

EMERGENCY ORDINANCE:
LOCAL OPTION FACE COVERING REQUIREMENT

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing Coronavirus Disease 2019 (COVID-19) pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207; and

WHEREAS, on March 14, 2020, Georgia Governor Brian Kemp declared a public health emergency for the State of Georgia, which was ratified by the Georgia General Assembly on March 16, 2020; and

WHEREAS, on March 24, 2020, the City Council of the City of Sparta and the Hancock County Board of Commissioners declared a state of emergency by adoption of an emergency ordinance; and

WHEREAS, on July 31, 2020, Governor Kemp, by issuance of Executive Order 07.31.20.01, extended the public health emergency for the State of Georgia until Thursday, September 10, 2020, at 11:59 P.M.; and

WHEREAS, the number of confirmed cases and deaths from COVID-19 is escalating rapidly, internationally, nationally, and locally; and

WHEREAS, the number of confirmed COVID-19 cases in Georgia is 256,253 with 5,156 deaths and those numbers are increasing daily; and

WHEREAS, according to the Georgia Department of Public Health, as of August 25, 2020, over the past 14 days, Hancock County has had 330 cases of COVID-19 per 100,000 residents; and

WHEREAS, on August 15, 2020, Governor Kemp, by issuance of Executive Order 08.15.20.01, permitted qualifying local governments the authority to implement measures to mandate face coverings on certain public and private property in specified instances and circumstances; and

WHEREAS, the Georgia Constitution and Code of Ordinances of Hancock County provide the governing authority of the County with the authority to take actions deemed necessary to deal with such an emergency for the protection of the safety, health, and well-being of the citizens of the County; and

WHEREAS, the Charter of the City of Sparta provides the governing authority of the City with the authority to take actions deemed necessary to deal with such an emergency for the protection of the safety, health, and well-being of the citizens of the City; and

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Sparta and Hancock County Board of Commissioners renews its declaration that a state of emergency exists in Hancock County and the City of Sparta. This declaration is intentionally adopted to allow Hancock County Board of Commissioners the authority contained in Section 6-001-2.1 of the Hancock County Code of Ordinances and to allow City of Sparta's City Council the authority contained in Section 3.18 of the Charter of the City of Sparta. Further, the City Council and Board of Commissioners institute the following regulations:

Section 1: Definitions.

- 1) "Face Covering" shall mean a uniform piece of cloth, fabric, or other material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hand. Face Coverings include, but are not limited to, bandanas, medical masks, cloth masks, scarves, and gaiters, provided that they are worn such that they securely cover the person's nose and mouth.
- 2) "Individual" shall mean any natural person.
- 3) "Polling Place" shall mean any location as defined under O.C.G.A. § 21-2-2(27).
- 4) "Private Property" shall mean any real property that is not Public Property.
- 5) "Public Property" shall mean any real property owned, leased, or occupied by Hancock County and/or the City of Sparta or any subdivision thereof.
- 6) "Social Distancing" shall mean keeping a minimum of six feet between one's self and other individuals outside of one's home or place of residence.

Section 2: Mandate of Face Coverings.

- 1) Any Individual present on Public Property within the boundaries of the County and the municipal boundaries of the City shall be required to wear a Face Covering when that individual is not able to maintain Social Distancing from non-cohabitating persons.
- 2) Any Individual present on Private Property within boundaries of the County and the municipal boundaries of the City shall be required to wear a Face Covering when that individual is not able to maintain Social Distancing from non-cohabitating persons if the owner or occupant of the Private Property consents to enforcement of the Face Covering mandate contained herein and provides public notice of such consent in a prominent location on the Private Property.

Section 3: Exemptions.

- 1) The following Individuals are exempt from the Face Covering mandate established by Section 2:
 - a. Individuals who are eating or drinking;
 - b. Individuals who have difficulty donning or removing a Face Covering without assistance;
 - c. Individuals who have a bona fide religious objection to wearing a Face Covering; or
 - d. Individuals who have a bona fide medical reasons not to wear a Face Covering.
- 2) The following locations are exempt from the Face Covering mandate established by Section 2:
 - a. Residential property; and
 - b. Polling Places.

