

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

AN EMERGENCY ORDINANCE REQUIRING THAT FACE MASKS AND/OR FACIAL COVERINGS BE WORN PUBLICALLY WITHIN THE CITY OF SOUTH FULTON AND FOR OTHER LAWFUL PURPOSES

(Sponsored by Mayor Edwards, Mayor Pro Tem Gumbs and Councilperson Willis)

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City is the Mayor and Council thereof (“City Council”);

WHEREAS, the City and governments across the world are responding in an emergency capacity to an outbreak of respiratory disease caused by a novel coronavirus (“COVID-19”);

WHEREAS, the United States and State of Georgia have issued emergency declarations to mitigate the impact of COVID-19;

WHEREAS, Georgia remains under a State of Emergency from COVID-19, with the number of new cases and related deaths increasing daily throughout Fulton County and several other counties within Georgia;

WHEREAS, the rising numbers of COVID-19 threatens to create a demand which exceeds locally available resources;

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) advises that the use of masks and/or cloth face coverings will slow the spread of COVID-19;

WHEREAS, the CDC recommendations on personal protective equipment usage are hereby incorporated by reference, as such may be amended from time to time;

WHEREAS, the City Council finds that taking measures to minimize the spread of COVID-19 is essential to the health and safety of City residents, businesses and guests;

WHEREAS, it is vitally important that all City residents, businesses and guests work together to decrease the widespread proliferation of COVID-19;

WHEREAS, the City is empowered to enact supplemental rules and regulations as may be necessary for emergency management purposes, pursuant to O.C.G.A. §§ 38-3-4 and 38-3-28 and the local control provisions of Georgia Governor Kemp's Executive Order of June 29, 2020; and

WHEREAS, the City Council finds this Ordinance to be in the best interests of the health, safety and general welfare of the City, its residents and general public.

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS¹ as follows:

Section 1.

A. Masks and/or Facial Coverings Required. Masks and/or facial coverings shall be required to slow the spread of COVID-19 within the City as follows:

1. All customers, visitors and/or delivery persons entering a commercial establishment in the City must wear a mask and/or facial covering while inside such establishment;
2. All owners, managers and/or supervisors of all commercial establishments within in the City must require such establishment's employees, contractors and/or agents to wear a face covering at all times while having face-to-face interactions with the public within such establishment; and
3. All persons in the City within six (6) feet of any other person with whom they do not cohabitate.

B. Exemptions: Although compliance is highly recommended where practicable, this Ordinance shall not apply to the following:

1. Persons inside religious and educational establishments;
2. Any person who is unable to safely wear a face covering due to age, an underlying medical condition, or is physically unable to remove a face covering without the assistance of others.
3. Persons in personal vehicles;

¹ This Ordinance is enacted on an emergency basis to protect the City from the imminent threat of harm to the life, safety and health of City residents, guests and businesses.

4. Persons riding in commercial vehicles with persons with whom they do not cohabitate;
5. Persons in residential homes and/or facilities;
6. Persons actively drinking, eating, or smoking;
7. Persons actively receiving medical and/or personal services that reasonably require the removal of a mask and/or face covering during the receipt of such services; and
8. Persons 10 years of age or younger.

C. Enforcement. Offenders shall be issued a warning for their first violation of this Ordinance. Officers may also provide complimentary masks to offenders upon the issuance of a warning, as such masks are within the Officer's possession and readily available. Upon their second or subsequent violation of this Ordinance, Offenders shall be punished by a fine of One Hundred Dollars (\$100) per violation, but may have the matter dismissed by the Court Clerk at and/or prior to Court upon showing evidence that the violator has secured a mask. Each day of non-compliance shall constitute a separate violation.

D. Duration. This Ordinance shall go into effect on **July 11, 2020 at 12pm** and shall remain in effect for a period of thirty days thereafter, unless further extended by the City Council.

Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 3. All Ordinance and Resolutions in conflict herewith are hereby expressly repealed.

Section 4. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

The foregoing Ordinance No. 2020-xxx was moved for approval by Councilmember _____ . The motion was seconded by Councilmember _____ , and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	_____	_____
Carmalitha Gumbs, Mayor Pro Tem	_____	_____
Catherine Foster Rowell	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Corey Reeves	_____	_____
Khalid Kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE so adopted this _____ day of _____ 2020. **CITY OF SOUTH FULTON, GEORGIA.**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

S. DIANE WHITE, CITY CLERK

APPROVED AS TO FORM:



EMILIA C. WALKER, CITY ATTORNEY