



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 Approval of 1st Reading and Adoption of Emergency Ordinance to Establish a Temporary Curfew Resulting from the Violent Civil Unrest in Atlanta
4. Adjournment of Meeting



CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL SPECIAL MEETING

SUBJECT: Council Approval of 1st Reading and Adoption of Emergency Ordinance to Establish a Temporary Curfew

DATE OF MEETING: 6/2/2020

DEPARTMENT: Mayor

ATTACHMENTS:

Description	Type	Upload Date
Emergency Ordinance_Curfew	Cover Memo	6/1/2020

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

5
6 **AN EMERGENCY ORDINANCE ESTABLISHING A TEMPORARY CURFEW WITHIN**
7 **THE CITY OF SOUTH FULTON RESULTING FROM VIOLENT CIVIL UNREST**
8 **WITHIN CLOSE PROXIMITY OF THE CITY AND FOR OTHER PURPOSES**
9

10 **(Sponsored and Requested by Mayor Edwards)**
11

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

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

17 **WHEREAS**, civil protests have emerged across the nation and throughout
18 Georgia, protesting racism, injustice, and police brutality;
19

20 **WHEREAS**, peaceful protests have been disrupted across the nation and Georgia
21 by persons wishing to incite violence and lawlessness;
22

23 **WHEREAS**, persons wishing to incite violence and lawlessness have engaged in
24 substantial criminal activity in close proximity to the City, which crimes include the
25 destruction of property and numerous acts of theft;
26

27 **WHEREAS**, the City is authorized pursuant to the Georgia Constitution, O.C.G.A.
28 §38-3-28, and the City Charter Section 1.12(b)(8) to impose emergency rules and
29 regulations to protect the health, safety, and welfare of the City;
30

31 **WHEREAS**, on May 30, 2020, the Georgia Governor, through Executive Order
32 05.30.20.02, declared a state of emergency to exist within all Georgia counties as a result
33 of on-going civil unrest within Georgia;
34

35 **WHEREAS**, this Ordinance is adopted in response to the state the emergency
36 declared by the Georgia Governor in Executive Order 05.30.20.02 and the imminent
37 threat of harm to life and property within the City resulting from the ongoing civil unrest in
38 close proximity to the City; and
39

40 **WHEREAS**, this Ordinance in the best interests of the health and general welfare
41 of the City, its residents and general public.
42

43 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS¹** as
44 follows:

45
46 **Section 1.**

47
48 **A. Definitions.** The following phrases in this Ordinance are defined as follows:

- 49
50 1. **“Critical Infrastructure”** means critical infrastructure as defined under Georgia
51 Governor Brian Kemp’s Executive Order No. 04.23.20.02.
52
53 2. **“Essential Services”** means essential services as defined under Georgia
54 Governor Brian Kemp’s Executive Order No. 04.23.20.02.
55
56 3. **“Establishment”** means any privately owned place of business operated for a
57 profit to which the public is invited, including but not limited to any place of
58 amusement or entertainment.
59
60 4. **“Necessary Travel”** means necessary travel as defined under Georgia
61 Governor Brian Kemp’s Executive Order No. 04.23.20.02.
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63 5. **“Public Place”** means any place to which the public or a substantial group of
64 the public has access and includes, but is not limited to, office buildings,
65 businesses, parking lots, streets, highways and the common areas of schools,
66 apartment complexes and condominiums. A Public Place shall not include the
67 interior of a private residence.
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69 6. **“Remain”** means to linger, stay, and/or fail to leave premises when requested
70 to do so by a police officer and/or the owner, operator, or other person in control
71 of the premises.
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74 **B. Establishment of Curfew.** Except for persons engaged in Critical Infrastructure
75 activities, Essential Services and Necessary Travel, it is hereby declared a
76 violation of this Ordinance for any person to remain in any Public Place or on the
77 premises of any Establishment within the City from 9:00pm through 6:30am daily,
78 for the effective duration of this Ordinance.
79

80 **C. Duration.** This Ordinance shall go into effect at **9pm of the date of its adoption**,
81 and shall remain in effect through **June 8, 2020 at 11:59pm**, the date of expiration
82 of the state the emergency declared by the Georgia Governor in Executive Order

¹ This Ordinance is enacted on an emergency basis to protect the City from the imminent threat of harm to life and property resulting from ongoing civil unrest in Georgia.

05.30.20.02. *The Mayor shall have the authority to extend this Ordinance for up to 30 days from this Ordinance's date of adoption, upon conferring with the Police Chief and City Attorney, to respond to any imminent threat of harm to life or property within the City resulting from continued civil unrest.*

- D. **Enforcement.** Violations of this Ordinance shall be punishable as allowed by law, which may include incarceration and/or fines up to One Thousand Dollars (\$1000) per occurrence.

Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause, or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause, or phrase of this Ordinance. No section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, 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. This Ordinance shall further supersede and replace the Emergency Declaration Resolution adopted by the City Council on March 17, 2020.

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.

Section 5. The effective date of this Ordinance shall be 9pm on the date of adoption, unless provided otherwise by applicable local, state and/or federal law.

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:

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

AYE

NAY

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