

STATE OF GEORGIA
COUNTY OF CHEROKEE



DECLARATION OF LOCAL EMERGENCY

&

LOCAL EMERGENCY ORDER NO. 2020-02

A DECLARATION OF THE CHAIRMAN OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS TO DECLARE A LOCAL EMERGENCY FOR CHEROKEE COUNTY, GEORGIA; TO ENACT THE CHEROKEE COUNTY EMERGENCY OPERATIONS PLAN; TO ENACT TEMPORARY RESTRICTIONS IN CHEROKEE COUNTY, GEORGIA TO COMBAT THE SPREAD OF COVID-19; AND FOR OTHER PURPOSES.

WHEREAS, on March 11, 2020, the World Health Organization declared that the Novel Coronavirus 2019 ("COVID-19") disease is a global pandemic, in response to over 118,000 cases present in over 110 countries globally, while currently there are over 452,168 cases, over 20,494 deaths in 184 countries; and

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency, and pledged the "full power of the federal government" to fight this pandemic; and

WHEREAS, on March 14, 2020, Governor Brian Kemp issued Executive Order 3.14.20.01, which declared a public health emergency for the purpose of easing restrictions that might otherwise hinder the ability of public health systems to respond appropriately to the COVID-19 pandemic, through April 13, 2020, unless further extended; and

WHEREAS, on March 16, 2020, the Georgia General Assembly entered a 2020 Special Session to adopt House Resolution 4EX, ratifying Governor Brian Kemp's public health emergency declaration, and reserving the right to terminate the emergency declaration through future legislative action; and

WHEREAS, on March 23, 2020, Governor Brian Kemp issued an Executive Order to prohibit any establishment, corporation, non-profit, or organization from allowing more than ten (10) person to be gathered at a singled location if such gathering requires persons to stand or be within six (6) feet of any other person; and

WHEREAS, as of 10:00 A.M on March 25, 2020, the Georgia Department of Public Health has confirmed 1097 positive cases of COVID-19 in Georgia, including 38 fatalities caused by COVID-19 statewide; and

WHEREAS, Medical professionals have advised that if COVID-19 continues to spread, it may greatly strain the resources and capabilities of county and municipal governments, including

public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, such as COVID-19, and the situation may become too large in scope to be handled in its entirety by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of this State; and

WHEREAS, a critical component of the public response to the COVID-19 pandemic is to practice “social distancing” by minimizing contact between people residing in different households as much as possible; and

WHEREAS, despite guidance from the United States Centers for Disease Control and Prevention (“CDC”), stating that people should avoid gathering in crowds of ten or more, and guidance from the Georgia Emergency Management Agency (“GEMA”), recommending that Georgians should avoid gathering in groups of any size, it has been evidenced that people in Cherokee County continue to gather in large numbers in enclosed spaces where social distancing cannot be effectuated; and

WHEREAS, pursuant to O.C.G.A. § 38-3-28, the Cherokee County Board of Commissioners, as a governing authority of a political subdivision of the State of Georgia, 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, under O.C.G.A. § 38-3-6, emergency powers created by the law are intended to be liberally construed so as to allow government officials to meet the demands of emergencies within their jurisdictions; and

WHEREAS, on August 16, 2016, the Cherokee County Board of Commissioners Commission approved an Ordinance regarding Emergency Management Operations and the actions required to declare a local emergency; and

WHEREAS, Section 2(a)(i) of the aforementioned Ordinance grants the Chairman of the Cherokee County Board of Commissioners the authority to declare a local emergency for Cherokee County; and

WHEREAS, Section 2(a)(iv)(A) of the aforementioned Ordinance provides that upon a declaration of local emergency by the Chairman, the county emergency operations plan shall automatically be activated; and

WHEREAS, Section 2(a)(iv)(B) of the aforementioned ordinance further provides that, during the local emergency period, the Chairman is authorized to implement local emergency measures to protect life and property or to bring the emergency situations under control; and

WHEREAS, to prevent or minimize injury to people resulting from this pandemic, I, Harry B. Johnson, as Chairman of the Board of Commissioners of Cherokee County, find that a local emergency exists in Cherokee County, Georgia, and certain actions are required, including but not limited to, the social distancing measures set forth herein to combat and reduce the spread of such pandemic:

NOW, THEREFORE, BY THE POWER VESTED IN ME AS CHAIRMAN OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS, IT IS HEREBY ORDERED THAT:

1.

