

1. Declaration Of Emergency Situation

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RESOLUTION NO. ____

**BY THE MARIETTA CITY COUNCIL DECLARING AN EMERGENCY SITUATION
AND ENACTING EMERGENCY MEASURES TO PREVENT THE SPREAD OF THE
NOVEL CORONAVIRUS**

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States, declared a National Public Health Emergency in response to the outbreak of COVID-19; and

WHEREAS, on March 14, 2020, Brian Kemp, Governor of the State of Georgia, declared that a State of Emergency exists in the State of Georgia due to the spread of COVID-19 within Georgia; and

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

WHEREAS, in the judgement of the Mayor and City Council, there exist emergency circumstances located in the entire city limits of Marietta requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of Marietta; and

NOW, THEREFORE, pursuant to Chapter 2.16 of the City of Marietta Charter (Powers of Council - Emergency Situations) **IT IS HEREBY DECLARED** that a state of emergency has existed since the imposition of National and Statewide Emergency Declarations by the President and the Governor, and shall continue until the conditions requiring this declaration are abated; and

FURTHER, IT IS HEREBY RESOLVED that the City of Marietta has activated the Marietta Emergency Operations Plan pursuant to Chapter 2-8 of the City of Marietta Code, and has invoked Section 4.4 (8) of the City Charter authorizing the City Manager to award contracts, make purchases, and to make changes regarding service delivery and personnel, if needed.

FURTHER, IT IS HEREBY RESOLVED that the following emergency measures shall be enacted, and to the extent current City Code or other existing city regulations may conflict with these measures, these provisions shall govern until the expiration of this resolution:

Section 1. Restrictions on bars, restaurants, and other on-premise food consumption businesses.

- a) All bars, restaurants, or businesses who sell food or beverages for consumption on premises or who provide entertainment on premises shall be closed to in-person dining, consumption of alcohol, or entertainment until the expiration of this resolution. Outdoor dining is also prohibited by this action.

- b) Bars, restaurants, and other businesses that sell food may offer food for take-away or for customers to eat somewhere other than at the establishment.
- c) All bars, night clubs, and private clubs will suspend operations, including bars within the restaurants continuing to operate as take-away dining establishments.
- d) Furthermore, businesses shall ensure that all onsite consumption of food is prohibited, and that employees and contractors of the business maintain at least 6 feet of personal distance between themselves as much as possible given the physical constraints of the premises.

Section 2. Non-medical close-contact personal service providers.

All personal service businesses involving non-medical physical contact shall have their city business license stayed until the expiration of this resolution. Businesses subject to this section include, but are not limited to, hair stylists, beauty shops, barber shops, tattoo parlors, nail salons, or similar non-medical close-contact service providers.

Section 3. Parks and outdoor facilities.

- a) All parks and outdoor recreation facilities, public or private, shall be limited to hours of operation from 6:00 a.m. to 8:00 p.m. daily, including weekdays and weekends.
- b) All playgrounds, basketball, volleyball or other group sports spaces are to remain closed, and all organized sports and recreation activities shall be suspended until the expiration of this resolution. All parks facilities shall be operated in a manner consistent with the recommended 6-foot personal distance requirements.
- c) Parks and recreation facilities shall not be available for rental or to otherwise host gatherings or other events during the operation of this resolution.

Section 4. Social distancing requirements for businesses.

All business of any nature within in the City shall abide by the restriction on gathering in groups of 10 or more except to the extent their space that will accommodate 6 feet of distance between individuals on the premises. All businesses shall implement written policies and practices that ensure the practice of social distancing by its employees, agents, and customers.

Section 5. Telecommuting, home offices and residential zoning.

Telecommuting and the operation of a home office by an individual, with no clients or customers visiting the office, shall not be considered a violation of the City's residential zoning restrictions.

Section 6. Stay of zoning and other land use matters requiring a public hearing

In recognition of the need to allow full public participation in City of Marietta land use decisions, all zoning, annexation, variance, special land use, historic preservation and other land use matters requiring a public hearing are hereby stayed until the expiration of this resolution.

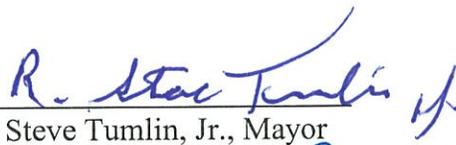
Section 7. Regulations to incorporate existing and future declarations

It is the intent of the City Council to incorporate by reference the emergency executive orders of the President of the United States, the emergency executive orders of Governor Kemp, the health directives and regulations of the Department of Health and Human Services, the Centers for Disease Control, the Cobb County Board of Health, and Cobb-Douglas Public Health, (“Health Declarations”). Such Health Declarations are specifically adopted and incorporated into this resolution in their current form and as modified in the future. Such Health Declarations are to be liberally interpreted as City of Marietta regulations, with the City of Marietta having full police powers to enforce them. The promulgation of rules and policies enforcing the regulations in this resolution and the Health Declarations incorporated by this resolution shall be implemented by the consensus of the City Manager, Fire Chief, Mayor and Police Chief. All such determinations shall have the effect and weight of City law regulated through the permit process.

Section 8. Effective Date.

The effective date of this resolution shall be March 24, 2020 and enforcement of the resolution commence on March 26, 2020 and terminate as of April 10, 2020 subject to extension, modification, or termination by action of the City Council on or before April 8, 2020.

This 24th day of March, 2020.

APPROVED: 
R. Steve Tumlin, Jr., Mayor

ATTESTED: 
Stephanie Guy, City Clerk

APPROVED AS TO FORM: 
Douglas R. Haynie, City Attorney