

# EXECUTIVE ORDER

City of Leesburg Georgia

March 24, 2020

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**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

**WHEREAS**, the Governor of the State of Georgia 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**, 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**, the World Health Organization has declared Coronavirus (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 neighboring 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**, 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 Mayor of the City of Leesburg that there currently exists emergency circumstances located within the City of Leesburg 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 Leesburg 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 it’s members”; and

**WHEREAS**, The City of Leesburg is in-fact an Incorporated Political Subdivision of the State of Georgia pursuant to O.C.G.A. § 38-3-28 and has a Charter providing for powers to place into affect and enforce ordinances, resolutions, rules, and regulations; and

**WHEREAS**, the City of Leesburg seeks to take all reasonably necessary action to comply with recommendations from Federal and State officials regarding limitations of meetings where groups of people may congregate and spread the virus from person to person; and

**WHEREAS**, it is therefore deemed appropriate by both the Mayor of the City of Leesburg and the Leesburg City Council to take action deemed necessary or appropriate to reduce the possibility of exposure to COVID- 19, control the risk to persons regarding COVID- 19, promote health and to take additional health measures that prevent or reduce the likelihood of the spread of the virus; and

**WHEREAS**, The City of Leesburg has a Civil Emergency Ordinance codified in Chapter 12 of the Code of Ordinances of The City of Leesburg; and

**WHEREAS**, The powers afforded by the Code of Leesburg to the Mayor in a Declared Emergency shall include: Use of employees of the city to assist in the safety and preservation of the life, limb and property of its citizenry, the power to close streets and sidewalks and to delineate specific areas within the city wherein an emergency exists, the Authority to impose emergency curfew regulations, the Authority to close business establishments within the affected area, the Authority to close any or all city-owned buildings and other facilities to the use of the general public, and the Authority to affect any/all other acts necessary and incidental to the preservation of life, limb and property of the citizenry of the City of Leesburg; and


**WHEREAS**, the Mayor of the City of Leesburg has determined that it is appropriate to place these emergency powers into effect by Executive Order under authority of Chapter 12 of the Code of Leesburg relating to Civil Emergencies under provision 12-44(1) "in-that there now exists an extreme likelihood of danger to life or property due to such unusual conditions"; and

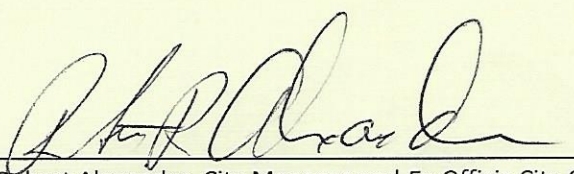
**NOW, THEREFORE, IT IS HEREBY DECLARED** that a local state of emergency exists within the City of Leesburg and shall continue in the City of Leesburg until the conditions requiring this declaration are abated. It is ordered under the Georgia Emergency Management Act of 1981, Chapter 12 of the Code of Ordinances of The City of Leesburg relating to Civil Emergencies, and the authority granted to the Mayor of the City of Leesburg Georgia as follows:

1. That the Declaration of Emergency shall commence effective at 9:00 p.m. on Tuesday March 24<sup>th</sup>, 2020, and shall continue for a period of Fourteen (14) days, unless revoked or continued or renewed by further Executive Order.
2. During the course of the Declaration of Emergency, the following shall be applicable:
  - A. Public or private gatherings of more than ten (10) persons are prohibited anywhere in the City of Leesburg for the duration of this Executive Order.
    1. For the purposes of this Order, a "gathering" is any indoor or outdoor event subject to the exceptions below, which brings together or is likely to bring together, ten (10) or more persons at the same time in a single room or other single indoor or outdoor space such as an auditorium, stadium, tent, arena, church, or any other confined indoor or confined outdoor venue, to include birthday parties, family reunions, baby showers, weddings, and funerals.
    2. For purposes of this Executive Order, a "gathering" shall not include medical facilities, grocery, fuel, or other retail establishments to the extent that all except medical facilities shall be limited to 50% of their approved fire occupancy and all persons including staff shall maintain a six-foot social distancing from each other.
  - B. No worship services shall be held in the City of Leesburg if attended by more than ten (10) persons, during the term of this Order.

- C. Indoor recreational facilities, including physical fitness centers, shall be closed for the term of this Executive Order.
- D. Playgrounds and Public Parks shall be closed for the term of this Executive Order.
- E. There shall be a city-wide curfew in affect between the hours of 10pm and 6am.
  - 1. The Curfew shall not apply to Public Safety, Medical, Veterinarian, Media, Grocery, Food Service, and Fuel establishments or their employees during the lawful performance of their necessary functions.
  - 2. The curfew shall not apply to persons making necessary travel to and from Public Safety, Medical, Veterinarian, Grocery, or Food service.
  - 3. The curfew shall not apply to travel to or from lawful employment, travel for the purpose of immediate care of elder, disabled, or other dependants not living in the same household, or travel for any reasonably unforeseen emergency.
  - 4. The Leesburg Police Chief will have the authority to make emergency exceptions to this curfew on an as-needed, case-by-case basis.
- 3. Any violation of this Executive Order shall be a misdemeanor, punishable pursuant to Section 1-13 of the Code of Ordinances of The City of Leesburg.
- 4. The Chief of Police of the City of Leesburg and his Duly Sworn Officers shall be lawfully authorized to enforce any and all requirements of this Order.

**SO ORDERED** this 24th day of March, 2020

  
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Honorable Richard Bush, Mayor; City of Leesburg Georgia

  
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Robert Alexander, City Manager and *Ex-Officio* City Clerk