



THE CITY OF CUMMING GEORGIA

COVID-19 EMERGENCY MANAGEMENT ORDER

- WHEREAS The Governor of the State of Georgia declared a Public Health Emergency on March 14, 2020, related to the novel coronavirus and its spread in the State of Georgia;
- WHEREAS Part of the response to the novel coronavirus outbreak has been to encourage social distancing and limited activities away from home, which responses have been encouraged by the medical community, the government of the State of Georgia, and the government of the United States;
- WHEREAS The Governor of the State of Georgia issued an Order on March 23, 2020 requiring social distancing to the extent that it prohibits any business, establishment, corporation, non-profit, or organization to allow more than ten (10) persons to be gathered in a single location if such gathering requires a person to stand or be seated within six (6) feet of any other person;
- WHEREAS Restaurants, delis, bars, and similar such eating establishments present a special difficulty when it comes to encouraging social distancing, as they often involve many individuals gathered in a single place over extended periods, pursuant to which there is increased possibility for the novel coronavirus to spread;
- WHEREAS It has been reported that, despite the overt and publicized encouraging of social distancing, in some eating establishments those practices are being ignored or are at least not being followed as recommended;
- WHEREAS The lack of social distancing in eating establishments may contribute to the spread of the novel coronavirus;
- WHEREAS The continued spread of the novel coronavirus is a matter of public concern for the City of Cumming, and it is necessary to take action which will promote and secure the health, safety, and wellbeing of the public in the City of Cumming;
- WHEREAS The declaration by the Governor of the State of Georgia of a state of emergency triggers certain powers under the City of Cumming Emergency Management Ordinance;
- WHEREAS Pursuant to the City of Cumming Emergency Management Ordinance, the Chief of Police is the Chief Emergency Official, and is vested with the power to, *inter alia*,

perform and exercise such functions, powers and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population;

WHEREAS Among the actions which could be taken by the Chief Emergency Official are actions to limit the scope and services of certain types of businesses, to the extent necessary to address and respond to the declared state of emergency; and

WHEREAS The Mayor and Governing Authority of the City of Cumming is vested with other powers to take other actions including the temporary suspension of certain ordinances and enforcement of ordinances in the City of Cumming;

NOW, THEREFORE, acting pursuant to that declared State of Emergency, the **Chief Emergency Official of the City of Cumming** Georgia hereby ORDERS as follows:

Section 1. **Dine-in Food Service:** Restaurants, delis, bars, and any other eating establishments which provide for on premises consumption of food are hereby ordered to cease offering dine-in and/or any patio service for food and beverages on their premises. This shall not affect the ability of any such restaurant, deli, bar, or eating establishment to offer food for take out or delivery, nor shall any drive through service be affected.

Section 2. Exemptions: hospitals, nursing homes, assisted living facilities, personal care homes, are exempted from complying with this Order.

BE IT FURTHER ORDERED by the power given to the Governing Authority and the Chief Emergency Official to wave certain procedures, fees, and to temporarily suspend the enforcement of portions of ordinances of the City, and in order to try and mitigate the economic harm which might otherwise flow from a closure of restaurants, delis, bars, and eating establishments , as follows:

Section 1. **Separate licenses for consumption and retail alcohol sales:** businesses holding an existing and valid on-premise consumption permit from the City of Cumming (e.g., alcohol by the drink permit), and which do not already have a separate local permit permitting retail package sales, are hereby for the purpose of this Order not required to hold a separate City of Cumming license or permit for retail package sales during the declared state of emergency.

a. any wine or malt beverage container that is sold by the holder of an on-premises consumption permit pursuant to this provision which does not require a separate retail package permit package sale shall be unopened. Growler fills shall be allowed and sealed as required by state law.

b. any individual purchasing an unopened alcoholic beverage from the holder of an on-premises consumption permit acting pursuant to this provision which does not require a separate retail package permit shall be limited to six (6) malt beverages and two (2) bottles of wine, and may only be sold in conjunction with a food order of equal or greater value than the alcohol order (i.e., no alcohol-only sales).

Section 2. Local laws, code provisions or regulations prescribing procedures for conduct of City business, including applicable provisions of the City Code on Alcoholic Beverages, are hereby suspended and waived to the extent that such laws, Code provisions or

regulations require applications to be filed or fees to be paid for the authorizations and permits granted hereunder.

Section 3. All applicable local ordinances and state laws, rules and regulations will continue to apply including but not limited to time and day restrictions, age restrictions, and distance restrictions related to the sale of alcoholic beverages.

Effective Date: the restrictions and suspensions called for herein shall take affect beginning at 12:01, AM on Wednesday, April 1, 2020, and shall remain in effect for so long as the declaration of public health emergency on which it is based continues, or until otherwise modified by a subsequent Order or the action of the Council of the City of Cumming, Georgia.

Enforcement: the City of Cumming Police Department is empowered to enforce this Order pursuant to Section 8-21 of the Code of the City of Cumming as well as State Law. Penalties for violation shall be as set forth in Section 8-21(b) including fines and imprisonment.

Ratification this Order shall be placed on the next available agenda of the City of Cumming Council for consideration as to whether it should be ratified or repealed.

The Clerk of the City of Cumming is to record this ORDER in the records of the City of Cumming as soon as practicable.

SO DECLARED this 31st day of March, 2020.

CHIEF EMERGENCY OFFICIAL, CITY OF CUMMING

By: 
David Marsh, Chief of Police

MAYOR

By: 
Troy Brumbalow