

RESOLUTION 2020 – 009

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MITCHELL COUNTY, GEORGIA AMENDING THE DECLARATION OF LOCAL EMERGENCY AS TO THE UNINCORPORATED AREAS OF MITCHELL COUNTY, GEORGIA; AND OTHER PURPOSES.

WHEREAS, the respiratory disease caused by the novel coronavirus, known as “COVID-19” is an infectious virus that can spread from person-to-person and can result in serious illness or death;

WHEREAS, COVID-19 has placed the State of Georgia and the citizens of Mitchell County, Georgia in an on-going and imminent danger;

WHEREAS, COVID-19 continues to spread throughout Southwest Georgia despite emergency measures taken to-date;

WHEREAS, pursuant to O.C.G.A. § 38-3-28, political subdivisions are authorized and empowered to make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes and to supplement the carrying out of Articles 1 through 3 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated;

WHEREAS, the Official Code of Mitchell County, Georgia provides the Chairman of the Mitchell County Board of Commissioners certain emergency powers for the purpose of minimizing injury to the people of Mitchell County, Georgia and protecting the welfare of Mitchell County, Georgia;

WHEREAS, on March 24, 2020, the Chairman of the Mitchell County Board of Commissioners, jointly with the mayors of the Cities of Baconton, Camilla, Pelham, and Sale City declared a local emergency, thereby activating the Mitchell County Emergency Management Agency's Emergency Operations Plan;

WHEREAS, the Mitchell County Board of Commissioners as the governing authority of Mitchell County, Georgia is tasked with the protection of the County's health, safety, and general welfare; and

WHEREAS, Mitchell County Board of Commissioners, pursuant to its police power, finds that this Resolution will protect and preserve the health, safety, and general welfare of the unincorporated areas of Mitchell County, Georgia.

NOW, THEREFORE, pursuant to the authority vested by local and state law,

IT IS HEREBY RESOLVED BY THE MITCHELL COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

- (1) **Intent of Resolution.** The intent of this Resolution is to ensure that the citizens located in the unincorporated areas of Mitchell County, Georgia self-isolate in their places of residence to the maximum extent possible, while enabling essential services to continue, in order to slow the

spread of COVID-19 to the maximum extent possible. When citizens need to leave their place of residence, they should comply as reasonably possible with Physical Distancing Requirements as defined herein. All provisions of this Resolution should be interpreted to effectuate this intent. Failure to comply with any provisions of this Resolution constitutes an imminent threat to public health.

(2) **Definitions.** For purposes of this Resolution, the following definitions apply:

- a. **Essential Activities** include activities or tasks essential to the health and safety of the citizens of the unincorporated areas of the County, or the health and safety of their family or household members, including pets. These activities include but are not limited to:
 - i. Obtaining medical supplies or medication or visiting a healthcare professional;
 - ii. Obtaining supplies necessary to work from home;
 - iii. Obtaining necessary services or supplies, such as food, gas, pet supplies, household consumer products, and other products necessary to maintain the safety, sanitation, and essential operations of a residence; or
 - iv. Outdoor activities, such as walking, hiking, running, or bicycling; however, individuals shall not engage in team sports or other activities which result in a gathering of more than ten (10) persons and individuals shall comply with Physical Distancing Requirements as defined herein.
- b. **Essential Business** shall include:
 - i. Healthcare Operations and Essential Infrastructure;
 1. Essential Infrastructure shall include public works, emergency home or business repairs, utility provisions, government functions, and public safety;
 - ii. Grocery stores, produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of food, dry goods, pet supplies, and any other household consumer products (i.e., cleaning and personal care products);
 - iii. Food cultivation and production, including farming, livestock, and fishing;
 - iv. Business that provides food, shelter, or social services for the economically disadvantaged;
 - v. Newspapers, television, radio, and other media services;

- vi. Gas stations, auto supply, auto repair, and related facilities;
- vii. Banks, credit unions, and related financial institutions;
- viii. Hardware stores;
- ix. Plumbers, electricians, and other service providers performing emergency repairs;
- x. Educational institutions for the purpose of facilitating distance learning or performing essential functions, provided that Physical Distancing Requirements as defined herein are followed;
- xi. Restaurants and related food facilities, but only for delivery, carry out and drive thru services;
- xii. Businesses providing mail and shipping services;
- xiii. Home-based care facilities for seniors, adults, and children; and
- xiv. Laundry facilities.

These businesses shall encourage the Physical Distancing Requirements as defined herein in performing their business functions.

c. **Essential Travel** includes travel for any of the following purposes:

- i. Travel related to the provisions or access to Essential Activities, Essential Business, or Government Functions;
- ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;
- iii. Travel to or from an educational institution for the purpose of receiving materials for distance learning;
- iv. Travel to return to a place of residence from outside Mitchell County, Georgia;
- v. Travel required by law enforcement, military, or court order; or
- vi. Travel required for non-residents to return to their place of residence outside of Mitchell County, Georgia.

