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Executive Order
Office of the Mayor
City of Atlanta

EXECUTIVE ORDER NUMBER 2020-109
BY THE MAYOR

THAT IN ACCORDANCE WITH SECTION 2-181(A) OF THE CITY OF ATLANTA CODE OF ORDINANCES; DECLARING THERE TO BE AN EMERGENCY IN EXISTENCE WITHIN THE TERRITORIAL JURISDICTIONAL LIMITS OF THE CITY OF ATLANTA DUE TO THE ONGOING COVID-19 PANDEMIC; EXERCISING MY EMERGENCY POWERS IN ACCORDANCE WITH SECTION 2-181(B) OF THE CITY OF ATLANTA CODE OF ORDINANCES TO ENSURE THE ENFORCEMENT OF THE GOVERNOR'S EXECUTIVE ORDER; PROHIBITING GATHERINGS OF MORE THAN TEN (10) INDIVIDUALS ON CITY OF ATLANTA PROPERTY; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Section 2-181(a) of the Code of the City of Atlanta ("City"), the Mayor, as Chief executive of the City, shall have the emergency power to declare an emergency to exist when, in the mayor's opinion, there is an extreme likelihood of destruction of life or property due to an unusual condition; and

WHEREAS, pursuant to Section 2-181(b) of the Code of the City of Atlanta, the Mayor, as chief executive of the City, shall have the right to exercise any or all of the following options after such declaration of emergency:

(1) To use employees of the city other than employees of the department of police to assist in the safety and preservation of life, limb and property of the citizenry of the city.
(2) To close streets and sidewalks and to delineate areas within the city wherein an emergency exists.
(3) To impose emergency curfew regulations.
(4) To close business establishments within the affected area.
(5) To close any and all city-owned buildings and other facilities to the use of the general public.
(6) To do any and all acts necessary and incidental to the preservation of life, limb and property of the citizenry of the city; and

WHEREAS, no emergency power as set forth in this section may be effective for more than 72 hours after the declaration of an emergency; and

WHEREAS, pursuant to Section 2-182 of the Code of the City of Atlanta, the Mayor may issue executive orders which apply to events of short duration and which expire at the next meeting of the City Council subsequent thereof unless ratified by a majority vote of the members present and voting; and

WHEREAS, like much of the world the United States, the State of Georgia, and the City of Atlanta are currently responding to an outbreak of respiratory disease caused by a novel coronavirus named

"SARS-CoV-2" and the disease it causes named "coronavirus disease 2019" (abbreviated "COVID-19"); and

WHEREAS, on March 11, 2020 the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 13, 2020 the President of the United States announced a national emergency in response to the COVID-19 pandemic, which included two emergency declarations: one under the National Emergencies Act and one under the Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, on March 14, 2020 Governor Brian Kemp signed a public health state of emergency to address the COVID-19 pandemic through assisting health and emergency management officials across Georgia by deploying all available resources for the mitigation and treatment of COVID-19; and

WHEREAS, due to the COVID-19 pandemic, on March 16, I declared there to be an emergency in existence within the City of Atlanta pursuant to Section 2-181(a) of the City of Atlanta Code of Ordinances; and

WHEREAS, the Center for Disease Control ("CDC") has issued guidance on the emerging and rapidly evolving situation of the COVID-19 pandemic, including how to protect oneself from this illness; and

WHEREAS, social distancing is recommended by the CDC to prevent the continued spreading of this illness in the community; and

WHEREAS, on April 2, 2020, Governor Brian Kemp signed an Executive Order to Ensure a Safe and Healthy Georgia (Governor's Executive Order 04.02.20.01) to address the COVID-19 pandemic by implementing temporary actions necessary and appropriate to protect the health, safety, and welfare of Georgia's residents and visitors; and

WHEREAS, subsequently, Governor Kemp has issued a series of Executive Orders which amend and revise the temporary action necessary and appropriate to protect the health, safety, and welfare of Georgia's residents and visitors;

WHEREAS, on June 11, 2020, Governor Kemp issued Executive Order 06.11.20.01 which is the latest direction from the Governor concerning temporary actions necessary and appropriate to address the COVID-10 pandemic; and

WHEREAS, the Governor's June Executive Order provides in pertinent part as follows:

> operators of amusement rides, traveling carnivals, water parks, circuses, and other temporary amusement rides may not begin operation until June 12, and from June 12 through June 30 they must operate pursuant to specific COVID-19 mitigation measures contained in the order;
>
> all persons within the state are required to practice social distancing as defined in the order and are prohibited from gathering in groups of more than 50 persons if to be present, persons are required to stand or be seated within 6 feet of any other person;

restaurants may operate but are required implement COVID-19 mitigation measures described in the order through June 30, 2020;

except as otherwise specified in therein, live performance venues may not host events prior to July 1, 2020; and

