



THE CITY OF CUMMING GEORGIA

COVID-19 EMERGENCY MANAGEMENT ORDER-03

- WHEREAS The Governor of the State of Georgia declared a Public Health State of 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 The medical community, including the Centers for Disease Control and Prevention, has recognized that one of the ways infection from the novel coronavirus is transmitted is through proximity with a person who is infected with the virus, even if said person is asymptomatic;
- WHEREAS While the initial social distancing measures are a positive step towards thwarting the spread of novel coronavirus, further limitation of interactions with people beyond those situations when they are “required” to be within six feet of each other should further deter the spread of the disease;
- WHEREAS It is in the interest of the City of Cumming, as well as the public in general to thwart the spread of novel coronavirus to the extent possible while taking into consideration the potential impact preventative measures will have on the lives and livelihoods of individuals and businesses;
- 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, through reasonable time, place and manner restrictions, gatherings and interactions of individuals in the City of Cumming;

WHEREAS The Mayor of the City of Cumming is vested with other powers to take other actions in the event of an emergency situation; and

WHEREAS The Mayor of the City of Cumming highly discourages unnecessary personal contact or close proximity, but recognizes that in some cases such contact is necessary for the economy to continue to function;

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. **Definitions**

- a. For the purpose of this regulation, the term “location” shall be defined as a place or site occupied or available for occupancy by some distinguishing feature. Examples of a “location” could include but not be limited to (i) a particular place of business; (ii) a particular store; (iii) a particular building; (iv) a pavilion or clubhouse; (v) a swimming pool and/or its surrounding deck or amenities; (vi) a park; (vii) a parking lot; or (viii) a particular parcel of land to the extent people are in a generally defined area, such as being lined up for entry into a place of business or store. The term “location” shall not include a private home.
- b. For the purpose of this regulation, the terms “related by blood or marriage” shall mean spouses, parent and child, siblings, grandparent and grandchild, or great-grandparent and grandchild, legal guardian and ward, or persons otherwise living in the same household. For each of the degrees of kinship discussed above, step-relations and foster relations shall fall within the term “related by blood or marriage.”

Section 2. **Distancing Regulations:** Except as provided below, for the duration of this public health emergency no two people who are not related by blood or marriage shall come in contact nor within six (6) feet of each other in any location.

Section 3. **Exemptions:** the following persons and/or places are exempt from this Order, though all readily available personal distancing measures should be taken whenever possible.

- a. Hospitals, nursing homes, assisted living facilities, personal care homes; and group homes;
- b. Private caretakers and the individual(s) in their care;
- c. Persons engaged in a point of sale transaction for the purpose of completing the point of sale transaction;

- d. Employees, officers, volunteers, and/or contractors of the same business while performing business related functions and services;
- e. Persons engaged in the act of rendering aid one to the other, including but not limited to emergency medical technicians, and other first responders (i.e. fire fighters and law enforcement);
- f. First responders and other government officials or employees to the extent necessary to fulfill their duties and/or to protect and serve the citizens of the City of Cumming;
- g. Private security officers to the extent their duties require proximity to others;
- h. Medical mental health, chiropractic, dental professionals and persons otherwise engaged in the healing arts;
- i. Professional social workers and counselors—whether in the private or public sector—who must render in-person services.
- j. Persons engaged in one-on-one provision of personal services (nail salons, hair salons, etc.);
- k. Janitorial and housekeeping services providers;
- l. Childcare and dependent-care establishments;
- m. Correctional institutions;
- n. Persons engaged in an attorney-client relationship to the extent they are participating in a hearing deemed essential by the respective courts within this jurisdiction;
- o. Financial institutions, for the purposes of completing financial transactions that require in-person contact or proximity;
- p. Courthouse personnel and staff, except that courthouse personnel should take all reasonable means to reduce contact between judicial officers, courthouse staff, courthouse contractors, attorneys and their staff, witnesses, parties, and the public, and may take reasonable measures to control crowds and maintain security;
- q. Persons requiring or providing professional services which require in-person meetings, including but not limited to accountants, attorneys, real estate agents/brokers, insurance agents/brokers, technology professionals, private healthcare workers, etc.
- r. Delivery persons making deliveries as part of their employment;

Effective Date: the restrictions called for herein shall take affect beginning at 12:01, AM on Thursday, April 2, 2020, and shall remain in effect for so long as the declaration of Public Health State of 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.

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.

[execution on following page]

SO DECLARED this 01 day of April, 2020.

**CHIEF EMERGENCY OFFICIAL, CITY OF
CUMMING**

By: 
David Marsh, Chief of Police

MAYOR

By: 
Troy Brumbalow