Off Premises Sealed Alcohol Sales”) for the duration of the state of local emergency; provided further that the delivery and receipt of such Off Premises Sealed Alcohol Sales complies with the Social Distancing requirements and other guidelines issued by the Centers for Disease Control and Prevention to prevent the spread of the COVID-19 virus established by the Centers for Disease Control and Prevention which can be found at <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>.
- (6) Consumption of alcoholic beverages in public places is prohibited for the duration of this Emergency Ordinance. Sections 4-7 and 4-8 of Chapter 4 of this Code, respectively entitled “Exceptions – Temporary special events licenses” and “Exceptions – Downtown Dining District – outside consumption of alcoholic beverages permitted” are repealed for the duration of the state of local emergency.
- (7) Any and all persons who are licensees for the sale of alcoholic beverages pursuant to Chapter 4 of this Code of Ordinances who engages in a course of conduct permitted under this Emergency Ordinance does so at the licensee’s own peril with respect to said licensee’s state licenses for the sale of beer, wine, and liquor. The City of Norcross makes no representation as to the legality, under state law, state alcohol licenses and/or any Executive Orders of the President of the Untitled States and/or the Governor of Georgia, regarding any course of any such licensee’s conduct taken pursuant to this Emergency Ordinance.
- (8) All public meetings of the Mayor and Council of the City of Norcross, and any public meetings of committees, boards and authorities that are composed of members appointed by the Mayor and Council of City of Norcross (hereinafter collectively and individually referred to as “Appointed Boards”) concerning essential matters only, shall henceforth meet by means of teleconference. All notices of such meetings that are required by the Georgia Open Meetings Act, the laws of the State of Georgia , the City Charter and the Norcross City Ordinances shall be provided as required by law, and means shall be afforded for the public to have simultaneous access to all teleconference meetings as required to O.C.G.A. § 50-14-1 (g) and as set forth in the March 17, 2020 Resolution of the Mayor and Council of the City of Norcross which is incorporated by reference as if fully set

forth herein.

Appointed Boards may hold meetings by teleconference concerning essential matters only. Appointed Boards shall notify and issue an invitation to the Mayor and Council and the City Manager via email of any meeting on an essential subject matter not less than 48 hours prior to said meeting.

Appointed Boards shall not hold meetings on non-essential matters for the duration of the state of local emergency. All Appointed Board meetings on non-essential matters are stayed and all non-essential matters that otherwise require a public hearing, including but not limited to zoning applications, building permits, special uses, and variances are continued for the duration of the state of local emergency.

Upon the repeal or termination of this Emergency Ordinance, the scheduling of all such Appointed Board meetings and hearings regarding all matters shall resume and all notices of such meetings and hearing shall issue as required by the Georgia Open Meetings Act and other applicable state law and local ordinances.

- (9) The deadline for renewals of all business and alcohol licenses is extended until June 30, 2020.
- (10) The deadline for the payment of occupational taxes, alcohol license fees, alcohol excise taxes and all other taxes, licenses or fees owed to the City is extended until June 30, 2020. Interest and penalties for late payment of such taxes, licenses and fees shall not begin to accrue until June 30, 2020. Alcohol excise taxes that accrue and are unpaid from the effective date of this Emergency Order through June 30, 2020, shall be due and payable to the City in six (6) equal installments in the months of July through December 2020. All alcohol excise taxes accruing after June 30, 2020 shall become due and payable in the normal course after July 1, 2020.
- (11) The City Manager is granted the discretion to waive credit card processing fees for all online payments made to the City of the duration of the state of local emergency.
- (12) Norcross Power is hereby directed to refrain from taking any actions which would result in the termination of electrical service to any Norcross Power customer due to non-payment until April 15, 2020, Norcross Power customers shall remain responsible for the payment of the principal amount of their electrical bill. Late payment fees and interest for late payment of electrical bills are waived for the duration of this local state of emergency.
- (13) The public is strongly encouraged to comply with all guidelines issued by the Centers for Disease Control and Prevention which can be found at <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>.
- (14) All ordinances or parts thereof in conflict with any provision or any section, subsection, paragraph, subdivision or clause of this Emergency Ordinance are

suspended for the duration of the state of local emergency.

- (15) The provisions of this Emergency Ordinance shall remain in effect only for so long as March 17, 2020 Declaration of Local State of Emergency remains in force and shall stand automatically repealed upon its expiration or termination.
- (16) This Emergency Ordinance becomes effective immediately upon its adoption by the Mayor and Council of the City of Norcross as specified in Sec. 2.24 of the City Charter.
- (17) This Emergency Ordinance also be repealed by adoption of a repealing ordinance in the same manner specified in Sec. 2.24 of the City Charter for adoption of emergency ordinances.”

III. **Severability.** If the provisions of any section, subsection, paragraph, subdivision or clause of this Emergency Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any ordinance, section, subsection, paragraph, subdivision or clause of this Emergency Ordinance.

IV. **Repealer.** All ordinances or parts thereof which are in conflict with any provision or any section, subsection, paragraph, subdivision or clause of this ordinance is hereby repealed to the extent of the conflict for the duration of the State of Local Emergency.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal to be affixed, this the _____ day of _____, 2020.

Craig Newton, Mayor

ATTEST:

Monique Lang, City Clerk