WHEREAS, in accordance therewith, and during the pendency of the term of Governor's June Executive Order, the City may enter emergency orders which are not in conflict, and do not vary or differ from the Governor's Executive Order, and which are designed to enforce compliance therewith; and

WHEREAS, the Governor's June Executive Order generally prohibits municipalities from allowing more than 50 persons to be gathered at a single location if such gatherings require persons to stand or to be seated within six feet of any other person; and

WHEREAS, pursuant to the Governor's June Executive Order, during the pendency thereof, the City may enter emergency orders which are not in conflict, and do not vary or differ from the Governor's Executive Orders, and which are designed to enforce compliance therewith; and

WHEREAS, the requirement concerning gatherings contained in the Governor's June Executive Order, is a direction of prohibition against the gathering of groups of more than 50 persons, not one of permission concerning gatherings of less than 50 persons, and thus, as applied to municipal governments does not conflict, vary, or differ with any municipal prohibition against smaller groups on municipal property[1]; and

WHEREAS, on March 23, 2020, effective midnight Tuesday, March 24th I declared there to be the existence of any emergency within the City of Atlanta and issued a Stay at Home Order; and

WHEREAS, in accordance with the authority granted to City to enter emergency orders which are not in conflict and do not vary or differ from the Governor's Executive Orders and which are designed to enforce compliance therewith, I am hereby declaring there to be the existence of an emergency within the City of Atlanta pursuant to Section 2-181(a) of the City of Atlanta Code of Ordinances; and

WHEREAS, pursuant this declaration, compliance with the Governor's June Executive Order shall be enforced, and all non-essential gatherings of more than ten (10) individuals shall be prohibited on City of Atlanta property; and

WHEREAS, small private gatherings of no more than ten (10) individuals, with appropriate social distancing shall be permitted on City of Atlanta property; and

WHEREAS, this Order is designed to enforce compliance with the Governor's June Executive Order during the pendency thereof, and to take action which does not conflict, and does not vary or differ therefrom; and

WHEREAS, all provisions of this Order should be interpreted to effectuate this intent.

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[1] Willis v. City of Atlanta, 285 Ga. 775, 776, 684 S.E.2d 271, 273 (2009).

NOW THEREFORE, I, KEISHA LANCE BOTTOMS, AS MAYOR OF THE CITY OF ATLANTA, NOW HEREBY AUTHORIZE, ORDER AND DIRECT AS FOLLOWS:

SECTION 1. It is my opinion that there exists an extreme likelihood of destruction of life or property within the territorial jurisdictional limits of the City of Atlanta due to the unusual condition of the COVID-19 pandemic, and in accordance with Section 2-181(a) of the City of Atlanta Code of Ordinances, I hereby declare there to be an emergency in existence within the territorial jurisdictional limits of the City of Atlanta.

SECTION 2. In accordance with this emergency declaration, I am exercising my emergency powers in accordance with Section 2-181(b) of the City of Atlanta Code of Ordinances to ensure the enforcement of the Governor's June Executive Order.

SECTION 3.

(a) In accordance with the Governor's June Executive Order, through June 30, 2020, persons who meet criteria for higher risk of severe illness as set forth therein are required to shelter in place within their homes of places of residence, meaning remaining their place of residence and taking every possible precaution to limit social interaction to prevent the spread or infection of COVID-19, except as provided therein.

(b) (i) In accordance with the Governor's June Executive Order, neither the City of Atlanta or any business, establishment, corporation, non-profit corporation, organization may allow more than 50 persons to be gathered at a single location if such gathering requires persons to stand or be seated within six (6) feet of any person; and

(ii) All gatherings of more than ten (10) individuals shall be prohibited on City of Atlanta property. Small private gatherings of no more than ten (10) individuals, with appropriate social distancing shall be permitted on City of Atlanta property; and

(iii) This subsection shall not apply to cohabitating persons outside of their homes, family units or roommates residing together in private homes or to any businesses or activities specifically governed by the Governor's June Executive Order.

SECTION 4. Nothing in this Order shall impede the operation of any businesses, establishments, corporations, non-profit corporations, and organizations as provided in the Governor's June Executive Order.

SECTION 5. If one or more of the provisions contained in the Order shall be held to be invalid, in violation of the Constitution of the United States, the Georgia Constitution, in violation of Georgia law, in violation of the Governor's June Executive Order, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions herein, but in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained with this Order.

This 29th day of June, 2020.

Keisha Lance Bottoms, Mayor

ATTESTED:

Municipal Clerk

Foris Webb, III
Municipal Clerk