

DECLARATION NO. 2020-01

DECLARATION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF FITZGERALD,  
GEORGIA AND THE CHAIRMAN AND BOARD OF COMMISSIONERS OF BEN HILL  
COUNTY, GEORGIA DECLARING A PUBLIC HEALTH STATE OF EMERGENCY  
RELATED TO COVID-19

**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 State Emergency in Georgia on March 14, 2020; and,

**WHEREAS,** the World Health Organization has declared the Corona Virus Disease 2019 (COVID-19) a world health emergency and a pandemic; and,

**WHEREAS,** the Centers for Disease Control and Prevention (“CDC”) has recommended that any gathering of over 10 people be discontinued or prohibited; and

**WHEREAS,** Dorminy Medical Center has reported at least one case of an individual testing positive for COVID-19 in Ben Hill County; and

**WHEREAS,** a “Public health emergency” is defined by O.C.G.A. § 31-12-1.1 as follows: “the occurrence or imminent threat of an illness or health condition that is reasonably believed to be caused by bioterrorism or the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin and poses a high probability of any of the following harms: (A) A large number of deaths in the affected population; (B) A large number of serious or long-term disabilities in the affected population; or (C) Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population”;

**WHEREAS,** it is vitally important that all local businesses, restaurants, and bars recognize that failing to follow the CDC and Georgia Department of Public Health guidelines jeopardize the safety of those who gather on their premises;

**WHEREAS,** South Georgia has increasingly seen more reported cases as COVID-19 spreads; and

**WHEREAS,** additional measures may be required in the coming days and weeks to address the fluid situation and such measures may need to be executed quickly and free of the usual formalities and procedures.

**NOW THEREFORE, IT IS FURTHER RESOLVED** as follows:

**Section 1:** The City of Fitzgerald and Ben Hill County hereby declare a Public Health State of Emergency in Ben Hill County, Georgia due to the rapid spread of COVID-19 in the United States and the State of Georgia.

**Section 2:** This Public Health State of Emergency shall take effect upon the passage by the City Council of the City of Fitzgerald and the Board of Commissioners of Ben Hill County and remain in effect until April 30, 2020 (the “Term”), unless terminated or extended by further action.

**Section 3:** A curfew is imposed from 9:00 p.m. to 5:00 a.m. effective immediately. Residents, unless “exempt individuals” as defined herein, shall remain in their homes or on their property. Exempt individuals include those individuals engaged in the provision or designated, essential services, such as (1) fire; (2) law enforcement; (3) medical and hospital services; (4) military services; (5) utility emergency repairs; (6) persons seeking emergency medical services or hospital services; (7) individuals traveling to and from their jobs with appropriate identification; (8) individuals engaged in the delivery of food, medicine, medical supplies and fuel, including but not limited to the re-stocking of grocery stores, pharmacies, and convenience; and (9) news media employees.

**Section 4:** The City of Fitzgerald and Ben Hill County recommend the following precautions:

**1. Restaurants**

- a. The City of Fitzgerald and Ben Hill County strongly urge all restaurants to stop providing indoor dining for the Term of this Public Health State of Emergency. Instead, restaurants should provide take-out service, delivery, or curbside pick-up.
- b. To the extent a restaurant declines to stop providing indoor dining, it should follow the recommendations below:
  - i. It is recommended that all restaurants immediately limit its occupancy to 50% of its current building occupancy.
  - ii. It is recommended that all restaurants follow the CDC guidance by ensuring, at minimum, a 6-foot distance between any group of patrons and limiting parties to no more than 10 individuals.
  - iii. It is recommended that all restaurant owners or management ensure all restaurants implement employee screening and prohibit any employee from entering the restaurant premises if they meet any of the criteria listed below:
    1. Any person showing, presenting signs or symptoms of, or disclosing the presence of a respiratory infection, including cough, fever, shortness of breath or sore throat;

2. Any person who has been in contact with any person(s) known to be infected with COVID-19, who has not yet tested negative for COVID-19 within the past 14 days;
3. Any person who traveled through any airport within the past 14 days; or
4. Any person who traveled on a cruise ship within the past 14 days.

