

ORDINANCE NO. \_\_\_\_ - 2020

**EMERGENCY ORDINANCE TO MEET A PUBLIC EMERGENCY AFFECTING LIFE, HEALTH, PROPERTY AND PUBLIC PEACE PURSUANT TO THE NORCROSS CITY CHARTER SEC. 2.24 PLACING RESTRICTIONS ON CERTAIN BUSINESSES AND CITY FACILITIES FOR THE DURATION OF THE STATE OF LOCAL EMERGENCY**

WHEREAS, the Mayor and Council of the City of Norcross, Georgia (the “City”) is the duly elected governing authority for the City; and

WHEREAS, the outbreak of Coronavirus Disease 2019 (COVID-19) poses a serious risk of severe illness or even death for many people including but not limited to the public at large, the citizens of the City of Norcross and all City personnel as well as the elected and appointed officials of the City of Norcross; and

WHEREAS, the President of the United States has declared a national emergency; and

WHEREAS, the Governor of Georgia declared a public health emergency on March 14, 2020; and

WHEREAS, the Gwinnett County Board of Commissioners has declared a local emergency on March 16, 2020 and delegated certain emergency powers to the Chairman of the Gwinnett County Board of Commissioners; and

WHEREAS, the Mayor and Council of the City of Norcross declared a state of local emergency on March 17, 2020; and

WHEREAS, Section 2.24 of the City Charter for the City of Norcross permits the Mayor and Council for the City of Norcross to convene on call of the mayor or three (3) councilmembers to meet a public emergency affecting life, health, property or public peace, and promptly adopt one (1) or more emergency ordinances, provided that but such ordinances do not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except as provided by law; and

WHEREAS, Section 2.24 of the City Charter for the City of Norcross further provides that such emergency ordinances shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms; and

WHEREAS, Section 2.24 of the City Charter for the City of Norcross further provides that an emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three (3) councilmembers shall be required for adoption; and

WHEREAS, Section 2.24 of the City Charter for the City of Norcross further provides that such an emergency ordinance shall become effective upon adoption or at such later time as it may specify; and

WHEREAS, Section 2.24 of the City Charter for the City of Norcross further provides that an emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

NOW THEREFORE, the Mayor and Council hereby add a new Article XII to Chapter 8 of the Code of Ordinances of the City of Norcross, as is more particularly set forth below.

**ENACTING CLAUSE.** The Mayor and City Council of the City of Norcross, Georgia, hereby ordains that the adopted Code of Ordinances, is hereby amended as more particularly set forth below. It is the intention of the Mayor and City Council, and it is hereby ordained that the following provisions shall become and be made a part of the Code of the City of Norcross, and the Sections in the Code in the Ordinance be renumbered to accomplish that intention.

I. **Declaration.** A local state of emergency exists due to the Coronavirus Disease 2019 (COVID-19) pandemic as set forth in the Declaration of Local State of Emergency Dated March 17, 2020 of the City of Norcross, which is hereby incorporated into this Ordinance by reference as if fully set forth herein.

II. **Amendment.** A new Chapter 43 entitled “EMERGENCY ORDINANCES” of the Code of Ordinances for the City of Norcross, shall be added to the Code of Ordinances immediately after Chapter 42, and a new ordinance Sec. 43-1 is added entitled “Restrictions on Certain Businesses and City Facilities for the Duration of the State of Local Emergency”, as follows:

“Chapter 43 – EMERGENCY ORDINANCES.

Sec. 43-1 – Restrictions on Certain Businesses and City Facilities for the Duration of the State of Local Emergency.

A local state of emergency exists due to the Coronavirus Disease 2019 (COVID-19) pandemic as set forth in the Declaration of Local State of Emergency Dated March 17, 2020 of the City of Norcross, which is hereby incorporated into this Emergency Ordinance by reference as if fully set forth herein.

