

RESOLUTION RATIFYING MAYOR'S
FEBRUARY __, 2021 EXTENSION OF
EMERGENCY MASK OR FACE COVERING ORDER

WHEREAS, on February __, 2021, the Mayor renewed his Emergency Order Requiring that Face Coverings or Masks be Worn in Public in the City of Savannah during the COVID-19 Public Health Emergency; and

WHEREAS, Section 3-3003 of the City Code requires that any such declaration be confirmed by resolution of the City Council at either a specially called meeting or the Council's next regularly scheduled meeting; and

WHEREAS, the next regularly scheduled meeting of the Mayor and Aldermen of the City of Savannah is February 11, 2021; and

WHEREAS, the Aldermen and Alderwomen of the City of Savannah agree with the Mayor that extending the Emergency Mask or Face Covering Order is appropriate and wish hereby to affirm and ratify that Order.

NOW, THEREFORE, BE IT RESOLVED that the Mayor's February __, 2021 Renewal of Emergency Order is HEREBY CONFIRMED. In support hereof, the Mayor and Aldermen of the City of Savannah find as follows:

1. The state of Georgia remains under a public health state of emergency as a result of the COVID-19 pandemic.

2. Governor Brian P. Kemp, by Executive Order dated January 29, 2021, renewed the public health state of emergency through March 7, 2021.

3. On February 29, 2021, Governor Kemp issued an Executive Order entitled Empowering a Healthy Georgia, which provided that "all residents and visitors of the State of Georgia shall practice Social Distancing...and refrain from Gathering..." and "all residents and visitors of the State of Georgia are strongly encouraged to wear face coverings as practicable while outside their homes or place of residence, except when eating, drinking, or exercising outdoors..."

4. The incidence of infection and death in the metropolitan Savannah area continues to rise signifying the continued spread of the highly contagious and deadly COVID-19 disease.

5. The Centers for Disease Control and Prevention ("CDC") advises that the use of masks or cloth face coverings will slow the spread of COVID-19, and the CDC recommendations on PPE usage are hereby incorporated by reference.

6. Taking measures to control outbreaks minimizes the risk to the public, maintains the health and the safety of the City's residents, and limits the spread of infection in our communities and within the healthcare delivery system.

7. Pursuant to the authority of O.C.G.A. § 38-3-28(a), local governments are specifically empowered to enact rules and regulations as may be necessary for emergency management purposes.

8. O.C.G.A. § 38-3-28(a) also grants political subdivisions the power to supplement the Governor's Executive Orders.

9. This order is intended to be entered with due regard for the uniform principle that masks or face coverings will slow the spread of COVID-19 as contemplated by O.C.G.A. § 38-3-28(c).

10. This emergency order is authorized by O.C.G.A. §§ 38-3-4 and 38-3-28 and the local control provisions of Governor Kemp's Orders of January 29, 2020; and it is specifically intended to supplement such declarations, as amended, and should not be construed to be inconsistent therewith.

11. In the judgment of the Mayor of the City of Savannah, with advice from the City Manager and other subject matter experts, emergency conditions persist within the City requiring extraordinary and immediate corrective actions for the protections of the health, safety, and welfare of the citizens of the City of Savannah.

The Mayor and Aldermen further find that the following actions directed by the Mayor in his Renewal are appropriate and hereby RATIFIED:

1. All persons entering any commercial establishment in the City must wear a face covering or mask while inside the establishment. This paragraph does not apply to religious establishments; however, the use of masks or face coverings is highly recommended during religious activity/services. A person who fails to comply with this Paragraph shall be guilty of a civil infraction punishable by a fine of not more than \$500.00 pursuant to Section 3-3015 of the City Code.
2. All persons occupying any outdoor public space, including all public rights-of-way, within the City shall wear a face covering or mask. This paragraph applies to and includes any person conducting or participating in a guided tour notwithstanding whether the tour is conducted on foot or within a vehicle. "Vehicle" includes cars, trolleys, buses, bicycles, quadricycles, scooters, low speed vehicles, boats, and pedicabs. This paragraph applies neither to persons traveling alone in a personal motor vehicle nor occupants of a motor vehicle provided such occupants reside together. A person who fails to comply with this Paragraph shall be guilty of a civil infraction punishable by a fine of not more than \$500.00 pursuant to Section 3-3015 of the City Code.
3. All restaurants, retail stores, salons, grocery stores, and pharmacies in the City must require their employees to wear a face covering at all times while having face-to-face interaction with the public. A person who fails to comply with this Paragraph shall be guilty of a civil infraction punishable by a fine of not more than \$500.00 pursuant to Section 3-3015 of the City Code. Each day of a continuing violation of this Order shall

be considered a separate and distinct offense. In addition to the fines established by this paragraph, repeated violations of this Order by a person who owns, manages, operates, or otherwise controls a business subject to this Order may, subject to all procedural protections set forth in the City Code, result in being declared a public nuisance, which may be abated by the City as provided by law. The foregoing notwithstanding, every effort shall be made to bring the business into voluntary compliance with the terms of this Order prior to the issuance of any citations. For purposes of this paragraph, “person” shall be defined as any individual associated with the business who has the control or authority and ability to enforce the Social Distancing requirements of the Governor Kemp’s Executive Orders, as amended, within the business such as an owner, manager, or supervisor. “Person” may also include an employee or other designee that is present at the business but does not have the title of manager, supervisor, etc., but is vested with the authority and ability to ensure that the requirements of this Order are met while the business is open to the public.

4. Any person who is unable to safely wear a face covering due to age, an underlying health condition, or is unable to remove the face covering without the assistance of others is exempt from this Order.
5. Face coverings are not required in the following circumstances:
 - a. When a person is alone in an enclosed space or only with other household members;
 - b. During physical activity, provided the active person maintains a minimum of 6 feet from other people with whom they do not cohabit;
 - c. While drinking, eating, or smoking;
 - d. When wearing a face covering causes or aggravates a health condition;
 - e. When wearing a face covering would prevent the receipt of personal services; and
 - f. When a person is 10 years of age or younger.
6. Should any provision, paragraph, sentence, clause, or word of this Order be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of preemptive legislations, the remaining provisions, paragraphs, sentences, clauses, or words of this Order has hereby issued shall remain in full force and effect.
7. This Order is effective as of 8:00 a.m. on January 6, 2021, 2020 and shall remain in effect until 11:59 p.m. on February 6, 2021.

The Mayor and Aldermen hereby DIRECT and AUTHORIZE the City Manager to undertake all steps necessary to carry out the Mayor's Renewal Order as may be appropriate and lawful.

ADOPTED AND APPROVED this 11th day of February, 2021.

Van R. Johnson II
Mayor

Mark Massey
Clerk of Council