

**STATE OF GEORGIA**

**CITY OF RIVERDALE**

**ADOPTED BY THE GOVERNING BODY THIS 30th DAY OF March, 2020.**

**ORDINANCE NO. 3**

**AN ORDINANCE OF THE CITY OF RIVERDALE’S MAYOR AND COUNCIL ESTABLISHING A STATE OF EMERGENCY; TO PROVIDE FOR TEMPORARY REGULATIONS IN RESPONSE TO COVID-19; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE AND TERMINATION DATE.**

**WHEREAS**, the City of Riverdale (hereinafter “City”) is governed by the Mayor and Council; and

**WHEREAS**, the World Health Organization has declared the Corona Virus Disease 2019 (COVID-19) a world health emergency and a pandemic; and

**WHEREAS**, the President of the United States declared a National Public Health Emergency on Friday March 13, 2020 as a result of the COVID-19 pandemic; and

**WHEREAS**, the Governor of the State of Georgia declared a State Emergency in Georgia on March 14, 2020 as a result of the COVID-19 pandemic; and

**WHEREAS**, public health experts, including those at the CDC and the National Institute 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; and

**WHEREAS**, the Center for Disease Control and Prevention (“CDC”) has described the symptoms of COVID-19 as including fever, cough and shortness of breath which may occur 2-14 days after exposure ([www.cdc.gov/COVID19-symptoms](http://www.cdc.gov/COVID19-symptoms)) and has recommended maintaining physical separation of no less than six (6) feet between persons and urged that any gathering of over 10 people be discontinued or prohibited (also know as “Social Distancing Requirements”). See [www.cdc.gov/coronavirus/2019-ncov/community/retirement/guidance-retirement-response.html](http://www.cdc.gov/coronavirus/2019-ncov/community/retirement/guidance-retirement-response.html); and

**WHEREAS**, O.C.G.A. 38-3-28, grants to local governments, including the City of Riverdale, the power, during a state of emergency to "*to make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes...*"; and

**WHEREAS**, to prevent or minimize injury to people resulting from this pandemic, the City Council finds that certain actions are required, including but not limited to, the social distancing measures set forth herein; and

**WHEREAS**, after due consideration, the City seeks to pass this Ordinance making it effective immediately as an emergency based on the public health crisis and rising numbers of infected persons and deaths from COVID-19 and its highly contagious nature; and

**WHEREAS**, this Ordinance is issued in accordance with, and incorporates by reference, the March 16, 2020, Proclamation of a State of Emergency issued by Governor Brian Kemp; and

**WHEREAS**, the City does hereby find and declare that, in order to protect the health, safety and welfare of the City of Riverdale, and its citizens, and in order to manage the pending emergency created by the COVID-19 the measures described below must be implemented.

**NOW THEREFORE, BE IT AND IT IS HEREBY DECLARED**, that a local state of emergency exists within the City and shall continue until the conditions requiring this declaration cease to exist and are abated.

**NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED**, as follows:

**1. Social Distancing Requirements.**

- a. For the duration of the declared emergency, social distancing requirements, as defined by the CDC, shall be practiced at all times which means maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.
- b. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 6, 7(b). Nothing in this Ordinance prohibits the gathering of members of a household or living unit.

**2. Public Facilities.**

- a. For the duration of the declared emergency and until the state of emergency is lifted by the Governor of the State of Georgia and the President of the United States, all city facilities, except for the police and fire departments, are closed to the public. There shall be no public gatherings on any property owned or controlled by the City. For the purposes of this ordinance, property owned or controlled by the City shall mean any park, public space, playground, recreational area, basketball court, or other city-owned facilities, including the parking lots of

those city-owned facilities. Nothing shall prohibit using the public sidewalks and driveways to exercise or for pedestrian travel.

**3. Symptomatic Persons.**

- a. Any person showing CDC recognized indicators of COVID-19 shall refrain from entering any public building, restaurant, shop, store, or any other area where the public ingresses or egresses within the boundaries of the City. Such persons are encouraged to seek medical attention and remain quarantined until clearance is given to return to public interaction.

**4. City Services.** For the duration of the declared emergency, the City Manager shall be vested with the following discretion and authority:

- a. To determine City services as required or discretionary and to periodically review such determination and modify as needed.
- b. To reassign employees.
- c. To permit telework.
- d. To suspend City services.
- e. To sign any contract without the approval of City Council not routinely budgeted for the provision of services or purchase of products/materials that are necessary for the continued operation of government during the emergency.

**5. Eating Establishments/Restaurants/Liquor Stores.**

- a. The City hereby mandates those eating establishments and restaurants within the City are required to engage in take-out or drive-thru only service. There shall be no sit down dining. Similarly, while standing in-line for take-out service, these establishments shall require social distancing for the service of their customers which shall be at least six feet from another customer.
- b. All businesses which possesses a retail liquor package license or a retail beer/wine package license shall be authorized to operate with in-store sales, but shall only allow ten people or less inside the store at any given time and shall maintain social distancing for its customers while in the store and in line.

