

Fifth Declaration of Local State of Emergency requiring the wearing of masks or face covering and requiring social distancing of at least six feet between persons throughout the entirety of Chatham County to include all of those persons within the municipal limits of any governing authority.

WHEREAS, Article I –III of Title 38 of the Georgia Emergency Management Act 1981, specifically O.C.G.A. §38-3-2; and as amended the Chatham County Code of Ordinance Section 4-310(1) grants authority to the Chairman of the Chatham County Commission the lawful right to declare a Local State of Emergency for Chatham County; and

WHEREAS, the Governor of the State of Georgia has previously declared and continues to declare a Public Health State of Emergency throughout the State of Georgia; and

WHEREAS, The World Health Organization has declared that Corona Virus (COVID-19) is a world health emergency and pandemic; and

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

WHEREAS, the incident of infection of COVID-19 throughout the entirety of Chatham County is continuing to increase and the infection rate being in significantly greater numbers and continues to spread; and

WHEREAS, the spread of this disease will continue to increase the demands for medical services, medical facilities, and pharmaceuticals for the treatment of patients with COVID-19; and

WHEREAS, the Center for Disease Control and Prevention (CDC) advises that a mask or suitable face covering and physical/social distancing of six feet between persons and the regular washing of hands will slow the spread of COVID-19; and

WHEREAS, Chatham County commits to taking necessary mitigation measures described herein to control the spread of COVID-19 and to maintain the health and welfare of all citizens and visitors of Chatham County; and

WHEREAS, in support of the advice from the Director of the Coastal Health District, the recommendation from the Director of the Chatham Emergency Management Agency, and in conjunction with multiple public officials; and

WHEREAS, this Emergency Order is intended to be entered with due regard that masks or face covering in public places with physical/social distancing of six feet between persons and the consistent washing of hands have been shown to assist in slowing the spread of COVID-19 throughout populations.

NOW THEREFORE, pursuant to the powers vested in me as Chairman of the Chatham County Board of Commissioners and pursuant to local and state law, it is hereby ORDERED as set forth herein that all citizens, workers and visitors of Chatham County and all municipalities

within the boundaries of Chatham County shall comply with the terms of this order set forth hereafter:

1. All recitals are incorporated by reference into the provisions of this Emergency Ordinance.
2. All persons shall wear masks or facial coverings in public places of all sorts unless specifically exempted from this ordinance. Those places in which masks are required include but are not limited to, all persons entering a commercial establishment, public place, government building as well as any time persons gather in groups of 10 or more, then all persons shall wear a mask or face covering. Masks and face coverings shall remain properly affixed to the face in such a manner as to cover the nose and mouth.
3. This Emergency ordinance shall be construed that facial coverings shall occur during religious services and shall be self-regulated.
4. All restaurants, retail stores, salons, grocery stores, pharmacies and other establishments shall require employees to wear masks and face coverings at all times when having face to face interaction with the public. The failure to require to do so can result in the suspension of any business license or tax certificate.
5. All persons in public spaces as set forth in paragraphs 2, 3 and 4 above shall conform to the requirements for masks and facial coverings and to exercise and maintain six feet of physical/social distancing between persons to the extent possible.
6. Additionally, all person are to consistently wash their hands with soap and water or alcohol based sanitizer.
7. Masks and facial coverings are not required in the following circumstances:
 - a) When wearing a mask or facial covering which causes or aggravates health conditions;
 - b) When wearing a mask or facial coverings would prevent the person from receiving personal services;
 - c) When a person is five years old or younger;
 - d) While engaged in an organized sports activity sponsored by a school, the County or a municipality within Chatham County and the sponsored sports activity is conducted in a manner that meets or exceeds the standard set forth by the school, County or City league requirements.
8. Persons of a commercial establishment that have continuous and repeated infractions as defined herein shall be declared a continuing public nuisance and said nuisance shall be abated by the Magistrate Court, Recorder's Court or other court of competent jurisdiction in Chatham County.

