

ORDINANCE _____

**ORDINANCE DECLARING STATE OF EMERGENCY IN THE CITY OF
LOGANVILLE, GEORGIA DURING THE PUBLIC HEALTH EMERGENCY OF THE
NOVEL CORONAVIRUS DISEASE 2019 (COVID-19) GLOBAL PANDEMIC**

WHEREAS, the President of the United States declared a National Public Health Emergency on Friday March 13, 2020; and

WHEREAS, the Governor of the State of Georgia declared a Public Health State of Emergency in Georgia on March 14, 2020 and the Georgia General Assembly concurred with the Governor’s declaration on March 16, 2020; and

WHEREAS, the World Health Organization has declared the novel coronavirus known as COVID-19 a world health emergency and a pandemic; and

WHEREAS, the City of Loganville has declared a Local Emergency; and

WHEREAS, the Charter of the City of Loganville, in Section 2.24 grants to the City the power to declare an emergency and “adopt an emergency ordinance”; and

WHEREAS, the City of Loganville has taken multiple measures to reduce the risk of community transmission, including cancelling Municipal Court sessions through at least April 13, 2020, postponing annual inspections, canceling public events, canceling rentals of city buildings, and limiting public access to city buildings; and

WHEREAS, additional measures will likely be required in the coming days and weeks to address the fluid situation and such measures will likely need to be executed quickly and free of the usual formalities and procedures required for City action.

NOW THEREFORE, BE IT RESOVLED, and it is hereby resolved, by the City Council of the City of Loganville, Georgia as follows:

Section 1: The City Council adopts and makes the findings discussed in the “Whereas” paragraphs the factual findings of the Council.

Section 2: The City Council hereby declares a Public Health State of Emergency in the City of Loganville due to the rapid spread of COVID-19 in the United States and the State of Georgia.

Section 3: The following provisions shall govern during the Public Health State of Emergency declared herein:

- a. The City Council and all other boards, commissions or agencies of the City, shall have authority to conduct meetings and take votes by teleconference in accordance with O.C.G.A. Section 50-14-1(g);

- b. The City Manager, with approval of the Mayor, shall have authority to take such actions deemed necessary or appropriate for the public health and safety of the citizens, and employees of the City of Loganville.
- c. During the effective dates of this Ordinance only, a restaurant licensed to sell beer and wine for on-premises consumption, shall be authorized to sell unopened bottles or new, sealed of beer or unopened bottles of wine for take-out consumption off-premises when accompanied by an order for food;
- d. The City Council authorizes the City Manager to make or authorize others to make emergency procurements of supplies, services, or construction items while there exists a threat to public health, welfare, or safety; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. During the effective dates of this Ordinance, the City Manager's purchasing approval authority above normal spending levels shall be provided to the Mayor for approval.
- e. During the effective dates of this Ordinance only Water & Sewer late fees shall be waived.
- f. The City Council desires to make certain that the chain of authority within city management is clear. If the City Manager is unable to perform his duties, the Public Utilities Director shall assume the duties of the City Manager. If the City Manager and Public Utilities Director are unable to perform the duties, the Police Chief shall assume the duties of the City Manager.

Section 4: All ordinances or parts of ordinances in conflict with the provisions of this ORDINANCE are hereby suspended during the effective dates of this ORDINANCE (or any extension thereof) and the terms and provisions of this ORDINANCE shall prevail.

Section 5: This ORDINANCE shall take effect upon passage by the City Council and shall expire by its own terms at 9:00 a.m. on April 22, 2020, unless terminated or extended by further action of the City Council.

Section 6: (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise

unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 6. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

SO RESOLVED, this 23rd day of March, 2020.

Rey Martinez
Mayor

Attest:

Danny Roberts
City Manager