

**CITY OF SOUTH FULTON, GEORGIA**

**VIRTUAL**

**Friday, July 10, 2020, 6:30 PM**



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**The Honorable William "Bill" Edwards, Mayor**  
**The Honorable Catherine F. Rowell, District 1 Councilmember**  
**The Honorable Carmalitha Gumbs, District 2 Councilmember**  
**The Honorable Helen Z. Willis, District 3 Councilmember**  
**The Honorable Naeema Gilyard, District 4 Councilmember**  
**The Honorable Corey A. Reeves , District 5 Councilmember**  
**The Honorable khalid kamau, District 6 Councilmember**  
**The Honorable Mark Baker, District 7 Councilmember**

**SPECIAL CALLED MEETING AGENDA**

1. Meeting Called to Order
2. Roll Call
3. Agenda Items
  1. Council Adoption of Ordinance for Mandatory Wear of Masks
4. Adjournment of Meeting



# CITY OF SOUTH FULTON



## COUNCIL AGENDA ITEM

### COUNCIL SPECIAL MEETING

**SUBJECT:** Council Adoption of Ordinance for Mandatory Wear of Masks

**DATE OF MEETING:** 7/10/2020

**DEPARTMENT:** Mayor

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#### ATTACHMENTS:

Description	Type	Upload Date
Emergency Ordinance Mandatory Wearing of Masks	Cover Memo	7/10/2020

1 **STATE OF GEORGIA**  
2 **COUNTY OF FULTON**  
3 **CITY OF SOUTH FULTON**  
4  
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7 **AN EMERGENCY ORDINANCE REQUIRING THAT FACE MASKS AND/OR FACIAL**  
8 **COVERINGS BE WORN PUBLICALLY WITHIN THE CITY OF SOUTH FULTON AND**  
9 **FOR OTHER LAWFUL PURPOSES**

10  
11 **(Sponsored by Mayor Edwards, Mayor Pro Tem Gumbs and Councilperson Willis)**  
12

13 **WHEREAS**, the City of South Fulton (“City”) is a municipal corporation duly  
14 organized and existing under the laws of the State of Georgia;

15  
16 **WHEREAS**, the duly elected governing authority of the City is the Mayor and  
17 Council thereof (“City Council”);

18 **WHEREAS**, the City and governments across the world are responding in an  
19 emergency capacity to an outbreak of respiratory disease caused by a novel coronavirus  
20 (“COVID-19”);

21  
22 **WHEREAS**, the United States and State of Georgia have issued emergency  
23 declarations to mitigate the impact of COVID-19;

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25 **WHEREAS**, Georgia remains under a State of Emergency from COVID-19, with  
26 the number of new cases and related deaths increasing daily throughout Fulton County  
27 and several other counties within Georgia;

28  
29 **WHEREAS**, the rising numbers of COVID-19 threatens to create a demand which  
30 exceeds locally available resources; and

31  
32 **WHEREAS**, the Centers for Disease Control and Prevention (“CDC”) advises that  
33 the use of masks and/or cloth face coverings will slow the spread of COVID-19;

34  
35 **WHEREAS**, the CDC recommendations on personal protective equipment usage  
36 are hereby incorporated by reference, as such may be amended from time to time;

37  
38 **WHEREAS**, the City Council finds that taking measures to minimize the spread of  
39 COVID-19 is essential to the health and safety of City residents, businesses, and guests;

40  
41 **WHEREAS**, it is vitally important that all City residents, businesses, and guests  
42 work together to decrease the widespread proliferation of COVID-19; and

43           **WHEREAS**, the City is empowered to enact supplemental rules and regulations  
44 as may be necessary for emergency management purposes, pursuant to O.C.G.A. §§  
45 38-3-4 and 38-3-28 and the local control provisions of Georgia Governor Kemp’s  
46 Executive Order of June 29, 2020; and

47  
48           **WHEREAS**, the City Council finds this Ordinance to be in the best interests of the  
49 health, safety and general welfare of the City, its residents and general public.

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51           **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS<sup>1</sup>** as  
52 follows:

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54           **Section 1.**

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56           **A. Masks and/or Facial Coverings Required.** Masks and/or facial coverings shall  
57 be required to slow the spread of COVID-19 within the City as follows:

- 58  
59           1. All customers, visitors and/or delivery persons entering a commercial  
60 establishment in the City must wear a mask and/or facial covering while inside  
61 such establishment; and  
62  
63           2. All owners, managers and/or supervisors of all commercial establishments  
64 within in the City must require such establishment’s employees, contractors  
65 and/or agents to wear a face covering at all times while having face-to-face  
66 interactions with the public within such establishment.

