

AN EMERGENCY ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA UNDER SECTION 2.23 OF THE CHARTER OF THE CITY OF ALPHARETTA, GEORGIA DECLARING A STATE OF EMERGENCY IN THE CITY OF ALPHARETTA, GEORGIA DURING THE PUBLIC EMERGENCY OF THE NOVEL CORONAVIRUS DISEASE 2019 GLOBAL PANDEMIC; CLOSING ALL CITY FACILITIES TO THE PUBLIC WITH CERTAIN EXCEPTIONS; PROVIDING FOR SMALL BUSINESS ASSISTANCE, RELATED TO TAXES, FEES, REPORTING, AND THE SALE OF ALCOHOLIC BEVERAGES; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor (the "**Mayor**") and Council of the City (the "**City Council**") of Alpharetta, Georgia (the "**City**") are charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta, Georgia; and

WHEREAS, Section 2.23 of the Charter of the City (the "**Charter**") empowers the Mayor and City Council to adopt an emergency ordinance to meet a public emergency affecting life, health, property, or public peace; and

WHEREAS, the severe acute respiratory syndrome coronavirus 2, SARS-CoV-2, emerged beginning in late 2019 causing a novel coronavirus disease 2019 ("**COVID-19**") global pandemic; and

WHEREAS, the President of the United States of America declared a National Public Health Emergency on Friday, March 13, 2020 due to COVID-19; and

WHEREAS, the Governor of the State of Georgia (the "**Governor**") issued an Executive Order declaring a State of Emergency in Georgia on Saturday, March 14, 2020 due to COVID-19; and

WHEREAS, the Georgia General Assembly, by joint resolution on Monday, March 16, 2020, concurred with the Governor's March 14, 2020 Executive Order declaring a State of Emergency; and

WHEREAS, on Thursday, April 2, 2020, the Governor issued an Executive Order directing residents and visitors of the State of Georgia to shelter in place and practice social distancing and sanitation; providing exceptions to the shelter-in-place direction; limiting gatherings of persons; requiring non-Critical-Infrastructure businesses, establishments, corporations, non-profit corporations, and organizations to only engage in Minimum Basic Operations; requiring Critical-Infrastructure businesses, establishments, corporations, non-profit corporations, and organizations to implement measures to mitigate the exposure and

spread of COVID-19; permitting all restaurants and private social clubs to provide takeout, curbside pick-up, and delivery; prohibiting those sheltering in place from receiving visitors, with certain exceptions; and preempting local ordinances other than those designed to enforce that executive order (the "**Gubernatorial Shelter in Place Order**"); and

WHEREAS, on Friday, April 3, 2020, the Governor issued an Executive Order further defining the provisions of the Gubernatorial Shelter in Place Order; and

WHEREAS, on Wednesday, April 8, 2020, the Governor issued an Executive Order (1) renewing the State of Emergency through Wednesday, May 13, 2020; and (2) extending the Gubernatorial Shelter in Place Order and related executive orders through Thursday, April 30, 2020; and

WHEREAS, on Monday, April 20, 2020, the Governor issued an Executive Order expanding the scope of businesses that may engage in Minimum Basic Operations; and imposing other rules and regulations; and

WHEREAS, on Thursday, April 23, 2020, the Governor issued an Executive Order entitled "Reviving a Healthy Georgia" requiring all residents and visitors of the State of Georgia to practice social distancing, wear face coverings, and practice sanitation; limiting gatherings of persons; directing certain residents to shelter-in-place; requiring Critical-Infrastructure, non-Critical Infrastructure, including restaurants, dining services, retail, and other businesses, establishments, corporations, non-profit corporations, and organizations to implement various measures to prevent the spread of COVID-19; and imposing other rules and regulations (the "**Reviving a Healthy Georgia Executive Order**"); and

WHEREAS, the Reviving a Healthy Georgia Executive Order authorizes municipalities to issue ordinances as necessary for emergency management purposes and to supplement the Reviving a Healthy Georgia Executive Order; and

WHEREAS, the Centers for Disease Control and Prevention (the "**CDC**") of the Department of Health and Human Services of the United States of America indicates that there is evidence of widespread community transmission of COVID-19 in Georgia; and

WHEREAS, COVID-19 has continued to spread in the metropolitan Atlanta area; and

WHEREAS, if COVID-19 continues to spread in the metropolitan Atlanta area, it may tax, strain, and overly burden public health, safety, and welfare personnel, facilities, and equipment so as to result in unnecessary injury and death; and

WHEREAS, the Mayor and City Council hereby find that the COVID-19 global pandemic is a public emergency affecting and threatening life, health, property, and public peace; and

WHEREAS, the Mayor and City Council hereby find that this Emergency Ordinance is necessary to protect life, health, property, and public peace; and

WHEREAS, the Mayor and City Council hereby intend to reenact certain provisions of the emergency ordinance adopted on April 1, 2020.

BE IT DECLARED that the Mayor and City Council of the City of Alpharetta, Georgia hereby ordain that an emergency ordinance shall be enacted as follows:

**SECTION 1. DECLARATION OF STATE OF EMERGENCY.** The Mayor and City Council hereby declare that a state of emergency affecting life, health, property, and public peace exists within the City due to the COVID-19 global pandemic, and incorporate the whereas provisions of this Ordinance as if fully restated.

**SECTION 2. CLOSURE OF ALL CITY FACILITIES, EXCEPTING ONLY GREENWAYS, TRAILS, AND THE LIKE.**

2.1 During the pendency of this Ordinance and any reenactment hereof, all City facilities shall be closed to the public, including, but not limited, to park facilities, buildings, offices, fields, courts, pavilions, playgrounds, the town green, and restrooms.

