

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE BY THE CITY OF EAST POINT, GEORGIA, TO PROVIDE FOR
THE HEALTH, SAFETY, AND WELFARE OF THE GENERAL PUBLIC BY
REQUIRING FACE COVERINGS OR MASKS TO BE WORN IN PUBLIC DURING
THE COVID-19 PUBLIC HEALTH EMERGENCY**

WHEREAS, the duly elected governing authority of the City of East Point, Georgia is the Mayor and Council thereof; and

WHEREAS, the governing authority is empowered to provide for the health, safety, and welfare of the residents, employees, businesses, and visitors within the city; and

WHEREAS, the spread of the COVID-19 virus has been declared a global pandemic by the World Health Organization (“WHO”); and

WHEREAS, the President of the United States has declared the spread of COVID-19 a national emergency; and

WHEREAS, the Governor of Georgia has declared the spread of COVID-19 a public health emergency in the state; and

WHEREAS, the health, safety, and welfare of residents, businesses, employees, and visitors are the top priority of the governing authority; and

WHEREAS, the governing authority and staff have been closely monitoring the spread of COVID-19 and the associated guidance from medical professionals as well as state and federal government agencies to help stop the spread of the disease; and

WHEREAS, there has been a sharp increase in the number of COVID-19 cases in the City of East Point in recent weeks; and

WHEREAS, the World Health Organization has indicated that COVID-19 is spread primarily by respiratory droplets produced when an infected person coughs or sneezes and droplets can also be generated by talking, laughing, or exhaling; and

WHEREAS, the Director for the Centers for Disease Control, Dr. Robert Redfield, stated as many as one in four people who are infected with COVID-19 show no symptoms, and that people who do not experience symptoms can spread COVID-19 to other individuals;

WHEREAS, the CDC has stated that people infected with COVID-19 are contagious before they start showing symptoms, and that individuals who are infected can spread the virus to others before the onset of symptoms;

WHEREAS, the CDC has recently announced that it is in the process of reviewing mask recommendations based on growing evidence that people experiencing no symptoms can spread the disease more widely than previously thought; and

WHEREAS, the United States Surgeon General, Dr. Jerome Adams, acknowledges that there is a significant amount of asymptomatic spread and recommends that individuals use face coverings to reduce the spread of COVID-19;

WHEREAS, Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, has further recommended that individuals wear facial coverings to prevent individuals from infecting others; and

WHEREAS, more than 1,400 Georgia health care workers have sent a letter to Governor Kemp, petitioning that he institute a statewide mask requirement, among other recommendations;

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

WHEREAS, this Ordinance is intended to be enacted as a supplement to the Governor's Executive Order 06.29.20.02, which describes health and safety procedures related to the COVID-19 public health emergency.

THEREFORE, BE IT HEREBY ORDAINED that masks or facial coverings shall be required in public places within the City to slow the spread of COVID-19 as follows:

1. All persons entering a commercial establishment in the City must wear a face covering or mask while inside the establishment. This paragraph does not apply to religious establishments; however, the use of face coverings is also strongly recommended in religious establishments.
2. All restaurants, retail stores, salons, barber shops, grocery stores, and pharmacies in the City shall require all employees to wear a face covering or mask at all times while engaged in face to face interaction with the public.
3. Any person who is unable to safely wear a face covering due to age, underlying health condition(s), or is unable to remove the face covering without the assistance of others is exempt from this Ordinance.
4. Face coverings are not required in the following circumstances:
 - a. In personal vehicles;
 - b. When a person is alone in an enclosed space or only with other household members;
 - c. During outdoor physical activity, provided the active person maintains proper social distancing at a minimum of six (6) feet from others who are not household members;
 - d. While eating, drinking, or smoking;
 - e. When a licensed health provider has determined wearing a face covering causes or aggravates a health condition in the specific individual;
 - f. When wearing a face covering would prevent the receipt of personal services; and
 - g. When a person is younger than two (2) years old.

5. All establishments subject to this ordinance shall post a sign in a clearly visible location near the front entrance stating that Per City Ordinance, all persons must wear a mask or face covering and violators are subject to a fine of up to \$75.00.
6. A person who fails to comply with the requirements of Part 1 of this Ordinance shall be guilty of a civil infraction punishable by a fine of not more than \$75.00.
7. A person who fails to comply with Part 2 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$75.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense. In addition to the fines established herein, persons who own, manage, operate, or otherwise control a business subject to this Ordinance found in repeated violation hereof, shall, along with their business, be subject to treatment as a public nuisance, which may be abated as provided for by law. All reasonable efforts should, however, be made to bring businesses into compliance with this Ordinance prior to enforcement actions.

Effective Dates

Unless otherwise stated herein, this Ordinance shall be effective July 9, 2020 at 12:00 am. and remain in effect while a declared state of emergency related to COVID-19 persists in the State of Georgia. Fines shall not be implemented until Monday, July 13, 2020.

Severability

Should any provision, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason

of any preemptive legislation, the remaining provisions, paragraphs, sentences, or words of this Ordinance shall remain in full force and effect.

Scrivener's Errors

The City Clerk, in consultation with the City Attorney, is authorized to correct any scrivener's errors contained in this ordinance.

BE IT ORDAINED by the City Council of East Point, this 6th day of July, 2020.

First Reading: waived

Adoption: July 6, 2020



ATTEST:

Keshia McCullough
Keshia McCullough, City Clerk

CITY OF EAST POINT, GEORGIA

Deana Holiday Ingraham
Deana Holiday Ingraham, Mayor

APPROVED AS TO FORM:

Brad Bowman
Brad Bowman, City Attorney