

**CITY OF AUSTELL
STATE OF GEORGIA
EXECUTIVE ORDER
APRIL 3, 2020**

EXECUTIVE ORDER

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

WHEREAS, the Governor of the State of Georgia (“Governor”) 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 of 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, Cobb County, State of Georgia did issue a Declaration of Emergency on March 24, 2020; and

WHEREAS, the City did adopt its Emergency Declaration and Ordinance, A Declaration of a State Emergency Arising Because of COVID-19; An Ordinance Taking Immediate Emergency Measures on the 24th day of March 2020 which is set to expire at noon on April 10, 2020; and

WHEREAS, on April 2, 2020, Governor Brian Kemp did issue Executive Order No. 04.02.20.01 imposing a statewide shelter in place requirement for all residents and visitors of the State of Georgia subject to those certain exceptions contained therein regarding Necessary Travel, Essential Services, Minimum Basic Operations and Critical Infrastructure; and

WHEREAS, on April 2, 2020, Cobb County Commission Chairman Mike Boyce did issue an Order Supplementing & Extending Declaration of Emergency in Cobb County; 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 of the City of Austell, there continues to exist emergency circumstances located within the city limits of the City requiring continued and ongoing extraordinary and emergency action for the preservation and protection of the health, safety and welfare of the citizens of Austell including, but not limited to, adopting the shelter in place provisions of the Executive Order entered by Governor Kemp, Governor for the State of Georgia, on the 2nd day of April 2020, Executive Order No. 04.02.20.01; and

WHEREAS, due to the likelihood that these emergency circumstances located within the city limits of the City requiring continued and ongoing extraordinary and emergency action for the preservation and protection of the health, safety and welfare of the citizens of Austell will continue beyond noon on April 10, 2020, in the judgment of the Mayor of the City of Austell, any and all protections should remain in place through 11:59 p.m. on April 24, 2020; and

WHEREAS, this action is required to continue our efforts to minimize the spread of COVID-19 and to prevent or minimize sickness and injury to people and damage to property resulting from this event;

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

NOW, THEREFORE, pursuant to the authority vested in the Mayor by the adoption of the Emergency Declaration and Ordinance, A Declaration of a State Emergency Arising Because of COVID-19; An Ordinance Taking Immediate Emergency Measures, and by local and state law;

WHEREFORE, BE IT ORDERED AND IT IS HEREBY ORDERED, as follows:

1. The Emergency Declaration and Ordinance, A Declaration of a State Emergency Arising Because of COVID-19; An Ordinance Taking Immediate Emergency Measures adopted by the City on March 24, 2020 is hereby amended to include all terms and provisions of the Executive Order entered by Governor Kemp, Governor for the State of Georgia, on the 2nd day of April 2020, Executive Order No. 04.02.20.01, except for the time limitations as set forth below. As such, all residents and visitors within the city limits for the City must comply with the shelter in place provisions of the Executive Order entered by Governor Kemp, Governor for the State of Georgia, on the 2nd day of April 2020, Executive Order No. 04.02.20.01;
2. Except for the time limitations set forth below, to the extent that there are any discrepancies or contradictions between the Emergency Declaration and Ordinance, A Declaration of a State Emergency Arising Because of COVID-19; An Ordinance Taking Immediate Emergency Measures adopted by the City on March 24, 2020 and the Executive Order entered by Governor Kemp, Governor for the State of Georgia, on the 2nd day of April 2020, Executive Order No. 04.02.20.0, the Executive Order shall control;
3. This Executive Order amending the Emergency Declaration and Ordinance, A Declaration of a State Emergency Arising Because of COVID-19; An Ordinance Taking Immediate Emergency Measures adopted by the City on March 24, 2020 shall remain in place through 11:59 p.m. on the 24th day of April 2020; and
4. All City public meetings between the entry of this Executive Order and 11:59 p.m. on April 24, 2020 are hereby canceled.

This Executive Order is effective at 6:00 p.m. on the 3rd day of April 2020.

IT IS SO ORDERED, this 3RD day of APRIL, 2020.



Ollie Clemons, Jr.
Ollie Clemons Jr., Mayor
City of Austell

Elizabeth Young
Elizabeth Young, City Clerk