

**EXECUTIVE ORDER OF THE MAYOR OF
THE CITY OF DULUTH - MARCH 24, 2020**

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

WHEREAS, the Governor of the State of Georgia declared a State Emergency in Georgia on March 14, 2020; and

WHEREAS, the World Health Organization has declared Corona Virus Disease 2019 (COVID-19) a world health emergency and a pandemic; and

WHEREAS, the Centers for Disease Control and Prevention has recommended that any large public gathering be discontinued or prohibited; and

WHEREAS, on March 16, 2020, the President of the United States in conjunction with the Centers for Disease Control and Prevention issued Coronavirus Guidelines for America – 15 Days to Slow the Spread; and

WHEREAS, those guidelines include a recommendation that communities with evidence of community transmission consider closing restaurants, food courts, gyms, and other indoor and outdoor venues where groups of people congregate; and

WHEREAS, the Charter of the City of Duluth, in Section 1.13 (8), provides that in the case of emergencies the City Council has the power to establish procedures for determining and proclaiming that an emergency situation exists inside or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city; and

WHEREAS, on March 20, 2020, the Mayor and Council of the City of Duluth passed a Resolution declaring the existence of an emergency within the City of Duluth pursuant to City Charter 1-13 (8); and

WHEREAS, Section 2-74 of the City Code of Ordinances provides that in the event of a man-made or natural disaster, actual enemy attack upon the United States, or any other emergency which may affect the lives and property of the citizens of Duluth, the Mayor of Duluth separately, or jointly with the chairman, county commissioners, or in their absences their legally appointed successors, may determine that an emergency or disaster exists and thereafter shall have and may exercise for such period as such emergency or disaster exists or continues, the following powers;

(1) To enforce all rules, laws and regulations relating to emergency management, and to assume direct operational control over all emergency management resources;

(2) To seize or take for temporary use, any private property for the protection of the public;

(3) To sell, lend, give or distribute all or any such property or supplies among the inhabitants of the county and to maintain a strict accounting of property or supplies distributed and for funds received for such property or supplies; and

(4) To perform and exercise such other functions and duties, and take such emergency actions as may be necessary to promote and secure the safety, protection and well-being of the inhabitants of the county; and

WHEREAS, the confirmed cases of COVID-19 in Gwinnett County and in the State of Georgia continue to rise and have continued to steadily rise since the City of Duluth's Declaration of Local Emergency on March 20, 2020; and

WHEREAS, on March 20, 2020, Gwinnett County strongly encouraged all restaurants, fitness centers, entertainment venues, and similar establishments to take voluntary measures such as closing or modifying operations to help slow the spread of COVID-19; and

WHEREAS, on March 23, 2020, the Governor issued Executive Order No. 03.23.20.01, which requires the Department of Public Health to order that certain specific higher risk populations to shelter in place for fourteen (14) days; and

WHEREAS, Executive Order No. 03.23.20.01 further orders that no business, establishment, corporation, non-profit corporation, or organization shall allow more than ten (10) persons to be gathered at a single location if such gathering requires persons to stand or be seated within six (6) feet of any other person; and

WHEREAS, I believe that it is necessary to temporarily close certain establishments, where the public gathers and where social distancing recommendations cannot be maintained, to help slow the spread of COVID-19 in the City of Duluth in order to help protect the health and safety of the residents and businesses within the City of Duluth;

NOW THEREFORE, BE IT ORDERED AND DECREED, AND IT IS HEREBY ORDERED AND DECREED AS FOLLOWS:

- (1) Gyms, fitness centers, fitness studios, sports and recreation instruction facilities, theaters, live performance venues, bowling alleys, arcades, and other similar establishments within the City of Duluth be temporarily closed.
- (2) Restaurants, food courts, brewpubs, breweries, and other eating establishments within the City of Duluth 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. Any establishment that is licensed for on-premises

consumption of alcoholic beverages shall be authorized to sell unopened bottles or new, sealed growlers of beer or unopened bottles of wine curbside or to takeout customers only during the times specified by alcoholic beverage license and pertinent Code sections. The City makes no representations as to the effect of these types of sales on an establishment's state liquor license.

- (3) Cafeterias or on-site dining services in hospitals, nursing homes, assisted living facilities, and other similar facilities within the City of Duluth following previously issued state and federal public health guidelines shall not be subject to closure requirements of this Order.
- (4) All employers and business which remain open for use by the public must take the necessary steps to restrict in person contact and maintain a distance of 6 feet between individuals while in the establishment.
- (5) The Governor's Executive Order No. 03.23.20.01 is hereby incorporated by reference herein, such that:
 - a. 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, 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.

b. All businesses which possess a license to operate as or otherwise meet the definition of “bar” as defined in Official Code of Georgia Section 3-1-2(2.1) shall cease operation.

c. No business, establishment, corporation, non-profit, corporation, or organization shall allow more than ten (10) persons to be gathered at a single location if such gathering requires persons to stand or to be seated within six (6) feet of any other person.

(6) The City Manager shall be authorized to utilize personnel and resources, including but not limited to the Duluth Police Department, to support compliance with and to assist in the enforcement of this Order.

(7) The provisions of this Order shall be effective beginning March 25, 2020 at 12:00 p.m. and shall expire on April 6, 2020 at 12:00 p.m.

SO ORDERED AND DECREED, this 25th, day of March , 2020.

Nancy Harris, Mayor
City of Duluth, Georgia

Teresa Lynn, City Clerk

Approved as to Form:

/s/ Stephen D. Pereira

Stephen D. Pereira
City Attorney