



**ROBERT A.B. REICHERT**  
MAYOR

OFFICE OF THE MAYOR

*Macon-Bibb County*

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**EMERGENCY ADMINISTRATIVE ORDER**

**MARCH 23, 2020**

**WHEREAS**, on March 11, 2020, the World Health Organization declared that the Novel Coronavirus 2019 ("COVID-19") disease is a global pandemic, in response to over 118,000 cases present in over 110 countries globally, while currently there are over 267,000 cases, over 11,000 deaths in 184 countries; and

**WHEREAS**, on March 13, 2020, President Donald Trump declared a national emergency, and pledged the "full power of the federal government" to fight this pandemic; and

**WHEREAS**, on March 14, 2020, Governor Brian Kemp issued Executive Order 3.14.20.01, which declared a public health emergency for the purpose of easing restrictions that might otherwise hinder the ability of public health systems to respond appropriately to the COVID-19 pandemic, through April 13, 2020, unless further extended; and

**WHEREAS**, on March 16, 2020, the Georgia General Assembly entered a 2020 Special Session to adopt House Resolution 4EX, ratifying Governor Brian Kemp's public health emergency declaration, and reserving the right to terminate the emergency declaration through future legislative action; and

**WHEREAS**, as of 7:00 P.M on March 22, 2020, the Georgia Department of Public Health has confirmed 620 positive cases of COVID-19 in Georgia, including 25 fatalities caused by COVID-19 statewide, and positive cases in Macon-Bibb County, Houston County, Peach County, Monroe County, Baldwin County, and Twiggs County, totaling nine confirmed positive cases within the North Central Health District; and

**WHEREAS**, Medical professionals have advised that if COVID-19 continues to spread in Macon-Bibb County and the rest of Georgia at a rate comparable to that rate of spread in other affected areas, it may greatly strain the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, such as COVID-19, and the situation may become too large in scope to be handled in its entirety by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of this State; and

**WHEREAS**, a critical component of the public response to the COVID-19 pandemic is to practice "social distancing" by minimizing contact between people residing in different households as much as possible; and

**WHEREAS**, despite guidance from the United States Centers for Disease Control and Prevention (“CDC”), stating that people should avoid gathering in crowds of ten or more, and guidance from the Georgia Emergency Management Agency (“GEMA”), recommending that Georgians should avoid gathering in groups of any size, it has been evidenced that people in Macon-Bibb County continue to gather in large numbers in enclosed spaces where social distancing cannot be effectuated; and

**WHEREAS**, Pursuant to O.C.G.A. § 38-3-28, the Macon-Bibb County Commission, as the governing authority of a political subdivision of the State of Georgia, is authorized to make, amend, and rescind orders, rules, and regulations as necessary for emergency purposes and to supplement carrying out the emergency management laws; and

**WHEREAS**, under O.C.G.A. § 38-3-6, emergency powers created by the law are intended to be liberally construed so as to allow government officials to meet the demands of emergencies within their jurisdictions; and

**WHEREAS**, Section 2(c) of the Macon-Bibb County Charter provides,

The restructured government, in addition to the rights, duties, powers, privileges, and authority expressly conferred upon it by this charter, shall have the right, duty, power, privilege, and authority to exercise and enjoy all other powers, duties, functions, rights, privileges, and immunities necessary and proper to promote or protect the safety, health, peace, security, and general welfare of said government and its inhabitants and to exercise all implied powers necessary to carry into execution all powers granted in this charter as fully and completely as if such powers were fully enumerated in this charter and to do and perform all of the acts pertaining to its local affairs, property, and government that are necessary or proper in the legitimate exercise of its corporate powers and governmental duties and functions.

; and

**WHEREAS**, on December 6, 2016, the Macon-Bibb County Commission approved Resolution No. R-16-0301, adopting the Local Emergency Operations Plan (“LEOP”) now in effect for Macon-Bibb County; and

**WHEREAS**, Section 4.A of the LEOP provides that the Mayor, “[i]s responsible for coordinating resources to address the full spectrum of actions to prevent, prepare for, respond to, recover from, and mitigate against incidents involving all hazards including terrorism, natural and man-made disasters, accidents, and other contingencies;” and “[h]as emergency powers that allow the Mayor to suspend laws and ordinances, such as to establish a curfew, direct evacuations, and, in coordination with the health authority, to order a quarantine;” and

**WHEREAS**, Section 7.D.1 of the LEOP provides that the declaration of a local emergency allows the Macon-Bibb County Emergency Management Agency to coordinate with other governmental entities for support and resources under its mutual aid agreements; and

**WHEREAS**, Section 9-4(c) of the Macon-Bibb County Code of Ordinances provides that the Mayor, as designee of the Macon-Bibb County Commission under Section 4.A of the LEOP, “may temporarily suspend the enforcement of the Code of Ordinances of Macon-Bibb County, or any portion thereof, where:

- (1) The emergency or disaster is of such nature that immediate action outside this Code is required;
  - (2) Such suspension is consistent with the protection of the public health, safety and welfare; and
  - (3) Such suspension is not inconsistent with any federal or state statutes or regulations”
- ; and

**WHEREAS**, inherent in the power to suspend ordinances is the power to take emergency affirmative actions, consistent with the protection of public health, safety, and welfare, and consistent with state and federal law; and

**WHEREAS**, to prevent or minimize injury to people resulting from this pandemic, I, Robert A.B. Reichert, as Mayor of Macon-Bibb County, find that certain actions are required, including but not limited to, the social distancing measures set forth herein.

