

STATE OF GEORGIA
COUNTY OF FULTON

FIRST AMENDMENT TO AN EMERGENCY ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA, UNDER SECTION 1.03 OF THE CHARTER OF THE CITY OF SANDY SPRINGS, GEORGIA, DECLARING LOCAL EMERGENCY OF THE NOVEL CORONAVIRUS DISEASE 2019 GLOBAL PANDEMIC, ADOPTED MARCH 17, 2020

WHEREAS, on March 17, 2020, the Mayor and Council of the City of Sandy Springs, Georgia (“City”), declared by ordinance that a state of emergency exists within the City (“Emergency Declaration Ordinance”) affecting the safety, health and well-being of citizens due to the novel coronavirus known as COVID-19 as a global pandemic (“COVID-19 Pandemic”); and

WHEREAS, pursuant to powers granted in Section 1.04 of the Charter of the City of Sandy Springs, Georgia (“City Charter”), Mayor and City Council (“City Council”) took certain actions in the Emergency Declaration Ordinance to reduce the risk of community transmission, including closing all City facilities to the public and cancelling certain public meetings and gatherings; and

WHEREAS, subsequent to adoption of the Emergency Declaration Ordinance, the Center for Disease Control and Prevention (“CDC”) issued additional 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, as of March 16, 2020, the CDC advised that during the next fifteen (15) days, all events in the United States of ten (10) people or more should be cancelled or held virtually; and

WHEREAS, pursuant to guidance of the CDC, many cities, including the City of Los Angeles, California, the City of Seattle, Washington, the City of Atlanta, Georgia, and the States of New York, New Jersey, and Connecticut have imposed temporary restrictions on the operations of restaurants and eating and drinking establishments to stop large numbers of people from gathering and staying in close proximity; and

WHEREAS, in accordance therewith, public establishments in those jurisdictions such as bars, nightclubs, restaurants, and other eating and drinking establishments, gyms and fitness centers, movie theaters, live performance venues, bowling alleys, arcades, and private social clubs have been required to close, with restaurants being required to cease offering dine-in services, allowing only the preparation and offering of food to customers via delivery, drive-through, or take-out services; and

WHEREAS, cafeterias in hospitals, nursing homes, or similar facilities have not been subjected to the restrictions referenced in the paragraph above and are allowed to continue normal operations, controlled by the medical rules and regulations applied thereto by the respective state; and

WHEREAS, in accordance with guidance of the CDC and other public health officials and the preventative actions taken by other jurisdictions, City Council has determined it is in the interest of the public health, safety and welfare to take further action to restrict the activities of certain establishments in the City that encourage close proximity of citizens; and

WHEREAS, pursuant to the City Code of Ordinances, establishments operating in the City are required to obtain the relevant business license and as a part of the process to obtain a business license are required to agree to comply with all ordinances, rules and regulations of the City; and

WHEREAS, in accordance with guidance of the CDC and other public health officials, City Council has determined that those establishments licensed by the City to do business within the City via an occupational tax license, alcohol sales license, or any license upon which their operation is based including, but not limited to, restaurants, either described as bars or nightclubs, gyms and fitness centers, movie theaters, live performance venues, bowling alleys, arcades, and private social clubs located within the territorial jurisdictional limits of the City of Sandy Springs should close to the public to mitigate the risk of exposure of its citizens to the COVID-19 Pandemic; and

WHEREAS, in accordance with guidance from the CDC and other public health officials, City Council has determined that restaurants and other eating and drinking establishments should be prohibited from offering dine-in services, but allowed to continue preparing and offering food to customers via delivery, drive-through, or take-out services; and

WHEREAS, in accordance with guidance from the CDC and other public health officials, City Council has determined that cafeterias in hospitals, nursing homes, or similar facilities should not be subject to these restrictions and may continue normal operations, controlled by the medical rules and regulations applied thereto by the State of Georgia; and

WHEREAS, in accordance with guidance from the CDC and other public health officials and the City's obligation to protect the health, safety and welfare of its citizens to the best of its ability, City Council desires to amend the Emergency Declaration Ordinance to provide for certain restrictions on activities within the territorial jurisdictional limits of the City of Sandy Springs to stop large numbers of people from gathering and staying in close proximity, thereby reducing the risk of community transmission of COVID-19; and

WHEREAS, when adopted, this First Amendment shall become incorporated into the Emergency Declaration Ordinance as if fully set forth therein.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Sandy Springs, Georgia ("City Council"), that the Emergency Declaration Ordinance is hereby amended as follows:

1. There shall be added a new Section 3, to read as follows:

"Section 3.

(a) All bars and nightclubs, gyms and fitness centers, movie theaters, live performance venues, bowling alleys, arcades, and private social clubs (with respect to food services and other indoor gatherings at such social clubs) located within the territorial jurisdictional limits of the City of Sandy Springs, are hereby closed (b) Restaurants and other eating and drinking establishments where food is served must, pursuant to this Ordinance, cease offering dine-in services, but may continue preparing and offering food to customers via delivery service, drive-through, or take-out.

(c) If a restaurant is licensed by the City of Sandy Springs to sell beer and wine for on- premises consumption, such establishment shall be authorized, while this Ordinance is in effect only, to sell unopened bottles of beer or wine for take-out consumption off-premises. Any alcohol licensee who engages in a course of conduct permitted under this Ordinance does so at the licensee's own peril as it

concerns the licensee's state liquor license. This Ordinance makes no representation as to the legality, under state law and state alcohol licenses, of any course of conduct undertaken pursuant to this Ordinance.

(d) Establishments affected by these closures shall establish systems that ensure that all onsite consumption of food is prohibited, and that patrons, employees and contractors of the establishment maintain at least six (6) feet of personal distance between themselves as much as possible given the physical constraints of the premises.

(e) Cafeterias in hospitals, nursing homes, or similar facilities shall not be subject to the restrictions contained in this Ordinance and may continue normal operations, controlled by the rules and regulations applied thereto by the State of Georgia.”

2. Section 3 of the Emergency Declaration Ordinance currently existing shall become Section 4, and all Sections thereafter shall be renumbered consecutively.

3. Except as expressly modified and amended by this First Amendment, the Emergency Declaration Ordinance shall and does remain unmodified and in full force and effect. The Emergency Declaration Ordinance, as amended by this First Amendment, is hereby ratified and affirmed. In the event of a conflict between the terms of this Amendment and the Emergency Declaration Ordinance, the terms of this First Amendment shall control.

4. This First Amendment shall become effective beginning on March 20, 2020 at midnight and shall remain in effect for the time period stated in the Emergency Declaration Ordinance and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the City of Sandy Springs, its departments, agencies, or entities, its officers, employees, agents, or any other person.

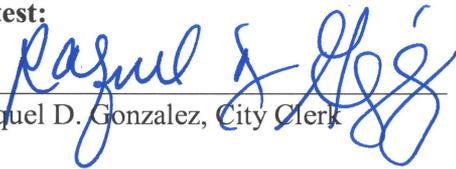
SO ORDAINED this 20th day of March, 2020, by the Mayor and Council of the City of Sandy Springs, Georgia.

Approved:



Russell K. Paul, Mayor

Attest:



Raquel D. Gonzalez, City Clerk

