

ORDINANCE NO. 785

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CHAMBLEE, GEORGIA, CHAPTER 46 – HEALTH AND SANITATION, BY ADDING SECTION 46-2 “REQUIRING FACE COVERINGS TO BE WORN IN PUBLIC DURING THE COVID-19 PUBLIC HEALTH EMERGENCY”, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the Mayor and City Council, as the governing body of the City of Chamblee, are empowered to provide for the health, safety and welfare of its residents, visitors, employees and businesses 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 Centers For Disease Control (“CDC”) has stated that COVID-19 spreads very easily when an infected person (who may or may not exhibit symptoms) talks, coughs or sneezes in close proximity (within six feet) of others; and

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

WHEREAS, more than three million people in the United States have been confirmed infected; and

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

WHEREAS, there has been a significant increase of COVID-19 cases in DeKalb County and the City of Chamblee in recent weeks; and

WHEREAS, city staff and the governing body have been closely monitoring the spread of COVID-19 with guidance and direction from state and federal agencies as well as medical professionals: and

WHEREAS, the Georgia Commissioner of Public Health has recommended that individuals wear facial coverings over the nose and mouth to mitigate the spread of COVID-19 when in public places where social distancing is not possible; and

WHEREAS, the Centers For Disease Control (“CDC”) states that wearing a facial covering over the nose and mouth is recommended to prevent symptomatic and asymptomatic individuals who have contracted COVID-19 from spreading it to others: and

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WHEREAS, the United States Surgeon General states there is a significant amount of asymptomatic spread of COVID-19 and recommends that individuals wear facial coverings to prevent the infection of others; and

WHEREAS, the Director of the National Institute of Allergy and Infectious Diseases has further recommended that individuals wear facial coverings of the nose and mouth to help prevent the spread of COVID-19; and

WHEREAS, the Georgia Department of Public Health has confirmed more than one hundred thousand COVID-19 infections in the state, with more than two thousand six hundred deaths; and

WHEREAS, O.C.G.A. 38-3-28 (a) 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.

NOW, THEREFORE, the Mayor and City Council of the City of Chamblee, Georgia hereby ordains and declares that a local state of emergency continues to exist within the territorial limits of the city and shall continue until the requirements of this declaration are abated.

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

- 1) All persons entering a business or commercial establishment in the City must wear a face mask or face covering while inside the establishment. Such masks must cover the mouth and nose. This does not apply to religious establishments; however, the use of such is strongly recommended in religious establishments.
- 2) All service establishments, restaurants, retail outlets, grocery stores and pharmacies in the City shall require all employees to wear a mask or face covering that covers the nose and mouth at all times when engaged in face to face interaction with other employees or the public.
- 3) Any person who is unable to wear a face covering due to an underlying health condition as diagnosed by a licensed healthcare provider, or due to age, or is unable to safely remove the face covering without the assistance of others is exempt from this Ordinance.

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- 4) Face coverings are not required in the following situations or circumstances:
- a. In personal vehicles;
 - b. When a person is alone in an enclosed space;
 - c. When a person or group is alone only with other family members;
 - d. During outdoor physical activity, provided each person maintains proper social distancing at a minimum of six feet from others who are not family members;
 - e. While eating or drinking;
 - f. When wearing a facial covering would prevent receipt of personal services;
 - g. When a person is six (6) years of age or younger.
- 5) All businesses and establishment subject to this ordinance shall post a sign in a clearly visible location near the front entrance advising that per Chamblee City Ordinance, all persons must wear a mask or face covering and violators are subject to a fine of \$50.00.
- 6) Any persons failing to comply with this ordinance shall be guilty of a civil infraction punishable by a fine of \$50.00 per violation. Each day of a continuing violation of this Ordinance shall be considered a separate offense.
- 7) Persons who own, manage, operate, or otherwise control a business subject to this Ordinance found in repeated violation 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.

Unless otherwise stated herein, this ordinance shall be effective the 23rd day of August, 2020 at 12:00am and remain in effect while a declared state of emergency related to COVID-19 persist in the State of Georgia.

It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

The foregoing was proposed by Council member Mock with a motion that the same be adopted. Said motion was seconded by Council member Robson. Same was then put to a vote and 5 Council members voted in favor of the Ordinance and 0 Council members voted against the Ordinance. Said motion was thereupon declared passed and duly adopted this 18th day of August, 2020

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Emmie D. Niethammer

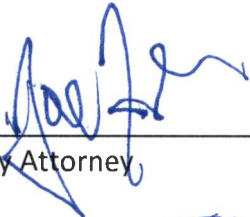
Emmie D. Niethammer
City Clerk, City of Chamblee, Georgia

Approved this 18 day of August, 2020



The Honorable R. Eric Clarkson
Mayor, City of Chamblee, Georgia

Approved as to form:



City Attorney

First Reading: July 21, 2020

Second Reading: August 18, 2020