Cherokee County is declared to be under a local state of emergency, which shall continue for a period of fourteen (14) days until April 9, 2020, unless modified by subsequent order. This local state of emergency shall only apply to the unincorporated portions of Cherokee County, Georgia, as well as any municipalities of Cherokee County that desire to adopt and be subject to this Order. Such declaration of local emergency shall automatically activate the Emergency Operations Plan for Cherokee County, Georgia. 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.

2.

Consistent with the Executive Order issued by Governor Kemp, all public or private Community Gatherings of more than ten (10) people that requires persons be within six (6) feet of one another anywhere within Cherokee County are prohibited for the duration of this Order. A "Community Gathering" is defined as any indoor or outdoor event, meeting, or convening of people, subject to the exceptions below, that brings together, or is likely to bring together, or solicits to bring together, ten (10) or more persons at the same time in a single room or other single confined or enclosed space, such as an auditorium, stadium (indoor or outdoor), tent, arena, event center, music venue, meeting, hall, conference center, large cafeteria, or any other confined indoor and outdoor space.

To further clarify this provision, a Community Gathering does not include the following or similar uses, so long as persons attending the same are generally not within six (6) feet of each other for extended periods: (1) governmental operations; (2) spaces where persons may be in transit or waiting for transit such as airports, bus stations, or terminals; (3) child-care or adult care facilities, residential buildings or any type of temporary sheltering or housing; (4) grocery stores or pharmacies; (5) hospital or medical facilities; and (6) educational institutions engaged in medical, engineering, or other efforts by students or faculty to deal with the impact of COVID-19.

3.

Beginning on March 26, 2020 at 12:00 A.M. and continuing until April 9, 2020 at 12:00 A.M., or until terminated, revoked or amended by subsequent action, the following restrictions, made pursuant to the Chairman's authority shall be imposed in the unincorporated areas of Cherokee County, Georgia:

- (a) Restaurants, food courts, brewpubs, breweries, and other eating establishments within unincorporated Cherokee County shall cease offering dine-in and/or outdoor/patio service. Such establishments may continue to prepare and offer food to customers through delivery, takeout, and/or drive-thru service. Consistent

with the previous order issued by the Chairman, any establishment that is licensed for on-premises consumption of alcoholic beverages shall be allowed to sell such unopened beverages curbside or to take-out customers only during the times specified on the establishment's license. Distilled spirits shall not be allowed for take-out or curbside service.

- (b) Cafeterias or on-site dining services in hospitals, nursing homes, assisted living facilities, and other similar facilities within unincorporated Cherokee County following previously issued state and federal public health guidelines shall not be subject to closure requirements of this Order.
- (c) All employers and businesses which remain open are encouraged, to the maximum extent possible, to provide employees with the means, authorization, and equipment to perform their job functions remotely via teleworking.
- (d) The Governor's Executive Order No. 03.23.20.01 is hereby incorporated by reference herein, such that:
 - (i) 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 Order, 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.
- (e) The following individuals shall be required to quarantine at home or other suitable place for a minimum of fourteen (14) days or until cleared by a medical professional:
 - (i) Those who exhibit or experience symptoms of COVID-19;
 - (ii) Those who received a positive test result for COVID-19; and
 - (iii) Those who had had close contact with someone who has received a positive test result for COVID-19 or is otherwise believed to be infected with COVID-19.
- (f) Consistent with the Executive Order issued by Governor Kemp, except for food service establishments licensed by the Department of Public Health, all business locations licensed by their respective jurisdiction mainly for the sale of alcoholic beverages for consumption, such as bars, taverns, night clubs, and similar establishments shall be closed for business. In addition, all indoor recreation

facilities, including, without limitation, gyms, health studios, yoga, barre, spin, or other fitness classes, spas, saunas, indoor amusement facilities, arcades, bowling alleys, pool halls, movie theatres, playhouses, and concert venues, shall be closed for business.