- a. The term "person" as used in this emergency declaration shall be any persons associated with commercial establishment, business, religious or civic organization including employees, managers or owners of said establishments. As used herein, "person" shall mean the natural person that applied for and was granted a business license from the County. If there is no business license issued, legal law enforcement entity or Code Enforcement Officer for the jurisdiction in which the business is located shall be authorized to close the establishment for non-compliance with the jurisdiction's Building Code requirement.
 - b. The term "continuous and repeated infractions" means when any health, zoning, or code inspector or any law enforcement officer has warned, whether written or verbally, the business for a violation of this order. It shall be within the discretion of a jurisdiction's Building Official to determine if the business license shall be revoked. Any appeal from the decision of jurisdiction's Building Official can be made to the County Manager within 10 days of the revocation.
 - c. The term abatement may include the revocation of business license or tax certificate as well as any necessary measures to protect the health and welfare of the citizens and visitors throughout Chatham County such as cleaning, installation of security measures or other necessary actions. Any person requiring abatement under this Ordinance shall bear the cost of that abatement. The jurisdiction for which the abatement is required shall be entitled to a lien for that amount upon judgment to the courts outlined here.
9. The Director of the Chatham Emergency Management Agency shall ensure relevant components of the Chatham County Emergency Operations Plan are implemented and all agencies which have a responsibility under those activated components shall ensure the elements of the Emergency Operations Plan are carried out to the fullest extent possible.
10. In accordance with the Chatham County Emergency Management Ordinance, Chapter 4, Article III, Section I, the Sheriff of Chatham County, the Sheriff's lawful deputies, the Chatham County Police Department, all municipal law enforcement agencies within Chatham County, and the Director of the Chatham Emergency Management Agency are authorized to enforce the provisions of this Executive Order. Law enforcement officials enforcing this Executive Order shall take reasonable steps to provide notice prior to issuing a citation or making an arrest. No provision of this Emergency Order shall limit the ability of law enforcement officers to enforce the laws of the State of Georgia. It is further ordered that any law enforcement officer, in concurrence with the Director of the Chatham Emergency Management Agency, and after providing reasonable notice and issuing at least two citations for violations of this Emergency Order is authorized to mandate the closure of any business, establishment, corporation, non-profit corporation or organization not in compliance with this Emergency Order for the period not to extend beyond the term of this Order plus any extensions.

11. In accordance with the Chatham County Emergency Management Ordinance, Chapter 4, Article III, Section II and O.C.G.A 38-3-27, any person who violates the provisions of this Emergency Declaration shall, upon conviction thereof, be guilty of a misdemeanor punishable by a fine not exceeding \$500. Each person assisting in the commission of a violation shall be guilty of separate offenses in accordance with Title 16. Each day during which a violation or failure to comply continues shall constitute a separate violation in accordance with Title 16.
12. This Emergency Declaration shall not prohibit a municipality from enacting a more restrictive order or ordinance within the municipal jurisdiction as it relates to the COVID-19 emergency.
13. The Emergency Declaration shall become effective immediately at 9:00 a.m. on October 31, 2020 and shall remain in effect for 30 days unless further modified or rescinded.

Therefore, it is hereby DECREED, ORDERED and DECLARED that there exists a Local State of Emergency and the provisions herein shall apply throughout Chatham County including the municipal boundaries of all governing authorities. Such Local State of Emergency is instituted to protect the health, welfare and safety of all Chatham County residences including the tourists that continue to visit all areas within the County. To preserve the universal application of face coverings for the protection of all citizen of Chatham County, I do hereby sign this Local State of Emergency.

This the 30th day of October, 2020.

(Signatures to Follow on Next Page)

By: Albert J. Scott

Albert J. Scott, Chairman of the Chatham County Board of Commissioners

R. Jonathan Hart

R. Jonathan Hart, County Attorney

Attest:

Janice E. Bocook

Janice Bocook, Clerk of Commission

(Seal)