

LUMPKIN COUNTY RESOLUTION NO. 2020-20

**FIRST AMENDMENT TO
RESOLUTION NO. 2020-18 DECLARING STATE OF EMERGENCY IN LUMPKIN
COUNTY, GEORGIA AND ESTABLISHING AN EMERGENCY PROTECTIVE
ORDINANCE TO CONTROL THE SPREAD OF COVID-19.**

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 the Corona Virus Disease 2019 (COVID-19) a world health emergency and a pandemic; and,

WHEREAS, the Centers for Disease Control and Prevention have recommended that any gathering of over 10 people be discontinued or prohibited; and

WHEREAS, pursuant to OCGA 38-3-27 (b) (2), each political subdivision of the State shall have the power and authority to provide for the health and safety of persons and property; and,

WHEREAS, pursuant to OCGA 38-3-28, political subdivisions of the State are authorized and empowered to make, amend, and rescind such orders, rules and regulations as may be necessary for emergency management purposes, which shall have the full force and effect of law; and,

WHEREAS, on March 23, 2020, the Lumpkin County Board of Commissioners declared a local state of emergency and established an emergency protective ordinance in an effort to control the spread of the COVID-19 by Resolution No. 2020-18; and,

WHEREAS, the Board now desires to amend the emergency protective ordinance to include a provision that allows properly licensed restaurants to sell sealed containers of beer or wine as a part of take-out food order.

NOW THEREFORE, IT IS RESOLVED AND ORDERED as follows:

Section 1: Effective March 23, 2020, a local state of emergency was declared throughout the entirety of Lumpkin County.

Section 2: All required resources of Lumpkin County and its municipalities shall be made available to assist in activities designed to address this emergency, control the spread of COVID-19 and aid in recovery efforts.

Section 3: The Lumpkin County Emergency Management Agency has activated the Lumpkin County Emergency Operations Plan (EOP) in response to this emergency event.

Section 4: All indoor recreation, gym, fitness and entertainment facilities are to close immediately and shall remain closed until such time as the state of emergency has been lifted or amended.

Section 5: Any person showing symptoms recognized by the CDC as indicators of COVID-19 shall refrain from entering public buildings, restaurants, shops, public transportation facilities and all other areas where the public ingresses or egresses. Such person should seek medical attention and follow the directions of their Primary Care Physician until given the clearance to return to public interaction.

Section 6: Restaurants and other eating and dining establishments where food is served must cease offering dine-in services, but may continue to offer delivery, take-out or drive through services. If a restaurant is licensed to sell beer and/or wine for on-premises consumption, such restaurant, during the effective dates of this ordinance only, shall be authorized to sell sealed containers of beer or wine for consumption off-premises as a part of a food order.

Section 7: All houses of worship shall strive for density reduction in all services, whether scheduled or based upon a life event such as a funeral or baptism, and wherever practical shall practice social distancing. Houses of worship are further encouraged to use social media or other video outlets to broadcast worship services. Funeral homes shall likewise strive for density reduction in all activities and shall ensure vehicles used to transport families shall be thoroughly cleaned between uses in accordance with CDC guidelines. Graveside services of 10 or less participants are highly encouraged.

Section 8: Social distancing is the most effective manner of stopping the spread of this emergency. All public and private gatherings of more than ten (10) people occurring outside a household or living unit are prohibited. Nothing herein shall prohibit the gathering of individuals for the purpose of carrying on business activity or the provision of medical or health services.

Section 9: Enforcement and Remedies:

(a) Law enforcement. In accordance with O.C.G.A. § 38-3-4, the Lumpkin County Sheriff's Office shall be authorized to enforce the orders, rules and regulations contained herein and/or implemented by the chair or board of commissioners during a declared emergency.

(b) Penalties. Failure to comply with any of the requirements or provisions of the regulations contained herein, or with any code section, order, rule or regulation made effective by the chair or board of commissioners upon or after the declaration of an emergency shall constitute a violation of the provisions of this ordinance. Any person who violates any provision in this ordinance shall, upon conviction thereof, be guilty of a misdemeanor punishable by a fine not exceeding \$1,000.00, imprisonment for a term not exceeding 60 days, or both such fine and imprisonment, for each violation. Each person assisting in the commission of a violation shall be guilty of separate offenses. Each day during which a violation or failure to comply continues shall constitute a separate violation.

(c) Injunctive relief. In accordance with O.C.G.A. § 38-3-5, in addition to the remedies prescribed in this section, the EMA director is authorized to obtain an injunction to restrain violation of laws, code sections, orders, rules and regulations that are contained in the Georgia

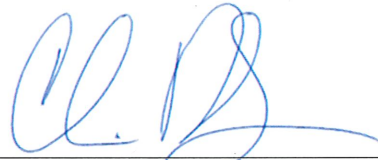
Emergency Management Act and/or this ordinance, and/or are implemented by the chair or the board of commissioners during a declared emergency.

(d) Enforcement. Except as otherwise provided herein or by law, this ordinance may be enforced by the Lumpkin County Sheriff's Office and the EMA director.

The Board recognizes that the Governor of the State of Georgia has executed certain Executive Orders that apply statewide. This Resolution in no way supersedes or lessens any Executive Orders issued by the Governor of the State of Georgia. If there is any conflict between any of the rules, regulations, laws or directives in this Resolution and any Executive Order, the one with the most restrictive requirements shall apply.

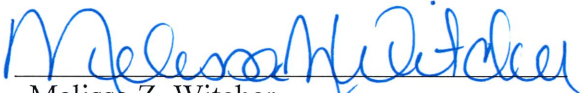
This Resolution shall remain in effect until April 30, 2020 at 11:59 p.m. or shall terminate in conjunction with the termination of the Governor's State of Emergency, whichever occurs first.

SO RESOLVED, this 24th day of March, 2020.



Chris Dockery, Chairman
Lumpkin County Board of Commissioners

Attest:



Melissa Z. Witcher
Clerk, Lumpkin County