

**FLOYD COUNTY BOARD OF COMMISSIONERS
EMERGENCY ADMINISTRATIVE ORDER**

It is the intent of this Order to ensure that the maximum number of people in Floyd County self isolate in their places of residence to the maximum extent feasible while enabling essential services to continue.

When people need to leave their residences to obtain or perform vital services or to otherwise facilitate authorized activities necessary for continuing social and commercial life, they should at all times as reasonably possible comply with the distancing requirements stated herein.

WHEREAS, on March 11, 2020, the World Health Organization declared that the Novel Coronavirus 2019 (“COVID-19”) disease is a global pandemic, in response to over 118,000 cases present in over 110 countries globally, while currently there are over 372,700 cases, over 16,200 deaths in 195 countries; and

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency and pledged the “full power of the federal government” to fight this pandemic; and

WHEREAS, on March 14, 2020, Governor Brian Kemp issued Executive Order 3.14.20.01 which 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 to adopt House Resolution 4EX, ratifying Governor Brian Kemp’s public health emergency declaration, and reserving the right to terminate the emergency declaration through future legislative action; and

WHEREAS, as of 12:00 P.M. on March 24, 2020, the Georgia Department of Public Health has confirmed 1,026 positive cases of COVID-19 in Georgia, including 32 fatalities caused by COVID-19 statewide, with Floyd County having 11 positive cases at this time and still waiting on a number of tests to be returned, including 2 confirmed deaths in Floyd County; and

WHEREAS, medical professionals have advised that if COVID-19 continues to spread in Floyd County and the rest of Georgia 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, including public health agencies, 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 Floyd County continue to gather in large numbers in enclosed spaces where social distancing cannot be effectuated; and

WHEREAS, pursuant to O.C.G.A. §38-3-28, the Floyd 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, pursuant to O.C.G.A. §38-3-51, the Governor of the state of Georgia has declared a public health emergency which authorizes the Floyd County Board of Commissioners to use emergency powers as set out in O.C.G.A. §38-3-1 through 38-3-64; and

WHEREAS, the Floyd County Code of Ordinances in Section 2-1-2 and the entire Chapter 2-8 entitled “Emergency Management” provides that,

The Floyd County government, in addition to the rights, duties, powers, privileges and authority expressly conferred upon it by this Code of Ordinances, shall have the right, duty, power, privilege and authority to exercise and enjoy all other powers, duties, functions, rights, privileges and immunities necessary and proper to promote or protect the safety, health, peace, security and general welfare of said government and its inhabitants and to exercise all implied powers necessary to carry into execution all powers granted in this Code of Ordinances as fully and completely as if such powers were fully enumerated in this Code and to do and perform all of the acts pertaining to its local affairs, property and government that are necessary or proper in the legitimate exercise of its corporate powers and governmental duties and functions. ; and

WHEREAS, on March 19, 2020, the Floyd County Commission, together with the City of Rome and City of Cave Spring Commissions, approved a joint resolution setting out the initial emergency management routine for Floyd County; and

WHEREAS, said resolution certifies that the Floyd County Commission has the right, duty, power, privilege and authority to exercise and enjoy all other powers, duties,

functions, rights, privileges and immunities necessary and proper to promote or protect the safety, health, peace, security and general welfare of said government and the citizens of Floyd County, and to exercise all implied powers necessary to carry into execution all powers granted herein and the Code of Ordinances as fully and completely as if such powers are fully enumerated herein and to do and perform all the acts pertaining to its property, affairs and local government which are necessary or proper in the legitimate exercise of the corporate powers and governmental duties and functions; and

WHEREAS, the Floyd County Board of Commissioners by way of this resolution adopts the emergency management plan set out in Floyd County’s Code of Ordinances Chapter 2-8, Articles I through V; and

WHEREAS, this declaration of a local emergency allows the Floyd County Emergency Management Agency to coordinate with other governmental entities for support and resources under the mutual aid agreements; and

WHEREAS, pursuant to the earlier resolution and restated herein, the Chairman of the Floyd County Board of Commissioners has the power to temporarily suspend the enforcement of the Code of Ordinances of Floyd County, Georgia, or any portion thereof, where such a suspension is consistent with the protection of the public health, safety and welfare of the citizens of Floyd County; 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 Floyd County Board of Commissioners finds that certain actions are required, including but not limited to, the social distancing measures set forth herein.

NOW, THEREFORE, BY THE POWER VESTED IN THE FLOYD COUNTY BOARD OF COMMISSIONERS, IT IS HEREBY ORDERED THAT:

1.

Floyd County is declared to be under a state of emergency, which shall continue until April 7, 2020, at 11:59 P.M., unless modified by subsequent order.

2.

That, all public or private Community Gatherings of more than ten (10) people anywhere within Floyd 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; (7) the performance of job duties by persons not exhibiting symptoms of COVID-19 or residing with any person exhibiting symptoms of COVID-19; (8) manufacturers, distribution centers, food processors, flour mills, similar industrial facilities and any member of the Greater Rome Existing Industry Association provided that employees comply with the social distancing requirements as stated herein; (9) pastors who need access to church materials located at the church building and/or sanctuary and who hold on-line services as long as the social distancing requirements of ten (10) or less persons are followed; (10) contractors; (11) gas stations and convenience stores, (12) hardware stores, and (13) banks.

3.

For the purposes of this Order, the social distancing requirement includes maintaining six (6) feet distance from any other individual(s).

4.

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. Restaurants which are licensed in Floyd County for the sale of malt beverages by the drink for consumption on premises may sell malt beverages in sealed containers by the package without obtaining any additional license. Restaurants which are licensed for the sale in Floyd County of wine by the drink for consumption on premises may sell wine in sealed containers by the package without obtaining any additional license. Cafeterias in hospitals, nursing homes, higher education institutions or similar facilities shall not be subject to the restrictions contained in this Section.
- B. Except for food service establishments licensed by the Department of Public Health, all business locations properly licensed in Floyd County for the sale of alcoholic beverages for consumption on premises or for brown bagging for consumption on premises, such as bars, taverns and similar establishments, shall be closed for business.
- 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, concert venues and all Rome/Floyd Parks and Recreation Facilities, including playgrounds 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.

5.

All permits for special events, including park facility rentals, to be held on Floyd 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 imposed under the Floyd County Code of Ordinances for the renewal of self service fuel licenses and/or alcohol licenses and any other specific licenses required by the Floyd 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.

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

8.

Pursuant to the emergency powers granted to the Floyd County Board of Commissioners, violation of any provision of this Order, upon conviction, shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) per violation and/or imprisonment not to exceed sixty (60) days. For purposes of enforcing the provisions of this Order, each day a

business operates within Floyd County without complying with this Order shall constitute a separate offense.

9.

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 Floyd County, its departments, agencies or entities, its officers, employees or agents, or any other person.

10.

Floyd County shall seek reimbursement from the state of Georgia and/or FEMA for all eligible expenditures.

11.

This Order shall become effective six (6) hours after the time indicated below, and shall remain in effect through and including 11:59 P.M. on April 7, 2020, unless modified by subsequent order.

SO ORDERED, this ____ day of March, 2020, at _____ o'clock P.M.

BOARD OF COMMISSIONERS OF
FLOYD COUNTY, GEORGIA

BY: _____
SCOTTY E. HANCOCK, CHAIRMAN

ATTEST: _____
ERIN ELROD, Clerk

Approved by:

JAMIE McCORD, COUNTY MANAGER

WADE C. HOYT, III, COUNTY ATTORNEY