

**A RESOLUTION OF THE CITY OF MORROW TO RECOGNIZE THE STATE OF EMERGENCY; AND OTHER DECLARATIONS FROM THE PRESIDENT OF THE UNITED STATES, GOVERNOR KEMP, THE WORLD HEALTH ORGANIZATION, AND THE CENTER FOR DISEASE CONTROL; TO ESTABLISH RULES AND REGULATIONS INSIDE THE CITY OF MORROW, ARISING BECAUSE OF COVID-19.**

**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 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:** The City of Morrow declares that the national and statewide emergency circumstances are relevant within its jurisdiction and Morrow encourages immediate response for the protection of the health, safety, and welfare of the citizens of the community; and

**WHEREAS:** It is essential for the governing authority of the City of Morrow to act immediately in order to minimize the spread of COVID-19 and to prevent or minimize sickness, injury, or death, to people and damage to property resulting from this public health crisis; 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 Morrow (Article I, Section 1.12), 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

**NOW, THEREFORE, IT IS HEREBY DECLARED** that a local state of emergency exists within the City of Morrow and shall continue until the conditions requiring this declaration are abated.

**THEREFORE, IT IS ORDERED AND ORDAINED BY THE AUTHORITY OF THE MAYOR AND COUNCIL AS FOLLOWS:**

**Section 1. Findings of Fact**

For purposes of describing the circumstances which warrant the adoption of an emergency Resolution, the governing authority of the City of Morrow hereby adopt and make the findings included in the “WHEREAS” clauses as findings of fact.

**Section 2. Declaration of Public Health State of Emergency**

The City of Morrow hereby declares a public health state of emergency within the city because of the proliferation of COVID-19 in the United States and the State of Georgia, which will remain in force and effect for 14 days from the date hereof.

**Section 3. 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 10 or more 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 if they are not participating in an organized gathering.

**Section 4. Utility Services**

For the duration of the declared emergency, the City of Morrow 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 55 days (June 1, 2020) to make such payments before service may be disconnected.

**Section 5. Classification of City/County 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 maintain, to the best of the ability of the resources of the City of Morrow, the provision of essential services, which shall include, but not be limited to, public safety, public works, healthcare, and building permits.

**Section 6. 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 of Morrow Code of Ordinances shall be tolled for the duration of the emergency as established herein, and for 55 days thereafter (June 1, 2020). Such persons or businesses shall obtain necessary permissions required by law but deadlines set by the City of Morrow Code of Ordinances are tolled for the duration of the emergency as established herein, and for 55 days thereafter (June 1, 2020).

**Section 7. Eating Establishments**

Restaurants and other eating and dining establishments where food is served must cease offering dine-in services unless they can maintain service for individuals maintaining six (6) feet of distance between dining patrons and no table shall seat more than 10 people. They may continue preparing and offering food to customers via delivery, drive-through or take-out services. If a restaurant is licensed to beer, wine, or spirits for on-premises consumption, such restaurant, until the City of Morrow repeals the consideration, shall be authorized to sell unopened bottles or cans of beer or wine for take-out consumption off-premises. This provision is not extend to spirits/liquor sales for take-out of delivery.

**Section 8. Personal Distance**

All other establishments not covered in Section 7 of this Ordinance 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.

**Section 9. 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 ordinance, 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 10. Emergency Interim Successor to Manager/Administrator**

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 or her duties, then the Mayor will be designated as the emergency interim successor and pursuant to O.C.G.A. § 38-3-50 shall assume the duties of the City Manager.

**Section 11. Procurement**

Should the City Manager and the Mayor decide that a purchase is needed to respond to or prevent the spread of COVID-19, they are authorized to suspend any section of the purchasing policy necessary to use the single-source provision. City of Morrow officials shall continue to seek the best prices during the state of emergency.

**Section 12.**

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

This Resolution shall be effective upon adoption by the Morrow Mayor and Council.

RESOLVED, this 24th day of March, 2020.



John J. Lampl II

Mayor

Attest:



Andrea Yates  
City Clerk

