

EXECUTIVE ORDER OF THE MAYOR OF THE CITY OF PERRY, GEORGIA
IMPLEMENTING EMERGENCY MEASURES RESPONSIVE
TO THE COVID-19 PANDEMIC

WHEREAS, the President of the United States declared a National Public Health Emergency of March 13, 2020; and

WHEREAS, the Governor of the State of Georgia declared a State Public Health Emergency on March 14, 2020 and urged “local officials to do what’s in the best interests of their communities to keep people safe and stop the spread of coronavirus” on March 19, 2020; and

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

WHEREAS, the number of confirmed cases and deaths from COVID-19 is escalating rapidly, internationally, nationally, and locally; and

WHEREAS, based upon the experience of other local governments in Georgia, a growing number of other cases are likely to occur; and

WHEREAS, on March 16, 2020, the Center for Disease Control (CDC) and the President of the United States stated that any gathering of over 10 people should be discontinued or prohibited; and

WHEREAS, on March 23, 2020, Governor Kemp announced that “certain individuals with an increased risk of complications from COVID-19 to isolate, quarantine, or shelter in place,” covering those who “live in long-term care facilities, have chronic lung disease, are undergoing cancer treatment, have a positive COVID-19 test, are suspected to have COVID-19 because of their symptoms or exposure, or have been exposed to someone who has COVID-19”, and that the Department of Public Health would institute rules and regulations to implement such measures;

WHEREAS, on March 23, 2020, Governor Kemp additionally announced measures to “close all bars and nightclubs and ... ban all gatherings of ten or more people” unless they can assure spacing for at least six (6) feet apart between people at all times beginning at noon on March 24, 2020 and lasting until noon on April 6, 2020; and

WHEREAS, public health experts, including those at the CDC and the National Institutes of Health (NIH), have advised that individuals infected with COVID-19 are contagious even while experiencing minor or no symptoms and implored leaders to take immediate action to prevent further community spread of COVID-19; and

WHEREAS, preventing and slowing community spread of COVID-19 provides health systems additional time to obtain personal protective equipment necessary to protect

health care workers and medical equipment necessary to treat COVID-19, and is therefore vital to the health of the nation;

WHEREAS, in the judgment of the Mayor and Council of the City of Perry, there existed, and continues to exist, emergency circumstances located in the city limits of Perry, Georgia requiring extraordinary and immediate corrective actions for the protection of the health, safety and welfare of the citizens of Perry; and

WHEREAS, the City of Perry adopted a resolution on March 20, 2020, declaring that a local state of emergency exists; and

WHEREAS, O.C.G.A. § 38-3-28 provides the political subdivisions of this state with the authority to make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes to supplement rules and regulations promulgated by the Governor during a State of Emergency; and

WHEREAS, the United States Supreme Court has previously held that “[u]pon the principle of self-defense, of paramount necessity, a community has the right to protect itself against an epidemic of disease which threatens the safety of its members”; and

WHEREAS, the Charter of the City of Perry provides the governing authority of the City with the authority to take actions deemed necessary to deal with such an emergency for the protection of the safety, health, and well-being of the citizens of the City; and

WHEREAS, the Mayor has determined that it is appropriate to issue this Executive Order under authority of Chapter 9A of the Code of Ordinances of the City of Perry relating to Emergency Management and under authority granted to the Mayor under the resolution of March 20, 2020, declaring a local state of emergency.

NOW, THEREFORE, IT IS ORDERED AND ORDAINED AS FOLLOWS:

Section 1. Public Gatherings on City Property

For the duration of the declared emergency, there shall be no public gatherings on any property owned or controlled by the City. To avoid confusion, the following definitions shall apply under this Section: a “public gathering” shall mean the organized gathering or assembly of multiple persons at a specific location; “property owned or controlled by the City” shall include any park, public square, public space, playground, recreational area, or similar place of public gathering, but nothing herein shall prohibit individuals or families from using sidewalks or designated pedestrian areas of parks for walking or other exercise where no organized gathering is occurring.

Section 2. Utility Services

For the duration of the declared emergency, the City will not disconnect any public utility service provided by the City on account of non-payment. After the conclusion of the declared emergency persons will have a period of thirty (30) days to make such payments before service may be disconnected.

