

COUNTY OF POLK  
CITY OF CEDARTOWN  
CITY OF ROCKMART  
CITY OF ARAGON  
STATE OF GEORGIA

JOINT RESOLUTION

RESOLUTION NO. 2020 - \_\_\_\_\_

**A JOINT RESOLUTION OF THE GOVERNING AUTHORITIES OF THE COUNTY OF POLK, THE CITY OF CEDARTOWN, THE CITY OF ROCKMART, AND THE CITY OF ARAGON TO DECLARE A LOCAL STATE OF EMERGENCY RELATED TO COVID-19. TO IMPOSE SOCIAL DISTANCING REQUIREMENTS, TO PROHIBIT PUBLIC AND PRIVATE GATHERINGS OF MORE THAN TEN (10) PEOPLE AND FOR OTHER PURPOSES.**

**WHEREAS**, the County of Polk, (the “County”) and the cities of Cedartown, Rockmart, and Aragon (the “Cities”) have experienced an event of critical significance as a result of Coronavirus (COVID-19) disease (“COVID-19”); and

**WHEREAS**, the Centers for Disease Control and Prevention (the “CDC”) indicates that COVID-19 is a new and contagious respiratory disease caused by a novel (new) coronavirus that was first detected in China and which has now been detected in more than 100 locations around the world, including the United States; and

**WHEREAS**, as reported by the World Health Organization (“WHO”), the world has experienced a deep humanitarian crisis with more than 267,000 cases and more than 11,000 deaths related to COVID-19; and

**WHEREAS**, COVID-19 is officially a global pandemic according to the WHO; and

**WHEREAS**, on March 13, 2020, President Donald Trump declared a national emergency for the United States of America in response to COVID-19; and

**WHEREAS**, on March 14, 2020, Governor Brian Kemp declared a public health emergency due to COVID-19; and

**WHEREAS**, the County of Polk and the Cities of Cedartown, Rockmart and Aragon subsequently invoked precautionary measures recommended by the CDC and WHO to limit exposure to the COVID-19 virus; and

**WHEREAS**, as reported by the Georgia Department of Public Health, as of March 21, 2020, Georgia now has over 550 confirmed cases of COVID-19 and twenty (20) COVID-19 related deaths; and

**WHEREAS**, the CDC has issued guidelines on the emerging and rapidly evolving situation of the COVID-19 pandemic, including how to protect oneself from illness; and

**WHEREAS**, social distancing is recommended by the CDC to prevent the continued spreading of the illness in the community; and

**WHEREAS**, on March 16, 2020, President Donald Trump issued his Coronavirus Guidelines for America, which instructs people to listen to their local authorities and to avoid social gatherings of more than ten (10) people; and

**WHEREAS**, these guidelines have been adopted by the state and local public health officials as well; and

**WHEREAS**, cities, states, and counties throughout the country have imposed temporary restrictions related to public and private gatherings to stop large numbers of people from gathering and staying in close proximity during the COVID-19 pandemic; and

**WHEREAS**, the CDC expects that additional cases of COVID-19 will be identified in the coming days, including more cases in the United States, and that person-to-person spread is likely to continue to occur; and

**WHEREAS**, local emergency hospital personnel have reported to the elected officials of Polk County that they are treating patients with symptoms consistent with COVID-19; and

**WHEREAS**, medical professionals have advised that if COVID-19 spreads in the County and the rest of Georgia, at a rate comparable to the 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 normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State; and

**WHEREAS**, in judgment of the elected officials of these entities, as of the date of this Resolution, there exist emergency circumstances as a result of COVID-19 within the geographical boundaries of Polk County and the cities of Cedartown, Rockmart and Aragon requiring extraordinary and immediate corrective actions for the protection of the health, safety and welfare of the citizens of Polk County and the surrounding communities; and

**WHEREAS**, to prevent or minimize injury to people resulting from this pandemic, the elected officials of Polk County and respective Cities find that certain actions are required, including but not limited to, the social distancing measures set forth herein; and

**WHEREAS**, pursuant to the respective Charters and enabling legislation of Polk County, the City of Cedartown, the City of Rockmart and the City of Aragon, the elected officials of each entity have the duties, functions, rights, privileges, and immunities necessary and proper to promote or protect the safety, health, peace, security and general welfare of said governments and its inhabitants and to exercise all implied powers necessary to carry into execution all powers granted in the Charters as fully and completely as if such powers were fully enumerated therein; and

**WHEREAS**, pursuant to O.C.G.A. Section 38-3-28, the elected officials of Polk County, the City of Cedartown, the City of Rockmart and the City of Aragon are authorized to make, amend, and rescind orders, rules, and regulations necessary for emergency purposes and to supplement carrying out the emergency management laws; and

**WHEREAS**, pursuant to O.C.G.A. Section 38-3-51, the Governor's declared public health emergency authorizes the County and Municipal officials to use emergencies power in O.C.G.A. Sections 38-3-1 through 38-3-64; and

**WHEREAS**, pursuant to O.C.G.A. Section 38-3-6, during an emergency, O.C.G.A. Sections 38-3-1 through 38-3-64 are supposed to be liberally construed to effectuate their purposes.

