

AN EMERGENCY ORDINANCE

AN EMERGENCY ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOGANSVILLE TO AMEND THE CODE OF THE CITY; TO REQUIRE THE USE OF FACE COVERINGS WITHIN THE CITY UNDER CERTAIN CIRCUMSTANCES; TO PROVIDE FOR EXCEPTIONS; TO REQUIRE WARNINGS PRIOR TO CITATION; TO ESTABLISH PENALTIES FOR NON-COMPLIANCE; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the President of the United States declared a National Public Health Emergency on Friday, March 13, 2020, and the Governor of the State of Georgia declared a state public health emergency on March 14, 2020; and

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

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) has noted that COVID-19 is proliferating through “community spread,” and people have contracted the virus in areas of Georgia, including Troup County, as a result of direct or indirect contact with infected persons;

WHEREAS, Georgia residents, including residents of the City of Hogansville, continue to be at risk of serious health complications, including death, from COVID-19;

WHEREAS, Governor Kemp renewed his declaration of a public health state of emergency in Georgia April 8, 2020, and has done so on multiple occasions, including most recently on August 15, 2020;

WHEREAS, the continued increase of COVID-19 cases is a threat to the health, safety and welfare of the City of Hogansville community;

WHEREAS, the South Carolina Department of Health and Environmental Control announced on August 12, 2020, that parts of the State of South Carolina under public mask-wearing mandates registered a 46.3% drop in coronavirus cases in the four weeks after they were

introduced as compared to areas of the state which did not impose such mandates;

WHEREAS, data from the State of Alabama shows an 11% drop in COVID-19 cases in the four weeks since that state's mask mandate went into effect;

WHEREAS, guidelines published by the U.S. Centers for Disease Control (CDC) recommend that all people wear cloth face coverings in public settings where other physical distancing measures may be difficult to maintain. The CDC also advises the use of simple cloth face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others;

WHEREAS, the White House Coronavirus Task Force has repeatedly called for the wearing of masks to be mandatory in the State of Georgia;

WHEREAS, decreased transmissibility due to face covering use could substantially reduce the number of illnesses, hospitalization, and deaths and reduce the negative economic impact of the COVID-19 pandemic and the cost of the intervention of mandating the wearing of masks is extremely low;

WHEREAS, O.C.G.A. § 38-3-28(a) grants political subdivisions the power to supplement the Governor's Executive Orders;

WHEREAS, the following actions relating to requiring facial coverings are necessary and appropriate to balance the public's interest in not being unduly burdened with the compelling public interest in providing for the health, safety and welfare of the residents of the City of Hogansville;

WHEREAS, Section 2.16(c) of the Charter of the City of Hogansville authorizes the Mayor and Council "to meet a public emergency affecting life, health, property, or public peace" through the adoption of one or more emergency ordinances.

THE MAYOR AND COUNCIL OF THE CITY OF HOGANSVILLE, GEORGIA,
HEREBY ORDAIN AS FOLLOWS:

SECTION 1: FINDINGS.

For the purposes of describing the circumstances which warrant the adoption of an emergency ordinance pursuant to Section 2.16(c) of the Charter, the Mayor and Council hereby adopt and make the findings included in the "WHEREAS" clauses as findings of fact.

SECTION 2: DURATION.

The terms of this emergency ordinance, unless sooner repealed, shall remain in force for sixty (60) days from the date hereof.

SECTION 3: DEFINITIONS.

(a) As used in this Ordinance, the following terms shall have the respective meanings as ascribed to them in this section, to-wit:

Covered Establishment means all public and private buildings and premises of any Establishment located in the City of Hogansville where the Establishment has posted a sign substantially in the form set forth in Section 5(d) of this Ordinance.

Establishment means any business, store, or other place where goods or services are sold or provided as part of a commercial or non-profit venture, to which the public is invited or in which the public is permitted.

Face covering or mask means a device to cover the nose and mouth of a person to impede the spread of saliva, respiratory droplets, or other fluids during speaking, coughing, sneezing or other intentional or involuntary action. Medical grade masks are not required; coverings may be fashioned from scarves, bandanas, or other suitable fabrics. The mask must cover the mouth and nose of the wearer.

Social distancing means keeping a space of at least six (6) feet between yourself and other people outside your home or place of residence, and such a term shall not apply to cohabitating persons, family units or roommates residing together in private homes, whether inside or outside of their homes or places of residence.

SECTION 4: FACE COVERING OR MASK MANDATE.

(a) Any person who enters a Covered Establishment in the City of Hogansville shall wear a face covering while inside such establishment and while they are unable to maintain social distancing.

(b) Any person who is on the property of a Covered Establishment but outdoors shall also wear a face covering if they are unable to maintain social distancing.

(c) The face covering or mask requirement with subsections (a) and (b) shall not apply to the following circumstances:

- (1) To individuals who are eating or drinking, those who have difficulty donning or removing a face covering or mask without assistance, those who have a bona fide religious objection to wearing a face covering or mask, and those who have a bona fide medical reason not to wear a face covering or mask;
- (2) The face covering or mask requirement shall not be enforced at any polling place, and no individual shall be denied ingress or egress to or from a polling place for failure to wear a face covering or mask;
- (3) To individuals in personal vehicles or on residential property;
- (4) When wearing a face covering or mask would prevent the receipt of personal services or the performance of work in the course of employment;
- (5) When complying with the directions of a law enforcement officer or for the purposes of verifying a person's identity, such as when purchasing alcohol, tobacco, or prescription drugs or when engaging in a financial transaction;
- (6) Children under the age of ten (10) years; and
- (7) To individuals engaged in activities that are directed or sponsored by the Troup County School System, any private school or college, by the Troup County Parks and Recreation Commission, or any other local government, court or other entity over which the mayor and council do not have jurisdiction pursuant to Georgia law, including executive orders of the Governor.

SECTION 5: ENFORCEMENT.

(a) This Ordinance is enforceable only against individuals, and shall not give rise to any fines, fees, penalties or other cause of action against any private business, establishment, corporation, non-profit corporation or organization.

(b) Owners, directors, officers or agents of any business, establishment, corporation, non-profit corporation or organization may not be held liable for the failure of their customers to comply with this ordinance.

(c) The face covering or mask requirement may only be enforced against individuals on private property where the owner or occupant of the property consents to enforcement.

(d) Any establishment or entity that consents to enforcement of this ordinance upon its property shall post a clearly legible sign at all public entrances of such Establishment stating the following:

“Face coverings or masks are required for entry pursuant to City of Hogansville Emergency Ordinance dated September 9, 2020.”

(e) A person who fails to comply with the mandates of this ordinance shall first be given a warning and an opportunity to put on a face covering or mask or leave the establishment or place. A civil fine not to exceed fifty dollars (\$50.00) shall be assessed against any person found to be in violation of this emergency ordinance.

(f) Notwithstanding the foregoing, every effort shall be made to bring an individual into voluntary compliance with the terms of this Ordinance prior to issuance of any notice of violation, including providing complimentary masks, explaining the importance of wearing facial coverings during this pandemic, and issuing verbal and written warnings.

SECTION 6: EFFECTIVE DATE.

This ordinance after adoption by the Council and approval by the Mayor shall become effective September 9, 2020, at 5:00 o'clock p.m.

INTRODUCED AND ADOPTED/REJECTED _____

SUBMITTED TO MAYOR AND APPROVED/DISAPPROVED _____

BY: _____
Mayor

ATTEST: _____
City Clerk