Section 3. Classification of City Services

For the duration of the declared emergency, the City Manager shall be vested with the following discretion and authority, to wit:

- (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 use his or her discretion to permit employees to telework.
- (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 redirects the employee to other services.
- (d) To contract for and expend non-budgeted sums and services, as may in her discretion be required to meet the demands upon government and services of the City for the duration of the declared emergency, including therein authority to spend such sums from the reserves of the City. Any such non-budgeted expenditures shall be reported to the governing authority of the City.
- (e) 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, healthcare, and building permits.

Section 4. Tolling of Deadlines

Any deadlines for the purchasing or obtaining by persons or businesses of occupation tax certificates, permits or similar civil approvals mandated by the City Code shall be tolled for the duration of the emergency as established herein, and for 15 days thereafter. Such person or businesses shall obtain necessary permissions required by law but deadlines set by the City Code are tolled for the duration of the emergency as established by the declaration of local emergency, and for 15 days thereafter.

Section 5. Eating Establishments

Restaurants and other eating and dining establishments where food is served must cease offering dine-in services but may continue preparing and offering food to customers via delivery, drive-through or take-out services. Patrons, employees and contractors of the establishments must maintain at least six (6) feet of personal distance between themselves and others. If a restaurant is licensed to sell beer and wine for on-premises consumption, such restaurant, during the effective

dates of this order only, shall be authorized to sell unopened bottles or cans of beer or wine for take-out consumption off-premises.

Section 6. Closure of Certain Businesses

Gyms, fitness centers, pools, social clubs, amusement facilities, bowling alleys, pool halls, theaters, massage parlors, nail salons, and any other similar facility, any facility used for an activity that involves prolonged physical proximity of individuals, and any facility used for entertainment, social, grooming, or general health and wellbeing purposes, must close and remain closed for the duration of this emergency.

Section 7. Personal Distance

All other establishments not covered in Section 6 of this Order such as grocery stores, pharmacies, and other businesses which remain open during the emergency must post signage on entrance doors informing consumers to maintain at least six (6) feet of personal distance between themselves and others and shall not allow more than ten (10) people into such establishment at any one time if such social distancing cannot be maintained.

Section 8. Gatherings

All public and private gatherings of more than ten (10) people occurring outside of a household or living unit are prohibited. Nothing in this Order, however, prohibits the gathering of individuals for the purposes of carrying on business certified as “essential” by the Georgia Emergency Management Agency pursuant to O.C.G.A. § 38-3-58 or designated by the Governor as “critical infrastructure” or the provision of medical or health services.

Section 9. Emergency Interim Successor to Manager

The governing authority desires to make certain that the chain of authority within city management is clear. If the City Manager is unable to perform his duties, then the individual designated by the City Manager as the emergency interim successor pursuant to O.C.G.A. § 38-3-50 shall assume the duties of the City Manager. Should the emergency interim successor be unable to perform those duties the Mayor as Chief Executive Officer of the City shall assume those duties.

Section 10. Procurement

The governing authority hereby suspends the bid and competitive portions of the City’s Procurement Policy or ordinances and authorize the City Manager to utilize the single-source policy and to require departments to provide a written justification for the procurement during the effective dates of this Order and/or utilize any emergency procurement provisions contained. City officials shall continue to seek the best prices during the state of emergency.

Section 11. Conflict of Provisions

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

Section 12. Violations Any violation of this Order shall be a misdemeanor punishable pursuant to Sections 1-10, 6-4, 6-23, 6-35 and 9A-3(b) and of the Code of Ordinances of the City. The Chief of Police of the City and his lawful officers, along with the Sheriff of Houston County and his lawful deputies, shall be authorized to enforce this resolution pursuant to said ordinances.

This Executive Order shall go into effect at 8:00 a.m. on Wednesday, March 25, 2020, and shall continue until 11:59 p.m. on Sunday, April 19, 2020, unless modified by subsequent order.

SO ORDERED this 24th day of March, 2020 at 4:00 o'clock p.m.

CITY OF PERRY, GEORGIA

[SEAL]

By: 
Randall Walker, Mayor

Attest: 
Lee Gilmour, City Manager