

AN EMERGENCY ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEACHTREE CORNERS, GEORGIA, UNDER SECTION 1.13 OF THE CHARTER OF THE CITY OF PEACHTREE CORNERS, GEORGIA, DECLARING A LOCAL EMERGENCY DUE TO THE CORONAVIRUS DISEASE 2019 GLOBAL PANDEMIC, AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Peachtree Corners, Georgia ("City"), are charged with the protection of the public health, safety, and welfare of the citizens of the City; and

WHEREAS, Section 1.13 of the Charter of the City of Peachtree Corners, Georgia ("City Charter"), empowers the Mayor and City Council to establish procedures for determining and proclaiming that an emergency situation exists within or without the City, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health or well-being of the citizens of the City; and

WHEREAS, the World Health Organization has declared that the Coronavirus Disease 2019 is a global pandemic ("COVID-19 Pandemic"); and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency in response to the outbreak of COVID-19; and

WHEREAS, on March 16, 2020, the Governor and General Assembly of the State of Georgia declared that a public health emergency exists due to the spread of COVID-19 within Georgia; and

WHEREAS, on March 17, 2020, the Gwinnett County Commission declared that a local emergency exists due to the spread of COVID-19 within Gwinnett; and

WHEREAS, the COVID-19 Pandemic is a public emergency affecting and threatening the safety, health and well-being of the citizens of the City; and

WHEREAS, to prevent or minimize injury to people resulting from this event, certain actions are required;

NOW THEREFORE, IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Peachtree Corners, Georgia ("City Council") that:

SECTION 1. The City Council hereby declares that a state of emergency exists within the City affecting the safety, health and well-being of citizens due to the COVID-19 Pandemic.

SECTION 2. The following provisions shall apply during the efficacy of this Emergency Ordinance:

2.1 **Emergency Authority.** The City Manager, with the approval of the Mayor, shall have authority to take such actions deemed necessary or appropriate for the public health and safety of the residents of the City.

2.2 **Contracting Flexibility.** The City Council suspends the bid and competitive portions of the City's Purchasing Policy and authorizes the City Manager to use the single-source authority. The City Manager is required to provide written justification for each such procurement.

2.3 **Minimizing Affects of Administrative Delays.** For matters that require a public hearing before a City-affiliated board, commission, authority, or zoning and administrative entity, such

as the Planning Commission or Zoning Board of Appeals, and a hearing cannot be timely scheduled due to the COVID-19 Pandemic, City staff are directed to work with applicants and those otherwise affected by any disruptions to ensure that financial impact and/or disruptions to business function is kept to a minimum until such time as a public hearing can be scheduled.

2.4 Extending Existing Regulatory Permits. If there are in effect existing regulatory permits that require a public hearing prior to renewal or extension, and that will lapse in the absence of such renewal or extension, then such permits shall be extended and remain in full force and effect until such time as a public hearing can be scheduled. For any permit which expires during the pendency of this emergency declaration, should the extension or renewal not be possible due to limited city services, the City Manager may temporarily extend such permit until the emergency is over, however, no rights shall vest in the permittee as a result of such temporary extension.

2.5 Meetings by Teleconference. Pursuant to the provisions of O.C.G.A. § 50-14-1(g), the City Council and all other boards, commissions, authorities, or agencies of the City shall have authority to conduct meetings and take votes by teleconference, without the requirement of having a quorum present in person, so long as notice is provided and simultaneous access is afforded to the public to the teleconference meeting.

2.6 Alcohol Take-away Permitted. If a business is licensed by the City to sell alcohol for on-premises consumption, such business, during the efficacy of this Emergency Ordinance only, shall be authorized to sell unopened bottles, or otherwise appropriately sealed containers, of alcohol for take-away for consumption off-premises. Any alcohol licensee who engages in a course of conduct permitted under this section does so at the licensee's own peril as it concerns the licensee's state liquor license. This ordinance makes no representation as to the legality, under state law and state alcohol licenses, of any course of conduct undertaken pursuant to this section.

SECTION 3. The City urges all citizens to review and comply with:

3.1 CDC Guidelines for Coronavirus, as they may evolve during the course of the COVID-19 Pandemic, found at <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>; and

3.2 The President's Coronavirus Guidelines for America, as they may evolve during the course of the COVID-19 Pandemic, found at https://www.whitehouse.gov/wpcontent/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf; and

3.3 State of Georgia Guidelines for Coronavirus through the Georgia Department of Public Health, as they may evolve during the course of the COVID-19 Pandemic, found at <https://dph.georgia.gov/novelcoronavirus>.

SECTION 4. All ordinances or parts of ordinances in conflict with this Emergency Ordinance are hereby repealed to the extent of such conflict.

SECTION 5. If any section, subsection, provisions, or clause of any part of this Emergency Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Emergency Ordinance as applied to a particular situation or set of circumstances shall be declared invalid or unconstitutional,

such invalidity shall not be construed to affect the portions of this Emergency Ordinance not so held to be invalid. It is hereby declared as the intent of the City Council that this Emergency Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained herein.

SECTION 6. This Emergency Ordinance shall become effective immediately upon adoption.

SECTION 7. Pursuant to Section 2.23 of the City Charter, this Emergency Ordinance shall automatically stand repealed thirty (30) days after the date upon which it is adopted, unless re-enacted as provided in Section 8.

SECTION 8. This Emergency Ordinance may be re-enacted for one (1) or more additional periods of thirty (30) days (or repealed) at a meeting of the City Council called by the Mayor or three (3) councilmembers.

SO ORDAINED AND EFFECTIVE, this 21st day of March, 2020.

Approved:



Mike Mason, Mayor

ATTEST:



Kym Chereck, City Clerk