**6. Places of Worship.**

- a. For the duration of this emergency, all places of worship shall require social distancing and limit the capacity to 10 persons or less for any event including weddings, funerals, worship services, baptisms, etc. Places of worship are encouraged to utilize virtual means to broadcast services. Funeral homes and graveside services shall similarly maintain a 10-person maximum.

**7. Curfew.**

- a. All individuals currently living within the City of Riverdale, Georgia shall shelter at their place of residence everyday from the hours of 9pm to 6am for the duration of the emergency. However, all persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all defined in the Definitions Section herein.
- b. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation).

- c. All businesses with a facility in the City, except Essential Businesses as defined herein, are required to cease all activities at facilities located within the City at 9pm everyday except Minimum Basic Operations, as defined herein or for the continuation of operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).
- d. All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined herein, including, but not limited to, when any customers are standing in line.

## 8. Definitions.

- a. For purposes of this Ordinance, individuals may leave their residence during curfew hours only to perform any of the following **“Essential Activities.”** But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.
  - i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or partners or significant others (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home;
  - ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, cooked food, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences;
  - iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in Section 1, such as, by way of example and without limitation, walking, hiking, running, or bicycling;
  - iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Ordinance, including Minimum Basic Operations;
  - v. To care for a family member or pet in another household;
  - vi. To work for or obtain services at any “Healthcare Operations” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include fitness and exercise gyms and similar facilities;

- vii. To provide any service or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, construction and all related activities (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined in Section 1, to the extent possible.
- b. For purposes of this Ordinance, “**Essential Businesses**” shall mean:
- i. Healthcare Operations and Essential Infrastructure;
  - ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
  - iii. Food cultivation, including farming, livestock, and fishing;
  - iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
  - v. Newspapers, television, radio, and other media services;
  - vi. Gas stations and auto-supply, auto-repair, and related facilities;
  - vii. Banks and related financial institutions;
  - viii. Hardware stores;
  - ix. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
  - x. Businesses providing mailing and shipping services, including post office boxes;
  - xi. Educational institutions—including private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
  - xii. Laundromats, dry cleaners, and laundry service providers;
  - xiii. Restaurants and other facilities that prepare and serve food, but only for delivery, drive-thru, or carry out. Schools and other entities that typically provide free food services to students or members of the public may

continue to do so under this Ordinance on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;

- xiv. Businesses that supply products needed for people to work from home;
  - xv. Businesses or manufacturers that supply other essential businesses with the support or supplies necessary to operate;
  - xvi. Businesses that ship or deliver groceries, food, goods, or services directly to residences;
  - xvii. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Ordinance;
  - xviii. Home-based care for seniors, adults, or children;
  - xix. Residential facilities including hotels, motels, shared rental units and similar facilities and shelters for seniors, adults, and children;
  - xx. Professional services, such as legal, accounting services, real estate services, when necessary to assist in compliance with legally mandated activities;
  - xxi. Unless otherwise preempted by state law, childcare facilities providing services that enable employees exempted in this Ordinance to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:
    - 1. Childcare must be carried out in stable groups of 10 or fewer (“stable” means that the same 10 or fewer children are in the same group each day).
    - 2. Children shall not change from one group to another.
    - 3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
    - 4. Childcare providers shall remain solely with one group of children.
- c. For the purposes of this Ordinance, **“Minimum Basic Operations”** include the following, provided that employees comply with Social Distancing Requirements as defined in Section 1, to the extent possible, while carrying out such operations:
- i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.
  - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- d. For purposes of this Ordinance, **“Residences”** include hotels, motels, shared rental units and similar facilities.

**9. Exemptions.**

- a. For purposes of this Ordinance, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Ordinance.
- b. Nothing in this Ordinance shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the City Manager. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

**10. Enforcement and Remedies.**

- a. Any violations of this Ordinance by individuals or businesses shall be considered ordinance violations subject to the general penalty provisions outlined in Section 1-12 of the Code of Riverdale, Georgia<sup>1</sup>.

**11. Effective Date and Termination Date.**

- a. This Ordinance shall become effective in full force upon its approval by the Riverdale City Council and shall remain in full force and effect until the emergency declared herein ceases to exist or is abated or until earlier modified, revoked, rescinded or extended.

**SO ORDAINED**, this 30 day of March, 2020.

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<sup>1</sup> Sec. 1-12. – General Penalty.

Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful for an offense, or whenever in such Code or ordinance the doing of an act is required or the failure to do an act is declared to be unlawful, unless otherwise provided by state law, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine not exceeding \$1,000.00, and by imprisonment in the city or county jail not to exceed six months, and to work on the city streets and public works not exceeding 30 days. Any one or more of these punishments may be inflicted, and the fines imposed therefor may be collected by execution. Each day any such violation shall continue shall be a separate offense.