2.1.1. During the pendency of this Ordinance, the Mayor, in his discretion, either in phases or all at the same time, may authorize all or some of the City facilities that are closed pursuant to Section 2.1 of this Ordinance to reopen to the public subject to any or no terms and conditions as the Mayor deems necessary.

2.2 All greenways, trails, and the like of the City shall remain open to the public during the pendency of this Ordinance and any reenactment hereof; provided, however, that all persons

using said greenways, trails, and the like shall maintain a minimum of six (6) feet between all persons who are not occupants of the same household or residence.

**SECTION 3. SMALL BUSINESS ASSISTANCE.**

**3.1 SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION.** During the pendency of this Ordinance, any restaurant or similar business that sells food and is licensed to sell alcoholic beverages for on-premises consumption ("**Licensee(s)**") shall be authorized to sell to customers, who simultaneously purchase food, unopened bottles and/or cans of beer and/or wine for consumption off premises; provided, however that:

3.1.1 Off-premises delivery of alcoholic beverages shall be prohibited;

3.1.2 This Ordinance makes no representation to any Licensee as to the legality, under state law and/or any state alcohol license, of any course of conduct undertaken pursuant to this Ordinance; and

3.1.3 Any Licensee that engages in a course of conduct permitted under this Ordinance does so at its own peril with regard to the Licensee's state alcohol license.

**3.2 EXTENSION OF DEADLINES FOR RENEWAL OF OCCUPATIONAL TAX, AND TOLLING OF THE ASSESSMENT OF PENALTIES.**

3.2.1 The deadline for submission of the registration and payment of the administrative fee, occupational tax, and/or regulatory fee, under Section 42-65 of The Code of Alpharetta, Georgia (the "**Code**"), shall be extended through June 30, 2020.

3.2.2 The assessment of any penalty for failure to submit any registration or pay any tax or fee described in Section 3.2.1 is tolled through June 30, 2020.

3.2.3 Any tax or fee described in Section 3.2.1 shall not be deemed delinquent until after June 30, 2020.

**3.3 EXTENSION OF DEADLINES FOR FILING OF REPORTS AND PAYMENT OF EXCISE TAXES RELATED TO THE SALE OF ALCOHOLIC BEVERAGES, AND TOLLING OF THE ASSESSMENT OF PENALTIES.**

3.3.1 The monthly reporting and excise tax payment

deadlines, under Chapter 4 of the Code related to the sale of alcoholic beverages, for the calendar months of February 2020, March 2020, and April 2020 are extended through June 30, 2020.

3.3.2 The assessment of any penalty for failure to submit any report or pay any tax described in Section 3.3.1 is tolled through June 30, 2020.

**SECTION 5. REPEALER.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict, and the following ordinance is hereby repealed and replaced by this Ordinance:

5.1 The Emergency Ordinance of the Mayor and Council of the City of Alpharetta, Georgia under Section 2.23 of the Charter of the City of Alpharetta, Georgia Declaring a State of Emergency in the City of Alpharetta, Georgia during the Public Emergency of the Novel Coronavirus Disease 2019 Global Pandemic; Directing Residents to Shelter in Place; Directing Certain Persons to Isolate and Quarantine; Prohibiting All Non-Essential Travel; Prohibiting All Gatherings of Persons; Closing All City Facilities to the Public with Certain Exceptions; Establishing the Closure or Modified Operation of Businesses; Providing for Small Business Assistance; Providing for Enforcement of this Ordinance; and for Other Purposes (adopted by the Mayor and City Council of the City of Alpharetta, Georgia on Wednesday, April 1, 2020).

**SECTION 6. NO CREATION OF RIGHTS.** This Ordinance is not intended to and does not create any substantive or procedural right or benefit enforceable in law or in equity by any party (other than the City) against the City, its departments, agencies, officials, employees, agents, or any other person or entity.

**SECTION 7. SEVERABILITY.** If any section, subsection, provision, or clause of any part of this Ordinance shall be (1) declared invalid or unconstitutional, either on its face or as applied to a particular situation or set of circumstances; or (2) in any way in conflict or inconsistent with any Executive Order of the Governor or any other order, rule, or regulation promulgated by the Governor or any agency of the State of Georgia exercising a power derived from the Public Health State of Emergency declared by the Governor on Saturday, March 14, 2020, and subsequently extended, then (1) such invalidity, unconstitutionality, and/or inconsistency shall not be construed to affect the portions of this Ordinance not so held to be invalid, unconstitutional, and/or inconsistent; and (2) it is hereby declared as the intent of the Mayor and City Council that this Ordinance would have been adopted

in its current form without any invalid, unconstitutional, or inconsistent provision contained herein. The provisions of this Ordinance are intended and shall be interpreted to be (1) supplemental to and/or designed to enforce the aforementioned Executive Orders of the Governor as well as all other orders, rules, or regulations promulgated by the Governor or any agency of the State of Georgia exercising a power derived from the aforementioned Public Health State of Emergency; and (2) necessary for emergency management purposes.

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon adoption.

**SECTION 9. AUTOMATIC REPEAL.** This Ordinance, pursuant to Section 2.23 of the Charter, shall automatically stand repealed thirty (30) days after the date upon which it is adopted.

**SECTION 10. REENACTMENT.** This Ordinance may be reenacted and extended for one (1) or more additional periods of thirty (30) or less days (or repealed) upon a meeting of the City Council called by the Mayor or two (2) Councilmembers of the City Council.

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_ 2020 by the Mayor and Council of the City of Alpharetta, Georgia.

THE CITY OF ALPHARETTA, GEORGIA

By: \_\_\_\_\_  
Jim Gilvin, Mayor

(SEAL)

Attest: APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
Erin Cobb, City Clerk

\_\_\_\_\_  
C. Sam Thomas, City Attorney

Adopted: \_\_\_\_\_