Section 4: Enforcement.

- 1) Any individual found in violation of this Emergency Ordinance shall be subject to a maximum civil fine of \$50.00.
- 2) Prior to issuance of a citation for violation of this Emergency Ordinance, a noncompliant Individual shall be warned by such officer enforcing the Face Covering mandate. Such warning shall be considered completed by delivery of Exhibit A, attached hereto, to a noncompliant Individual.
- 3) If a noncompliant Individual is found in violation of this Emergency Ordinance and cannot afford a Face Covering, a Face Covering shall be provided at the City's expense. If such Individual is found to be in violation of this Emergency Ordinance after provision of a Face Covering, such Individual shall be subject to citation.
- 4) In accordance of Executive Order 08.15.20.01, the City shall make good faith, reasonable efforts to distribute free Face Coverings to Individuals who cannot afford a Face Covering.

Section 5: Effective Date.

This Ordinance shall be effective as of 8:00 AM on the day immediately proceeding adoption by the respective local governing body. Pursuant to Section 6-001 – Section 2.1 of the Hancock County Code of Ordinances, this Emergency Ordinance shall exist within the unincorporated boundaries of the County until the Hancock County Board of Commissioners lifts the order. Pursuant to Section 3.18 of the City of Sparta Charter this Emergency Ordinance shall exist within the municipal boundaries of the City for 30 days from the adoption of this ordinance but may be suspended or extended based on then current conditions. Further, pursuant to Executive Order 08.15.20.01, this emergency ordinance shall be suspended in the event the County no longer meets the “Threshold Requirement”

as established in such order or if otherwise suspended by action of the Governor or General Assembly.

THIS RESOLUTION is hereby adopted this 26 day of August, 2020.

HANCOCK COUNTY, GEORGIA

[Signature]
Chairman

Attest:

[Signature]
County Clerk

CITY OF SPARTA, GEORGIA

[Signature]
Mayor

Attest:

[Signature]
City Clerk



EXHIBIT A

ABOUT MASKS

A mask may not protect the wearer, but it may keep the wearer from spreading the virus to others.

COVID-19 spreads mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes, talks, or raises their voice (e.g., while shouting, chanting, or singing). These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Recent studies show that a significant portion of individuals with COVID-19 lack symptoms (are “asymptomatic”) and that even those who eventually develop symptoms (are “pre-symptomatic”) can transmit the virus to others before showing symptoms.

To reduce the spread of COVID-19, CDC recommends that people wear masks in public settings when around people outside of their household, especially when other social distancing measures are difficult to maintain.

Why it is important to wear a mask

Masks may help prevent people who have COVID-19 from spreading the virus to others. Wearing a mask will help protect people around you, including those at higher risk of severe illness from COVID-19 and workers who frequently come into close contact with other people (e.g., in stores and restaurants). Masks are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings. The spread of COVID-19 can be reduced when masks are used along with other preventive measures, including social distancing, frequent handwashing, and cleaning and disinfecting frequently touched surfaces.

The masks recommended here are not surgical masks or respirators. Currently, those are critical supplies that should be reserved for healthcare workers and other first responders. Masks are not personal protective equipment (PPE). They are not appropriate substitutes for PPE such as respirators (like N95 respirators) or medical facemasks (like surgical masks) in workplaces where respirators or facemasks are recommended or required to protect the wearer.

Masks with Exhalation Valves or Vents

The purpose of masks is to keep respiratory droplets from reaching others to aid with source control. Masks with one-way valves or vents allow exhaled air to be expelled out through holes in the material. This can allow exhaled respiratory droplets to reach others and potentially spread the COVID-19 virus. Therefore, CDC does not recommend using masks if they have an exhalation valve or vent.

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>