

WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2020-03

A RESOLUTION DECLARING A STATE OF EMERGENCY IN WHITE COUNTY, GEORGIA AND ESTABLISHING AN EMERGENCY PROTECTIVE ORDINANCE TO CONTROL THE SPREAD OF COVID-19

WHEREAS, on March 11, 2020, the World Health Organization declared that the Novel Coronavirus 2019 ("COVID-19") disease is a global pandemic; and

WHEREAS, on March 13, 2020, President Donald Trump declared a national public health emergency in reference to this pandemic; and

WHEREAS, on March 14, 2020, Governor Brian Kemp 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 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 declared that all bars and night clubs will be closed during the public health emergency; and

WHEREAS, the Georgia Department of Public Health has confirmed that positive cases of COVID-19 in Georgia are increasing at a high rate; and

WHEREAS, Medical professionals have advised that if COVID-19 continues to spread at a rate comparable to that rate of spread in other affected areas, it may greatly strain the resources and capabilities of county and municipal governments 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 White County continue to gather in large numbers in spaces where social distancing cannot be effectuated; and

WHEREAS, Pursuant to O.C.G.A. § 38-3-28, the White County Commission, as the 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, inherent in the power to suspend ordinances is the power to take emergency affirmative actions, consistent with the protection of public health, safety, and welfare, and consistent with state and federal law; and

WHEREAS, to prevent or minimize injury to people resulting from this pandemic, the White County Commission, find that certain actions are required, including but not limited to, the social distancing measures set forth herein.

NOW THEREFORE, it is hereby RESOLVED by the Board of Commissioners of White County, Georgia, that

1.

White County is declared to be under a state of emergency, which shall continue until April 13, 2020, unless modified by subsequent order.

2.

That, all public or private Community Gatherings of more than ten (10) people anywhere within White 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.

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; (6) educational institutions engaged in medical, engineering, or other efforts by students or faculty to deal with the impact of COVID-19 and (7) the performance of job duties by persons not exhibiting symptoms of COVID-19 or residing with any person exhibiting symptoms of COVID-19.

3.

Notwithstanding the previous section, the following business categories will be regulated as follows:

- A. Restaurants shall close to the public except to provide take out, delivery, drive-through, or curbside service. Cafeterias in hospitals, nursing homes, higher education institutions, or similar facilities shall not be subject to the restrictions contained in this Section.
- B. Wineries and breweries shall close to the public except to provide for retail package sales of wine and malt beverages to be consumed off of the premises and specifically prohibits tastings and/or consumption on the premises.
- C. 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.
- D. 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;
- E. All other retail, commercial, or industrial establishments will be permitted to remain open subject to the following restrictions: (i) reasonable steps are taken to ensure that customers, employees, and other persons on the premises shall generally not be within six (6) feet of each other for longer than brief periods; and (ii) employees are not suffered or permitted to work if they are exhibiting symptoms of COVID-19 or residing with anybody exhibiting symptoms of COVID-19.

4.

Yonah Preserve and all White County-owned recreation facilities shall be closed for business.

5.

All permits for special events, including park facility rentals, to be held on White 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.


All deadlines of any action, determination, or decision required of any official, board, or commission of the White County Government under the provisions of the White County Code of Ordinances shall be tolled for the duration of this Order, and for thirty (30) days following the expiration of this Order.

7.

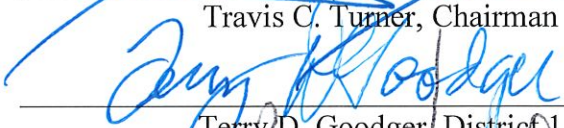
Nothing in this Order shall be construed as creating any right or benefit, substantive or procedural, enforceable at law or in equity by any party against White County, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

ADOPTED, this 26th day of March, 2020.

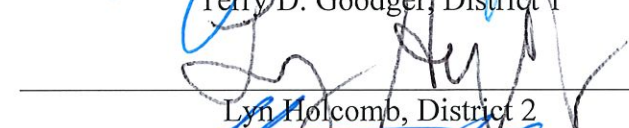
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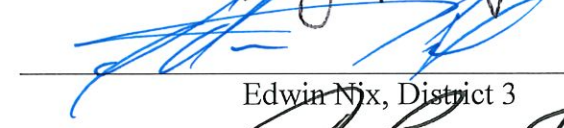
Travis C. Turner, Chairman




Terry D. Goodger, District 1



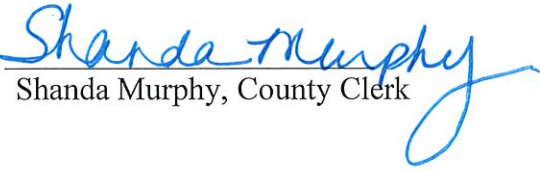
Lyn Holcomb, District 2



Edwin Nix, District 3



Craig Bryant, District 4

Attest: 
Shanda Murphy, County Clerk