- (g) All establishments providing body care services which require physical contact between the provider and client, including, without limitation, barbering, hair design, cosmetology, esthetics, massage therapy, tattooing, body waxing, tanning salons or nail care shall be closed for business. This paragraph shall not restrict any services performed by or under the direct supervision of a licensed medical doctor, nurse, dentist, physical therapist, chiropractor or other healthcare professional.
- (h) All businesses and employers are encouraged to take the necessary steps ensure that no personnel are showing symptoms of COVID-19 as identified by the CDC, and to send personnel home immediately if any such symptoms are indicated. Furthermore, all businesses that remain open for use by the public must take the necessary steps to restrict in person contact and maintain a distance of six (6) feet between individuals, in accordance with CDC guidelines.
- (i) All individuals and families not subject to the Governor's Executive Order identified in subsection (e) of this Section shall shelter at home to the maximum extent possible, going out only for necessary employment that cannot readily be performed remotely, to obtain food and other essential goods and services, and for other necessary purposes.

4.

The various courts comprising the judicial branch of the Cherokee County, Georgia have entered individual Orders of Judicial Emergency providing directives and guidance regarding their respective court operations during the COVID-19 pandemic. This Declaration of Emergency is not intended to change or interfere with the Orders of Judicial Emergency entered by the judiciary.

5.

All permits for special events that exceed ten (10) people, including park facility rentals, to be held on County property for the duration of this Order are hereby cancelled, and no new special event permits shall be authorized for the duration of this Order. Persons affected by this cancellation shall be entitled to a refund of any permit or rental fees paid.

6.

Pursuant to Section § 2-5-3.08 of the Cherokee County Procurement Ordinance, and to Section 4 of the Ordinance Regarding Emergency Management provisions, emergency procurement of supplies and/or services may be made when there exists a threat to the health, welfare, or safety of the public or County employees, provided that such procurements shall be

made with such competition as is practicable under the circumstances. As such, the purchasing ordinances, regulations, and policies are hereby suspended during the term of this Order, however, County officials shall continue to seek the best prices and services available during this pandemic.

7.

The Chairman is hereby authorized to suspend any law, code provision, or regulation prescribing the procedures for conduct of county business, or the orders, rules or regulations of any county agency, if strict compliance with any ordinance, resolution, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency or disaster, provided that such suspension shall provide for the minimum deviation from the requirements under the circumstances and further provided that, when practicable, specialists shall be assigned to avoid adverse effects resulting from such suspension.

8.

Pursuant to Sec. 1-12 of the Cherokee County Code of Ordinances, violation of any provision of this Order, upon conviction, shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation and/or imprisonment not to exceed sixty (60) days. For purposes of enforcing the provisions of this Order, each day a business operates within Cherokee County without complying with this Order shall constitute a separate offense.

9.

Nothing in this Order shall be construed as creating any right or benefit, substantive or procedural, enforceable at law or in equity by any party against Cherokee County, its municipalities, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

10.

This Order shall become effective at 12:00 A.M on March 26, 2020 and shall remain effect through and including 12:00 A.M. on April 9, 2020, unless modified by subsequent order.

SO RESOLVED, APPROVED, AND ADOPTED this 25rd day of March, 2020.



By:


HARRY B. JOHNSTON, Chairman

Attest:


CHRISTY BLACK, County Clerk