

**CITY OF RINCON  
STATE OF GEORGIA**

**A DECLARATION OF A STATE OF EMERGENCY ARISING  
BECAUSE OF COVID-19; TAKING  
IMMEDIATE EMERGENCY MEASURES**

WHEREAS, the President of the United States declared a National Public Health Emergency on March 13, 2020; and

WHEREAS, the Governor of the State of Georgia declared a State Public Health Emergency on March 14, 2020 and urged “local officials to do what’s in the best interests of their communities to keep people safe and stop the spread of coronavirus” on March 19, 2020; and

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

WHEREAS, the number of confirmed cases and deaths from COVID-19 is escalating rapidly, internationally, nationally, and locally; and

WHEREAS, based upon the experience of other local governments in Georgia, a growing number of other cases are likely to occur; and

WHEREAS, on March 16, 2020, the Center for Disease Control (CDC) and the President of the United States stated that any gathering of over 10 people should be discontinued or prohibited; and

WHEREAS, on March 23, 2020, Governor Kemp announced that “certain individuals with an increased risk of complications from COVID-19 to isolate, quarantine, or shelter in place,” covering those who “live in long-term care facilities, have chronic lung disease, are undergoing cancer treatment, have a positive COVID-19 test, are suspected to have COVID-19 because of their symptoms or exposure, or have been exposed to someone who has COVID-19”, and that the Department of Public Health would institute rules and regulations to implement such measures;

WHEREAS, on March 23, 2020, Governor Kemp additionally announced measures to “close all bars and nightclubs and ...ban all gatherings of ten or more people” unless they can assure spacing for at least six (6) feet apart between people at all times beginning at noon on March 24, 2020 and lasting until noon on April 6, 2020; and

WHEREAS, public health experts, including those at the CDC and the National Institutes of Health (NIH), have advised that individuals infected with COVID-19 are contagious even while experiencing minor or no symptoms and implored leaders to take immediate action to prevent further community spread of COVID-19; and

WHEREAS, preventing and slowing community spread of COVID-19 provides health systems additional time to obtain personal protective equipment necessary to protect health care workers and medical equipment necessary to treat COVID-19, and is therefore vital to the health of the nation;

WHEREAS, in the judgment of the City of Rincon, Georgia, there exist emergency circumstances located within its jurisdiction requiring extraordinary and immediate response for the protection of the health, safety, and welfare of the citizens of the community, the state, and the nation; and

WHEREAS, it is essential for the governing authority of the City of Rincon, Georgia, to act immediately in order to minimize the spread of COVID-19 and to prevent or minimize sickness, injury, or death, to people and damage to property resulting from this public health crisis; and

WHEREAS, O.C.G.A. § 38-3-28 provides the political subdivisions of this state with the authority to make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes to supplement rules and regulations promulgated by the Governor during a State of Emergency; and

WHEREAS, the United States Supreme Court has previously held that “[u]pon the principle of self-defense, of paramount necessity, a community has the right to protect itself against an epidemic of disease which threatens the safety of its members”; and

WHEREAS, the Charter and Section 22-52 of the Municipal Code of the City of Rincon, Georgia, provides the Mayor of the City with the authority to take actions deemed necessary to deal with such an emergency for the protection of the safety, health, and well-being of the citizens of the City; and

NOW, THEREFORE, IT IS HEREBY DECLARED that a local state of emergency exists within the City and shall continue pursuant to section 22-53 of the Rincon Municipal Code for a period of 72 hours beginning on March 27, 2020 at 11:59 PM.

THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR OF THE CITY OF RINCON, GEORGIA, AS FOLLOWS:

#### Section 1. Findings of Fact

For purposes of describing the circumstances which warrant the adoption of an emergency declaration, the Mayor of the City of Rincon, Georgia, hereby adopts and makes the findings included in the “WHEREAS” clauses as findings of fact.

#### Section 2. Declaration of Public Health State of Emergency

The Mayor hereby declares a public health state of emergency within the City of Rincon, Georgia, because of the proliferation of COVID-19 in the United States and the State of Georgia, which will remain in force and effect until 11:59 p.m. on Monday, March 30, 2020, which is three (3) days from the date hereof.

#### Section 3. Public Gatherings on City Property

For the duration of the declared emergency, all persons must social distance at a minimum of 6 feet apart on property owned or controlled by the City which shall include any park, public square, public space, playground, recreational area, theatre, or similar place of public gathering.

#### Section 4. Eating Establishments and Operation of Other Businesses

The City will enforce all executive orders and protective orders issued by the Governor of the State of Georgia and the Federal government relating to eating establishments and operation of businesses. All businesses shall adhere to the guidelines established by the State and Federal government.

All eating establishments shall only be allowed to operative by curbside pickup or delivery of their items. No customers are allowed to enter the establishment to dine or pickup their food.

Gyms, fitness centers, pools, social clubs, amusement facilities, theaters, barbers, hair stylists, beauty salons, nail salons, and any other similar facility, any facility used for an activity that involves prolonged physical proximity of individuals, and any facility used for entertainment, social, or grooming purposes, must follow all guidelines established by the state, local, and federal governments which are related to the Covid-19 emergency. Any business not complying with the guidelines are subject to punishment per Section 1-11 of the Rincon Municipal Code and closure of the business.

Section 5. Personal Distance

All other establishments not covered in Section 6 of this Ordinance such as grocery stores, pharmacies, and other businesses which remain open during the emergency must post signage on entrance doors informing consumers to maintain at least six (6) feet of personal distance between themselves and others.

Section 6. Gatherings

All public and private gatherings of more than ten (10) people occurring outside of a household or living unit are prohibited. Nothing in this ordinance, however, prohibits the gathering of individuals for the purposes of carrying on business certified as "essential" by the Georgia Emergency Management Agency pursuant to O.C.G.A. § 38-3-58 or designated by the Governor as "critical infrastructure" or the provision of medical or health services.

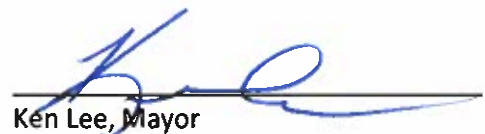
SO ORDERED, this 27th day of March, 2020.

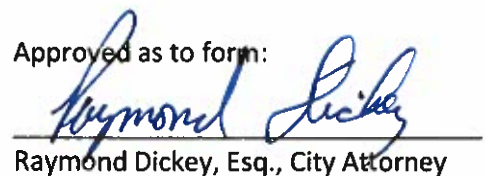


Attest:

  
Dulcia King, City Clerk

CITY OF RINCON

  
Ken Lee, Mayor

Approved as to form:  
  
Raymond Dickey, Esq., City Attorney