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68           **B. Exemptions:** Although compliance is highly recommended where practicable, this  
69 Ordinance shall not apply to the following:

- 70  
71           1. Persons inside religious establishments;  
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73           2. Any person who is unable to safely wear a face covering due to age, an  
74 underlying medical condition, or is physically unable to remove a face covering  
75 without the assistance of others.  
76  
77           3. Persons in personal vehicles;  
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79           4. Persons riding in commercial vehicles with persons with whom they do not  
80 cohabitate;  
81  
82           5. Persons in residential homes and/or facilities;

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<sup>1</sup> This Ordinance is enacted on an emergency basis to protect the City from the imminent threat of harm to the life, safety and health of City residents, guests, and businesses.

- 83  
84 6. Persons actively engaged in outdoor physical fitness activities, provided such  
85 person maintains a minimum six feet distance from persons with whom they do  
86 not cohabitate;  
87  
88 7. Persons actively drinking, eating, or smoking;  
89  
90 8. Persons actively receiving medical and/or personal services that reasonably  
91 require the removal of a mask and/or face covering during the receipt of such  
92 services; and  
93  
94 9. Persons 10 years of age or younger.

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97 **C. Enforcement.** Offenders shall issue a warning for their first violation of this  
98 Ordinance. Officers may also provide complimentary masks to offenders upon the  
99 issuance of a warning, as such masks are within the Officer's possession and  
100 readily available. Upon their second or subsequent violation of this Ordinance,  
101 Offenders shall be punished by a fine of One Hundred (\$100) per violation. Each  
102 day of non-compliance shall constitute a separate violation.

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104 **D. Duration.** This Ordinance shall go into effect on **July \_\_\_\_, 2020 at**  
105 **\_\_\_\_\_am/pm** and shall remain in effect for a period of thirty days thereafter,  
106 unless further extended by the City Council.

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110 **Section 2.** It is hereby declared to be the intention of the City Council that: (a) All  
111 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,  
112 upon their enactment, believed by the City Council to be fully valid, enforceable and  
113 constitutional.

114 (b) To the greatest extent allowed by law, each and every section, paragraph,  
115 sentence, clause, or phrase of this Ordinance is severable from every other section,  
116 paragraph, sentence, clause, or phrase of this Ordinance. No section, paragraph,  
117 sentence, clause, or phrase of this Ordinance is mutually dependent upon any other  
118 section, paragraph, sentence, clause, or phrase of this Resolution.

119 (c) In the event that any phrase, clause, sentence, paragraph or section of this  
120 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or  
121 otherwise unenforceable by the valid judgment or decree of any court of competent  
122 jurisdiction, it is the express intent of the City Council that such invalidity,  
123 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not

124 render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases,  
125 clauses, sentences, paragraphs or sections of the Ordinance.

126 **Section 3.** All Ordinance and Resolutions in conflict herewith are hereby expressly  
127 repealed.

128 **Section 4.** The City Attorney, City Clerk and contracted City Codifier are authorized  
129 to make non-substantive formatting and renumbering edits to this ordinance for proofing,  
130 codification, and supplementation purposes. The final version of all ordinances shall be  
131 filed with the clerk.

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134 THIS ORDINANCE so adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

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136 **CITY OF SOUTH FULTON, GEORGIA**

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141 \_\_\_\_\_  
WILLIAM "BILL" EDWARDS, MAYOR

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143 ATTEST:

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S. DIANE WHITE, CITY CLERK

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149 APPROVED AS TO FORM:

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EMILIA C. WALKER, CITY ATTORNEY

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163 The foregoing Ordinance No. 2020-\_\_\_\_ was moved for approval by Councilmember  
164 \_\_\_\_\_. The motion was seconded by Councilmember  
165 \_\_\_\_\_, and being put to a vote, the result was as follows:  
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AYE

NAY

William "Bill" Edwards, Mayor  
Carmalitha Gumbs, Mayor Pro Tem  
Catherine Foster Rowell  
Helen Zenobia Willis  
Gertrude Naeema Gilyard  
Corey Reeves  
Khalid Kamau  
Mark Baker

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