**NOW, THEREFORE, BY THE POWER VESTED IN ME AS MAYOR OF MACON-BIBB COUNTY, IT IS HEREBY ORDERED THAT:**

1.

Macon-Bibb County is declared to be under a state of emergency, which shall continue until April 6, 2020, unless modified by subsequent order.

2.

That, all public or private Community Gatherings of more than ten (10) people anywhere within Macon-Bibb County are prohibited for the duration of this Order. A “Community Gathering” is defined as any indoor or outdoor event, meeting, or convening of people, subject to the exceptions below, that brings together, or is likely to bring together, or solicits to bring together, ten (10) or more persons at the same time in a single room or other single confined or enclosed space, such as an auditorium, stadium (indoor or outdoor), tent, arena, event center, music venue, meeting, hall, conference center, large cafeteria, or any other confined indoor and outdoor space.

A Community Gathering does not include the following or similar uses, so long as persons attending the same are generally not within six (6) feet of each other for extended periods: (1) governmental operations; (2) spaces where persons may be in transit or waiting for transit such as airports, bus stations, or terminals; (3) child-care or adult care facilities, residential buildings or any type of temporary sheltering or housing; (4) grocery stores or pharmacies; (5) hospital or medical facilities; (6) educational institutions engaged in medical, engineering, or other efforts by students or faculty to deal with the impact of COVID-19 and (7) the performance of job duties by persons not exhibiting symptoms of COVID-19 or residing with any person exhibiting symptoms of COVID-19.

3.

Notwithstanding the previous section, the following business categories will be regulated as follows:

- A. Restaurants shall close to the public except to provide take out, delivery, drive-through, or curbside service. Restaurants which are licensed under Chapter 4 of the Macon-Bibb County Code of Ordinances for the sale of malt beverages by the drink for consumption on premises may sell malt beverages in sealed containers by the package without obtaining any additional license. Restaurants which are licensed under Chapter 4 of the Macon-Bibb County Code of Ordinances for the sale of wine by the drink for consumption on premises may sell wine in sealed containers by the package without obtaining any additional license. Cafeterias in hospitals, nursing homes, higher education institutions, or similar facilities shall not be subject to the restrictions contained in this Section.
- B. Except for food service establishments licensed by the Department of Public Health, all business locations licensed under Chapter 4 of the Macon-Bibb County Code of Ordinances for the sale of alcoholic beverages for consumption on premises or for brown bagging for consumption on premises, such as bars, taverns, and similar establishments, shall be closed for business.
- C. All establishments providing body care services which require physical contact between the provider and client, including, without limitation, barbering, hair design, cosmetology, esthetics, massage therapy, tattooing, body waxing, tanning salons, or nail care shall be closed for business. This paragraph shall not restrict any services performed by or under the direct supervision of a licensed medical doctor, nurse, dentist, physical therapist, chiropractor, or other healthcare professional.
- D. All indoor recreation facilities, including, without limitation, gyms, health studios, yoga, barre, spin, or other fitness classes, spas, saunas, indoor amusement facilities, arcades, bowling alleys, pool halls, movie theatres, playhouses, and concert venues, shall be closed for business;
- E. All other retail, commercial, or industrial establishments will be permitted to remain open subject to the following restrictions: (i) reasonable steps are taken to ensure that customers, employees, and other persons on the premises shall generally not be within six (6) feet of each other for longer than brief periods; and (ii) employees are not suffered or permitted to work if they are exhibiting symptoms of COVID-19 or residing with anybody exhibiting symptoms of COVID-19.

4.

Bowden Golf Course, all Macon-Bibb County Tennis Facilities, and all Macon-Bibb County-owned facilities at Lake Tobesofkee, including, without limitation, Claystone Park, Arrowhead Park, and Sandy Beach Park, shall be closed for business.

5.

All permits for special events, including park facility rentals, to be held on Macon-Bibb County property for the duration of this Order are hereby cancelled, and no new special event permits shall be authorized for the duration of this Order. Persons affected by this cancellation shall be entitled to a refund of any permit or rental fees paid.

6.

All deadlines imposed under Article VII of Chapter 26 of the Macon-Bibb County Code of Ordinances, relating to the renewal of business licenses, shall be tolled for the duration of this Order, and for thirty (30) days following the expiration of this Order.

7.

All deadlines of any action, determination, or decision required of any official, board, or commission of the Macon-Bibb County Government under the provisions of the Macon-Bibb County Code of Ordinances shall be tolled for the duration of this Order, and for thirty (30) days following the expiration of this Order.

8.

Pursuant to Sec. 9-12 of the Macon-Bibb County Code of Ordinances, violation of any provision of this Order, upon conviction, shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation and/or imprisonment not to exceed sixty (60) days. For purposes of enforcing the provisions of this Order, each day a business operates within Macon-Bibb County without complying with this Order shall constitute a separate offense.

9.

Nothing in this Order shall be construed as creating any right or benefit, substantive or procedural, enforceable at law or in equity by any party against Macon-Bibb County, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

10.

This Order shall become effective six hours after the time indicated below, and shall remain in effect through and including 11:59 P.M. on April 6, 2020, unless modified by subsequent order.

SO ORDERED this 23<sup>rd</sup> day of March, 2020, at 11:15 o' clock, 11 .M.

By: Robert A. B. Reichert  
ROBERT A.B. REICHERT, Mayor

Attest: Janice S. Ross  
JANICE S. ROSS, Clerk of Commission