**NOW, THEREFORE BE IT RESOLVED**, that the elected officials of Polk County, Georgia and the Cities of Cedartown, Rockmart and Aragon do hereby declare that a local state of emergency exists within the territorial limits of Polk County, Georgia and respective municipalities and shall continue until the conditions requiring the declaration are abated. **THEREFORE, IT IS ORDERED**, as follows:

1. This Order is issued based on evidence of increasing occurrence of COVID-19 within Polk County and throughout the State of Georgia, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. Making the problem worse, some individuals who contract COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow the virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent possible. By reducing the spread of COVID-19 virus, the Order helps preserve critical and limited healthcare capacity in the County.
2. The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their residence, whether to obtain or perform vital services, or otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times as reasonably possible, comply with social distancing requirements set forth below. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
3. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six (6) feet from any other person when they are outside their residence. To the greatest extent feasible, all businesses shall comply with these social distancing requirements, including, but not limited to, when any customers are standing in line.

4. All public and private gatherings of more than ten (10) people occurring outside a household or living unit are prohibited. Nothing in this Order prohibits the gathering of members of a household or living unit. This prohibition shall not apply to the following:
  - a. Employers and employees gathered at their place of work;
  - b. Grocery stores, convenience stores, gas stations, hardware stores, department stores, building supply stores, and the like;
  - c. Hospitals, doctors' offices, and other health care facilities; or
  - d. Any "Essential Critical Infrastructure Workforce" as defined by the United States Department of Homeland Security.
5. Any other public and private gathering of people occurring outside a household or living unit may be prohibited or suspended upon the execution of a "Declaration of Emergency Powers" signed by the respective Chairperson and/or Mayors of the participating entities to this resolution.
6. All bars, restaurants, and other businesses that sell food or beverages for consumption on premises or that provide entertainment on premises shall be closed to in-person dining, consumption of alcohol, or entertainment until the expiration of this resolution, subject to the following:
  - a. 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.
  - b. Businesses affected by these closures shall establish systems that restrict in-person contact as much as possible. Such processes may include the business taking the food to customers' vehicles rather than the customer coming inside the business.
  - c. Furthermore, businesses shall ensure that all onsite consumption of food is prohibited, and that employees and contractors of the business maintain at least six (6) feet of personal distance between themselves as much as possible given the physical constraints of the premises.
  - d. If a restaurant is licensed to sell beer, wine, and/or distilled spirits for on-premises consumption, such business during the efficacy of this resolution shall be authorized to sell unopened containers of beer, wine and distilled spirits for take-out consumption off-premises.

7. This Order is necessary to slow the rate of spread and the COVID-19 virus, and the elected officials of the County and participating Cities will re-evaluate it as further data becomes available.
8. The elected officials of Polk County and participating Cities also make the findings set forth in the "Whereas" paragraphs part of the factual findings of the elected officials.
9. This Order is issued in accordance with, and incorporated herein by reference is the March 16, 2020 Proclamation of a State of Emergency issued by Governor Brian Kemp.
10. This Order comes after the release of substantial guidance from the Centers for Disease Control and Prevention, the Georgia Department of Public Health, and other public health officials throughout the United States and around the world, including a variety of prior orders to combat the spread and harms of COVID-19.
11. The elected officials of Polk County will continue to assess the quickly evolving situation and may modify or extend this Order, or issue additional Orders, related to COVID-19.
12. Any violation of this Order shall be considered as an ordinance violation subject to the general penalty provisions of each participating entity as prescribed in their respective Code of Ordinances.
13. This Order shall become effective immediately upon its adoption and will continue to be in effect until it is extended, rescinded, superseded or amended in writing by the elected officials of the parties to this joint resolution.
14. Copies of this Order shall promptly be (1) made available at the Administrative Offices of each entity; (2) posted on the websites of each participating entity; and (3) provided to any member of the public requesting a copy of this Order.
15. If any provision of this Order or the application hereof to any person or circumstance is held invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

ADOPTED THIS 24TH, day of March 2020

**POLK COUNTY, GEORGIA**

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**HAL FLOYD, Vice- Chairman**

**ATTEST:**

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**DAWN TURNER, Clerk**

**CITY OF ROCKMART**

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**SHERMAN ROSS, Mayor**

**ATTEST:**

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**PAM G. HERRING, City Clerk**

**CITY OF CEDARTOWN, GEORGIA**

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**MATT FOSTER, Chairman**

**ATTEST:**

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**City Clerk**

**CITY OF ARAGON**

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**DEBBIE PITTMAN, Mayor**

**ATTEST:**

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**KIM ALLEN, City Clerk**