

CITY OF SOUTH FULTON, GEORGIA

VIRTUAL

Friday, July 10, 2020, 6:30 PM



The Honorable William "Bill" Edwards, Mayor
The Honorable Catherine F. Rowell, District 1 Councilmember
The Honorable Carmalitha Gumbs, District 2 Councilmember
The Honorable Helen Z. Willis, District 3 Councilmember
The Honorable Naeema Gilyard, District 4 Councilmember
The Honorable Corey A. Reeves , District 5 Councilmember
The Honorable khalid kamau, District 6 Councilmember
The Honorable Mark Baker, District 7 Councilmember

SPECIAL CALLED MEETING AGENDA

1. Meeting Called to Order
2. Roll Call
3. Agenda Items
 1. Council Adoption of Ordinance for Mandatory Wear of Masks
4. Adjournment of Meeting



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL SPECIAL MEETING



SUBJECT: Council Adoption of Ordinance for Mandatory Wear of Masks

DATE OF MEETING: 7/10/2020

DEPARTMENT: Mayor

ATTACHMENTS:

Description	Type	Upload Date
Emergency Ordinance Mandatory Wearing of Masks	Cover Memo	7/10/2020

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**
4
5
6

7 **AN EMERGENCY ORDINANCE REQUIRING THAT FACE MASKS AND/OR FACIAL**
8 **COVERINGS BE WORN PUBLICALLY WITHIN THE CITY OF SOUTH FULTON AND**
9 **FOR OTHER LAWFUL PURPOSES**

10
11 **(Sponsored by Mayor Edwards, Mayor Pro Tem Gumbs and Councilperson Willis)**
12

13 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
14 organized and existing under the laws of the State of Georgia;
15

16 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
17 Council thereof ("City Council");

18 **WHEREAS**, the City and governments across the world are responding in an
19 emergency capacity to an outbreak of respiratory disease caused by a novel coronavirus
20 ("COVID-19");
21

22 **WHEREAS**, the United States and State of Georgia have issued emergency
23 declarations to mitigate the impact of COVID-19;
24

25 **WHEREAS**, Georgia remains under a State of Emergency from COVID-19, with
26 the number of new cases and related deaths increasing daily throughout Fulton County
27 and several other counties within Georgia;
28

29 **WHEREAS**, the rising numbers of COVID-19 threatens to create a demand which
30 exceeds locally available resources; and
31

32 **WHEREAS**, the Centers for Disease Control and Prevention ("CDC") advises that
33 the use of masks and/or cloth face coverings will slow the spread of COVID-19;
34

35 **WHEREAS**, the CDC recommendations on personal protective equipment usage
36 are hereby incorporated by reference, as such may be amended from time to time;
37

38 **WHEREAS**, the City Council finds that taking measures to minimize the spread of
39 COVID-19 is essential to the health and safety of City residents, businesses, and guests;
40

41 **WHEREAS**, it is vitally important that all City residents, businesses, and guests
42 work together to decrease the widespread proliferation of COVID-19; and

43 **WHEREAS**, the City is empowered to enact supplemental rules and regulations
44 as may be necessary for emergency management purposes, pursuant to O.C.G.A. §§
45 38-3-4 and 38-3-28 and the local control provisions of Georgia Governor Kemp's
46 Executive Order of June 29, 2020; and

47
48 **WHEREAS**, the City Council finds this Ordinance to be in the best interests of the
49 health, safety and general welfare of the City, its residents and general public.

50
51 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS¹** as
52 follows:

53
54 **Section 1.**

55
56 **A. Masks and/or Facial Coverings Required.** Masks and/or facial coverings shall
57 be required to slow the spread of COVID-19 within the City as follows:

- 58
59 1. All customers, visitors and/or delivery persons entering a commercial
60 establishment in the City must wear a mask and/or facial covering while inside
61 such establishment; and
62
63 2. All owners, managers and/or supervisors of all commercial establishments
64 within in the City must require such establishment's employees, contractors
65 and/or agents to wear a face covering at all times while having face-to-face
66 interactions with the public within such establishment.

67
68 **B. Exemptions:** Although compliance is highly recommended where practicable, this
69 Ordinance shall not apply to the following:

- 70
71 1. Persons inside religious establishments;
72
73 2. Any person who is unable to safely wear a face covering due to age, an
74 underlying medical condition, or is physically unable to remove a face covering
75 without the assistance of others.
76
77 3. Persons in personal vehicles;
78
79 4. Persons riding in commercial vehicles with persons with whom they do not
80 cohabitate;
81
82 5. Persons in residential homes and/or facilities;

¹ This Ordinance is enacted on an emergency basis to protect the City from the imminent threat of harm to the life, safety and health of City residents, guests, and businesses.

- 83
- 84 6. Persons actively engaged in outdoor physical fitness activities, provided such
- 85 person maintains a minimum six feet distance from persons with whom they do
- 86 not cohabitate;
- 87
- 88 7. Persons actively drinking, eating, or smoking;
- 89
- 90 8. Persons actively receiving medical and/or personal services that reasonably
- 91 require the removal of a mask and/or face covering during the receipt of such
- 92 services; and
- 93
- 94 9. Persons 10 years of age or younger.
- 95
- 96

97 **C. Enforcement.** Offenders shall issue a warning for their first violation of this

98 Ordinance. Officers may also provide complimentary masks to offenders upon the

99 issuance of a warning, as such masks are within the Officer's possession and

100 readily available. Upon their second or subsequent violation of this Ordinance,

101 Offenders shall be punished by a fine of One Hundred (\$100) per violation. Each

102 day of non-compliance shall constitute a separate violation.

103

104 **D. Duration.** This Ordinance shall go into effect on **July ____, 2020 at**

105 **____am/pm** and shall remain in effect for a period of thirty days thereafter,

106 unless further extended by the City Council.

107

108 *****

109

110 **Section 2.** It is hereby declared to be the intention of the City Council that: (a) All

111 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,

112 upon their enactment, believed by the City Council to be fully valid, enforceable and

113 constitutional.

114 (b) To the greatest extent allowed by law, each and every section, paragraph,

115 sentence, clause, or phrase of this Ordinance is severable from every other section,

116 paragraph, sentence, clause, or phrase of this Ordinance. No section, paragraph,

117 sentence, clause, or phrase of this Ordinance is mutually dependent upon any other

118 section, paragraph, sentence, clause, or phrase of this Resolution.

119 (c) In the event that any phrase, clause, sentence, paragraph or section of this

120 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or

121 otherwise unenforceable by the valid judgment or decree of any court of competent

122 jurisdiction, it is the express intent of the City Council that such invalidity,

123 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not

render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 3. All Ordinance and Resolutions in conflict herewith are hereby expressly repealed.

Section 4. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

THIS ORDINANCE so adopted this _____ day of _____ 2020.

CITY OF SOUTH FULTON, GEORGIA

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

S. DIANE WHITE, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY

The foregoing Ordinance No. 2020-_____ was moved for approval by Councilmember _____. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

AYE

NAY

William “Bill” Edwards, Mayor
Carmalitha Gumbs, Mayor Pro Tem
Catherine Foster Rowell
Helen Zenobia Willis
Gertrude Naeema Gilyard
Corey Reeves
Khalid Kamau
Mark Baker

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