

COUNTY OF EVANS

STATE OF GEORGIA

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

WHEREAS, in December 2019 a novel corona virus, COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance act (42 U.S.C.68, sections 5121-5207), known as the "Stafford Act", which provides legal authority for the Federal Emergency Management Agency to provide assistance to states during declared major disasters and emergencies; and

WHEREAS, on March 14, 2020, due to the impact of COVID-19 on the State of Georgia, Governor Kemp issued Executive Order 03.14.20.01, declaring a Public Health State of Emergency in Georgia; and

WHEREAS, the Centers for Disease Control and Prevention has noted that COVID-19 is proliferating via "community spread", meaning people have contracted the virus in areas of Georgia as a result of direct contact or indirect contact with infected persons, including some who are not sure how or where they became infected; 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 (10) people; and

WHEREAS, currently, as of March 22, 2020, there are no confirmed cases of COVID-19, that have been identified within Evans County, the threat to the health, safety and welfare of citizens does exist; and

WHEREAS, local medical professionals have advised that if COVID-19 spreads in Evans 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 provided essential services for the 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 services in some parts of this State, and this situation may spread to other parts of this State; and

WHEREAS, the Evans County Board of Commissioners and the Evans County Board of Health, after consultation with the Mayor of the City of Claxton, the Mayor of the City of Daisy, The Mayor of the City of Bellville, and the Mayor of the City of Hagan, and with advice from the Evans County Emergency Management Agency, believe there exist emergency circumstances within Evans County, Georgia requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of Evans County; and

WHEREAS, to prevent or minimize illness or injury to people and damage to property resulting from this event, certain actions are required, including but not limited to, the social distancing measures set forth herein;

WHEREAS, pursuant to the Official Code of Evans County, Georgia, the Chairman 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 carry into execution all powers granted in its Emergency Management Ordinance 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 Chairman 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 Chairman to use emergencies 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 supposed to be liberally construed to effectuate their purposes;

NOW, THEREFORE, the Chairman of the Evans County Commission, Georgia hereby ordains that it is hereby declared that a local state of emergency exists within the territorial limits of Evans County, Georgia, and shall continue until the conditions requiring this declaration are abated.

THEREFORE, IT IS ORDERED:

Article 1. That the Evans County Emergency Management Agency activates the Emergency Operations Plan;

Article 2. That the following sections of the Evans County Code be implemented:

- a. Additional Emergency Powers
- b. Authority to Waive Procedures and Fee Structures
- c. Social Distancing and Closed or Restricted Areas during Emergency as

Ordered below:

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 territorial limits of Evans County, Georgia 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. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation).

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 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 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 health care 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 consideration that 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.

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.

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 Chairman 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." But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek

medical care.

- i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members 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, walking, hiking, running, or bicycling. However, individuals shall not engage in team sports and/or activities which necessarily result in the congregation of 10 or more persons, or otherwise require or necessitate that individuals come closer than 6 feet of each other.
- 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 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;
- ii. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
- iii. Food cultivation, including fanning, livestock, and fishing;
- iv. Retail businesses selling any goods or services to the public;
- v. Businesses that provide food, shelter, and social services, and other

necessities of life for economically disadvantaged or otherwise needy individuals;

vi. Newspapers, television, radio, and other media services;

vii. Gas stations and auto-supply, auto-repair, and related facilities;

viii. Banks and related financial institutions;

ix. Hardware stores;

ix. 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;

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, 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 legally mandated activities;

xxi. All businesses which possesses a Class A, retail liquor package license; Class B, retail beer package license; or a Class C, retail wine package license shall be authorized, but only via drive-thru or in parking lots or at curb.

xxi. Any duly licensed business not otherwise restricted herein that operates with a minimum of six (6) feet of separation between employees at all times. Any such business shall insure such separation is maintained at all times, including when employees enter and exit the business.

xxii. Any retail business (which by way of example shall include but not be limited to grocery stores, convenience stores, pharmacies, hardware stores, building supply stores, etc.) offering goods for sale to the public shall not permit its premises to become occupied by any more than 50 percent of its approved occupancy level and shall further be responsible for encouraging social distancing of at least 6 feet between employees and consumers on its premises.

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.
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- 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 Evans County, Georgia 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 territorial limits of Evans County, Georgia, and the Claxton Police Department (CPD), the Hagan Police Department (HPD), and the Evans County Sheriff's Office (ECSO), Georgia as deemed necessary by the manager 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 the Official Code of Evans County, Georgia.

12. This Order shall become effective at 12:01 a.m. on March____, 2020 and will continue to be in effect until 11:59 p.m. on April __, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Chairman.

13. Copies of this Order shall promptly be: (1) made available at Evans County, Georgia; (2) posted on the Evans County, Georgia 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 Chairman that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Chairman to be fully valid, enforceable, and constitutional.

2. It is hereby declared to be the intention of the Chairman 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 Chairman 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 Mayor and Chairman 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 Chairman at 12:01 a.m. on March __, 2020 and will continue to be in effect until 11:59 p.m. on April __, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Chairman.

SO ORDERED AND ORDAINED THIS ____ day of March, 2020.

Irene Burney
Chairman, Evans County Board of
Commissioners

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