The following restrictions shall apply to the following businesses and City Facilities for the duration of the state of local emergency:

- (1) In accordance with the guidelines from the President of the United States, the Governor of the State of Georgia and the Centers for Disease Control and Prevention to prevent the spread of the COVID-19 virus, all bars, eating

establishments, restaurants, brewpubs, growler shops, gyms and fitness centers, movie theatres, live performance venues, event centers, pool or billiard halls, assembly halls, bowling alleys, arcades, massage parlors and private social clubs (with respect to food services and other indoor gatherings at such social clubs) located within the City Limits of the City of Norcross are hereby ordered closed for the duration of the State of Local Emergency; provided however, that eating establishments, restaurants, brewpubs, growler shops and other establishments in the business of selling food for consumption of the premises may remain open for off premises sales of food and alcoholic beverages as more specifically set forth in subsections (3) and (5) below

- (2) Homeless shelters, soup kitchens, food assistance programs, and churches, may continue to operate and provide shelter and food to those in need as each such organization deems reasonable and appropriate in their own sole discretion. All such homeless shelters, soup kitchens, food assistance programs, and churches are encouraged to comply with the guidelines issued by the Centers for Disease Control and Prevention to prevent the spread of the COVID-19 virus which can be found at <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/index.html>.
- (3) All eating establishments, restaurants, brewpubs, growler shops, and all other establishments in the business of selling food for consumption on the premises shall close all inside dining facilities but may remain open to prepare and offer food to customers via delivery service, drive-through and take out service (hereinafter collectively referred to as “Off Premises Food Service”) and provided further that the delivery and receipt of such Off Premises Food Service complies with the Social Distancing requirements and other guidelines issued by the Centers for Disease Control and Prevention to prevent the spread of the COVID-19 virus established by the Centers for Disease Control and Prevention which can be found at <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>.
- (4) All City owned athletic facilities, outdoor gym equipment, exercise stations, playgrounds and other City owned or operated “high touch” equipment, areas or facilities are hereby closed. Outdoor activity in City parks such as walking, hiking, biking and running may continue so long as individuals comply with the Social Distancing requirements and other guidelines issued by the Centers for Disease Control and Prevention to prevent the spread of the COVID-19 virus established by the Centers for Disease Control and Prevention which can be found at <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>.

The City Manager, in his own sole discretion, may direct City Staff to placard, blockade and/or bar access to all or any portion of all City Owned park and recreation facilities that he or his designee designates as “high touch” areas, facilities and/or equipment, including but not limited to, pavilions, exercises equipment and stations, playgrounds, and public grills and food preparation areas to prevent the spread of the COVID-19 virus as set forth above, including but not

limited to the closure of all or a portion of Discovery Garden Park and all other City owned parks and facilities.

- (5) All eating establishments, restaurants, brewpubs, growler shops and bars licensed by the City of Norcross to sell beer and wine, hold a pouring permit from the City or that are otherwise licensed to operate as a retail consumption dealer for the sale of alcohol for on premises consumption shall be authorized to sell sealed containers of beer, wine or liquor for takeout consumption (hereinafter referred to as “Off Premises Sealed Alcohol Sales”) for the duration of the state of local emergency; provided further that the delivery and receipt of such Off Premises Sealed Alcohol Sales complies with the Social Distancing requirements and other guidelines issued by the Centers for Disease Control and Prevention to prevent the spread of the COVID-19 virus established by the Centers for Disease Control and Prevention which can be found at <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>.
- (6) Consumption of alcoholic beverages in public places is prohibited for the duration of this Emergency Ordinance. Sections 4-7 and 4-8 of Chapter 4 of this Code, respectively entitled “Exceptions – Temporary special events licenses” and “Exceptions – Downtown Dining District – outside consumption of alcoholic beverages permitted” are repealed for the duration of the state of local emergency.
- (7) Any and all persons who are licensees for the sale of alcoholic beverages pursuant to Chapter 4 of this Code of Ordinances who engages in a course of conduct permitted under this Emergency Ordinance does so at the licensee’s own peril with respect to said licensee’s state licenses for the sale of beer, wine, and liquor. The City of Norcross makes no representation as to the legality, under state law, state alcohol licenses and/or any Executive Orders of the President of the Untitled States and/or the Governor of Georgia, regarding any course of any such licensee’s conduct taken pursuant to this Emergency Ordinance.
- (8) All public meetings of the Mayor and Council of the City of Norcross, and any public meetings of committees, boards and authorities that are composed of members appointed by the Mayor and Council of City of Norcross (hereinafter collectively and individually referred to as “Appointed Boards” ) concerning essential matters only, shall henceforth meet by means of teleconference. All notices of such meetings that are required by the Georgia Open Meetings Act, the laws of the State of Georgia , the City Charter and the Norcross City Ordinances shall be provided as required by law, and means shall be afforded for the public to have simultaneous access to all teleconference meetings as required to O.C.G.A. § 50-14-1 (g) and as set forth in the March 17, 2020 Resolution of the Mayor and Council of the City of Norcross which is incorporated by reference as if fully set forth herein.

