EMERGENCY ORDER REQUIRING THAT FACE COVERINGS OR MASKS BE WORN IN PUBLIC IN THE CITY OF SAVANNAH DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

WHEREAS, the state of Georgia remains under a state of emergency as a result of the COVID-19 pandemic; and

WHEREAS, Governor Brian P. Kemp has relaxed and/or removed many restrictions on businesses resulting in citizens and visitors interacting in public and commercial establishments; and

WHEREAS, the guidelines promulgated by the White House on re-opening America specifically call for a 14-day downward trajectory among other gating criteria, which guidelines are specifically incorporated by reference; and

WHEREAS, the incidence of infection and death in the metropolitan Savannah area has consistently risen signifying the continued spread of the highly contagious and deadly disease; and

WHEREAS, the number of cases is growing rapidly and if COVID-19 continues to spread in the City, the number of persons relying on medical, pharmaceutical, and general cleaning supplies will increase, the private and public sector work force will be negatively impacted by absenteeism, and the demand for medical facilities may exceed locally available resources; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, it is vitally important that we all ***work together*** to decrease the widespread proliferation of COVID-19 among us all now rather than suffer the unfortunate and devastating medical and economic consequences later; and

WHEREAS, 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; and

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

WHEREAS, this order is intended to be entered with due regard to 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); and

WHEREAS, 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 Executive Order of June 29, 2020, and it is specifically intended to supplement such declaration, as amended, and should not be construed to be inconsistent therewith; and

WHEREAS, 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 protection of the health, safety, and welfare of the citizens of the City of Savannah.

NOW, THEREFORE, pursuant to the authority vested in me by local and state law;

IT IS HEREBY ORDERED that masks or facial coverings shall be required in public places within the City to slow the spread of the novel coronavirus disease known as COVID-19 as follows:

1. All persons entering a 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 face coverings is highly recommended during religious activity.

2. 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.

3. 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.

4. Face coverings are not required in the following circumstances:

   a. In personal vehicles;
   b. When a person is alone in enclosed spaces or only with other household members;
   c. During outdoor physical activity, provided the active person maintains a minimum of 6 feet from other people with whom they do not cohabitate at all times;
   d. While drinking, eating, or smoking;
   e. When wearing a face covering causes or aggravates a health condition;
   f. When wearing a face covering would prevent the receipt of personal services; and
   g. When a person is 10 years of age or younger.

5. A person who fails to comply with Paragraph 1 of this Order 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.

6. A person who fails to comply with Paragraph 2 of this Order shall be guilty of a civil infraction, punishable by a fine of not more than $500.00. 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 to be 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 citation. For purposes of Paragraph 2, "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 this Order 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 has the authority and ability to ensure that the requirements of this Order are met while the business is open to the public.

7. Should any provision, paragraph, sentence, 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 any preemptive legislation, the remaining provisions, paragraphs, sentences, or words of this Order as hereby issued shall remain in full force and effect.

8. This Order is effective as of 8:00 am on Wednesday, July 1, 2020 and shall remain in effect until rescinded.

SO DECLARED at 10:32 m. on June 30, 2020.

Van R. Johnson II
Mayor, City of Savannah

God help us!

Attested to by:
Mark Massey, Clerk of Council