- d. **Government Functions** shall include any necessary or essential functions of any local, state, or federal government as required by law, rule, or regulation.
- e. **Healthcare Operations** shall include hospitals, health clinics, dental offices, pharmacies, other healthcare facilities, suppliers, home health services providers, mental health providers, or any related services. Healthcare Operations shall also include veterinary care and all healthcare provided to animals. Healthcare Operations does not include fitness or exercise facilities.
- f. **Physical Distancing Requirements** shall include maintaining a minimum distance of six (6) feet from other individuals while away from his or her place of residence, washing hands with soap and water for at least twenty (20) seconds as frequently as possible and using hand sanitizer, covering coughs or sneezes into a sleeve or elbow and not in one's hand, regularly cleaning high touch surfaces, and not shaking hands or other displays of affection with persons outside an individual's place of residence. These modifications of interpersonal contact are necessary to combat the spread of COVID-19.

(3) All individuals currently residing in the unincorporated areas of Mitchell County, Georgia shall shelter at their place of residence while this Resolution is in effect. To the extent individuals are using shared or outdoor spaces outside their residence, they shall at all times maintain physical distancing of at least six (6) feet from any other person that does not currently live within their place of residence. All persons may leave their residence only for Essential Activities, to operate Essential Business, or to perform Government Functions.

(4) All business with a physical presence in the unincorporated areas of Mitchell County, Georgia, except Essential Business, are required to restrict general public access at facilities located within the unincorporated areas of the County. Businesses are encouraged to allow employees to telework where possible. To the greatest extent feasible, all businesses located within the unincorporated areas of the County shall comply with the Physical Distancing Requirements.

(5) All public or private gatherings of more than ten (10) persons are prohibited in the unincorporated areas of the County, except as otherwise expressly permitted herein.

(6) Individuals may leave their residence to perform Essential Activities, perform work at an Essential Business, Government Functions, or carry out any operations expressly permitted by this Resolution.

(7) To the extent any are located in the unincorporated areas of the County, hotels, motels, and other places of lodging may remain open; however, patrons shall be required to shelter in place in their rooms consistent with the provisions of this Resolution and all rooms shall be thoroughly cleaned and sanitized after each patron's departure.

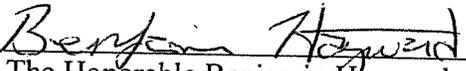
(8) Religious services, public celebrations, and funerals likely to be attended by more than ten (10) individuals should be cancelled, rescheduled, or modified to comply with the provisions and intent of this Resolution.

- (9) A mandatory curfew shall be effective in the unincorporated areas of the County between the hours of 10:00 p.m. and 6:00 a.m. during which all individuals residing in the unincorporated areas of the County shall remain in their place of residence. This curfew shall not apply to anyone performing emergency or first responder services, essential government functions, law enforcement services, health services, essential utility services, or military services. This curfew shall not apply to anyone traveling to and from or engaging in lawful employment.
- (10) The Mitchell County Courthouse shall remain open for all government and judicial offices and constitutional officers located therein to perform any necessary or essential functions provided by law, rule, or regulation. However, pursuant to the authority of the Sheriff of Mitchell County to provide courthouse security, the Sheriff is respectfully urged to appropriately screen, restrict, and limit public access to the courthouse in order to mitigate the possible spread of COVID-19 and for the safety of those conducting business in the courthouse.
- (11) All County Parks shall only be open during non-curfew hours for Essential Activities; however, all other provisions of this Resolution, including Physical Distancing Requirements, shall be adhered to while accessing any County Park.
- (12) The Sheriff of Mitchell County, or his designee, shall enforce the provisions of this Resolution.
- (13) Any violations of this Resolution shall constitute a misdemeanor and shall be punishable pursuant to the provisions of the Official Code of Mitchell County and O.C.G.A. § 15-10-60 with a fine not to exceed \$1,000.00, or six (6) months imprisonment, or both, and may be brought before any court of competent jurisdiction.
- (14) This Resolution shall be implemented beginning at 12:01 a.m. on March 31, 2020 and shall remain in place until 12:00 a.m. on May 12, 2020. This Resolution may thereafter be renewed by the Mitchell County Board of Commissioners for a subsequent period, so long as the public health emergency persists.

This Resolution is made pursuant to O.C.G.A. § 38-2-28 and shall be filed with the Clerk of Mitchell County.

SO RESOLVED this 30th day of March, 2020.

MITCHELL COUNTY, GEORGIA

By: 
The Honorable Benjamin Hayward,
Chairman, Board of Commissioners

(Seal)



Attest:



Rebecca Reese, County Clerk