Appointed Boards may hold meetings by teleconference concerning essential matters only. Appointed Boards shall notify and issue an invitation to the Mayor

and Council and the City Manager via email of any meeting on an essential subject matter not less than 48 hours prior to said meeting.

Appointed Boards shall not hold meetings on non-essential matters for the duration of the state of local emergency. All Appointed Board meetings on non-essential matters are stayed and all non-essential matters that otherwise require a public hearing, including but not limited to zoning applications, building permits, special uses, and variances are continued for the duration of the state of local emergency.

Upon the repeal or termination of this Emergency Ordinance, the scheduling of all such Appointed Board meetings and hearings regarding all matters shall resume and all notices of such meetings and hearing shall issue as required by the Georgia Open Meetings Act and other applicable state law and local ordinances.

- (9) The deadline for renewals of all business and alcohol licenses is extended until June 30, 2020.
- (10) The deadline for the payment of occupational taxes, alcohol license fees, alcohol excise taxes and all other taxes, licenses or fees owed to the City is extended until June 30, 2020. Interest and penalties for late payment of such taxes, licenses and fees shall not begin to accrue until June 30, 2020. Alcohol excise taxes that accrue and are unpaid from the effective date of this Emergency Order through June 30, 2020, shall be due and payable to the City in six (6) equal installments in the months of July through December 2020. All alcohol excise taxes accruing after June 30, 2020 shall become due and payable in the normal course after July 1, 2020.
- (11) The City Manager is granted the discretion to waive credit card processing fees for all online payments made to the City of the duration of the state of local emergency.
- (12) Norcross Power is hereby directed to refrain from taking any actions which would result in the termination of electrical service to any Norcross Power customer due to non-payment until April 15, 2020, Norcross Power customers shall remain responsible for the payment of the principal amount of their electrical bill. Late payment fees and interest for late payment of electrical bills are waived for the duration of this local state of emergency.
- (13) The public is strongly encouraged to comply with all guidelines issued by the Centers for Disease Control and Prevention which can be found at <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>.
- (14) All ordinances or parts thereof in conflict with any provision or any section, subsection, paragraph, subdivision or clause of this Emergency Ordinance are suspended for the duration of the state of local emergency.
- (15) The provisions of this Emergency Ordinance shall remain in effect only for so long

as March 17, 2020 Declaration of Local State of Emergency remains in force and shall stand automatically repealed upon its expiration or termination.

- (16) This Emergency Ordinance becomes effective immediately upon its adoption by the Mayor and Council of the City of Norcross as specified in Sec. 2.24 of the City Charter.
- (17) This Emergency Ordinance also be repealed by adoption of a repealing ordinance in the same manner specified in Sec. 2.24 of the City Charter for adoption of emergency ordinances.”

III. **Severability.** If the provisions of any section, subsection, paragraph, subdivision or clause of this Emergency Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any ordinance, section, subsection, paragraph, subdivision or clause of this Emergency Ordinance.

IV. **Repealer.** All ordinances or parts thereof which are in conflict with any provision or any section, subsection, paragraph, subdivision or clause of this ordinance is hereby repealed to the extent of the conflict for the duration of the State of Local Emergency.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal to be affixed, this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Craig Newton, Mayor

ATTEST:

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Monique Lang, City Clerk