## 2. Businesses

- a. All business with a facility in Ben Hill County, Georgia, except businesses otherwise provided for in this Declaration and “Essential Businesses” as defined below, are recommended to cease all activities at facilities located within Ben Hill County, Georgia except Minimum Basic Operations,” as defined below. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences. All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses should comply with social distancing requirements.
- b. For the purposes of this Declaration, “Essential Businesses” means:
  - i. Healthcare operations and essential healthcare infrastructure;
  - ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other nongrocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
  - iii. Food cultivation, including farming, livestock and fishing;
  - iv. Retail businesses selling any goods or services to the public;
  - v. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
  - vi. Newspapers, television, radio, and other media services;
  - vii. Gas stations and auto-supply, auto-repair, and related facilities;

- viii. Banks and related financial institutions;
- ix. Hardware stores;
- x. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences and essential businesses;
- ,xi. Businesses providing mailing and shipping services, including post office boxes;
- xii. Educational institutions – including private K-12 schools, colleges, and universities – for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
- xiii. Laundromats, drycleaners, and laundry service providers;
- xiv. Businesses that supply products needed for people to work from home;
- xv. Businesses or manufacturers that supply other essential businesses with the support or supplies necessary to operate;
- xvi. Businesses that ship or deliver groceries, food, goods, or services directly to residences;
- xvii. Airline, taxis, and other private transportation providers providing transportation services necessary for essential activities and other purposes expressly authorized by this Declaration;
- xviii. Home-based care for seniors, adults, or children;
- xix. Residential facilities including hotels, motels, shared rental units and similar facilities and shelters for seniors, adults, and children;
- xx. Professional services, such as legal, accounting services, real estate services, when necessary to assist in compliance with legally mandate activities;
- xxi. Any duly licensed business not otherwise restricted herein that operates with a minimum of six (6) feet of separation between employees at all times. Any such businesses shall insure such

separation is maintained at all times, including when employees enter and exit the business;

xxii. Any retail business (which by way of example shall include but not be limited to grocery stores, convenience stores, pharmacies, hardware stores, building supply stores, et.) offering goods for sale to the public shall not permit its premises to become occupied by any more than 50 percent of its approved occupancy level and shall further be responsible for encouraging social distancing of at least 6 feet between employees and consumers on its premises.

c. For the purposes of this Declaration, “Minimum Basic Operations” means the minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions. “Minimum Basic Operations” also means the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

**Section 5:** If an establishment is licensed to sell beer, wine, or liquor for on-premises consumption, such establishment, during the Term of this Public Health State of Emergency, shall be authorized to sell unopened bottles of beer or wine for take-out consumption off-premises.

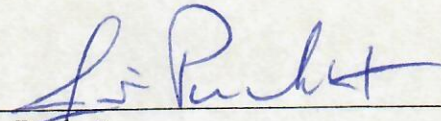
**Section 6:** Citizens are strongly encouraged to avoid any unnecessary human contact, travel, or commerce. Accordingly, citizens are encouraged to remain at home to avoid exposure to COVID-19. All citizens are directed to the following web sites for more information on how to avoid exposure:

<https://www.cdc.gov/coronavirus/2019-ncov/prepare/prevention.html>

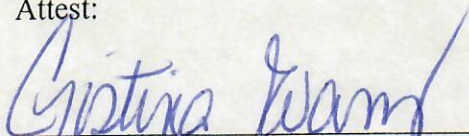
<https://dph.georgia.gov/covid-19-individuals-and-families>

**Section 7:** All ordinances or parts of ordinances in conflict with the provisions of this Declaration are hereby suspended during the Term of this Public Health State of Emergency (or any extension thereof) and the terms of this Public Health State of Emergency shall prevail. Accordingly, unless otherwise declared or prohibited by law, the Ben Hill County Emergency Management Agency Director shall have the authority to take any further action to prevent the spread of COVID-19. Secondly, the Mayor of the City of Fitzgerald and the Chairman for Ben Hill County shall have the authority to take any necessary further action.


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

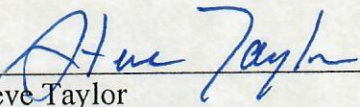
  
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Jim Puckett  
Mayor of City of Fitzgerald, Georgia

Attest:

  
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Christina Evans  
City Clerk of City of Fitzgerald, Georgia



  
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Donna Prather  
County Clerk of Ben Hill County, Georgia

  
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Steve Taylor  
Chairman of Ben Hill County, Georgia

