

AN INTERIM EMERGENCY ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA UNDER SECTION 2.23 OF THE CHARTER OF THE CITY OF ALPHARETTA, GEORGIA DECLARING A STATE OF EMERGENCY IN THE CITY OF ALPHARETTA, GEORGIA DURING THE PUBLIC EMERGENCY OF THE NOVEL CORONAVIRUS DISEASE 2019 GLOBAL PANDEMIC; ESTABLISHING THE CLOSURE OF ALL BARS, RESTAURANTS, AND PUBLIC GATHERING BUSINESSES; PROVIDING FOR PROCEDURES FOR THE CONTINUED OPERATIONS OF AFFECTED BUSINESSES; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council of the City of Alpharetta, Georgia are charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta, Georgia; and

WHEREAS, Section 2.23 of the Charter of the City of Alpharetta, Georgia empowers the Mayor and City Council to adopt an emergency ordinance to meet a public emergency affecting life, health, property, or public peace; and

WHEREAS, the novel coronavirus disease 2019 global pandemic is a public emergency affecting and threatening life, health, property, and public peace; and

WHEREAS, the President of the United States of America declared a National Public Health Emergency on Friday, March 13, 2020; and

WHEREAS, the Governor of the State of Georgia declared a State of Emergency in Georgia on Saturday, March 14, 2020; and

WHEREAS, on Monday, March 16, 2020, the Mayor and Council adopted an Emergency Order authorizing the adoption of ordinances by vote via electronic mail, and, due to the novel coronavirus disease 2019 global pandemic, it is in the best interest of the life, health, property, and public peace to enact this Ordinance immediately via a vote by electronic mail without a public meeting;

BE IT ORDAINED by the Mayor and City Council of the City of Alpharetta, Georgia that an emergency ordinance shall be enacted as follows:

SECTION 1. The Mayor and City Council of the City Council of Alpharetta, Georgia ("City Council") hereby declare that a state of emergency affecting life, health, property, and public peace

exists within the City of Alpharetta, Georgia (the "City") due to the novel coronavirus disease 2019 ("COVID-19");

SECTION 2. The following provisions shall govern the operation of bars, restaurants, and other businesses that allow for the gathering of ten (10) or more persons within the City of Alpharetta, Georgia during the pendency of this Ordinance:

2.1 All bars, restaurants, and similar businesses that sell food and/or non-alcoholic and/or alcoholic beverages for consumption on premises, provide entertainment on premises, or allow for the gathering of ten (10) or more persons on premises shall be closed to in-person dining, consumption of alcohol, entertainment, or gathering of persons until the expiration or reenactment of this Ordinance, whichever is later;

2.2 For the purposes of this Ordinance, businesses that allow for the gathering of ten (10) or more persons shall only refer to restaurants, gyms, fitness centers, bowling alleys, arcades, movie theaters, live performance venues, and public and private clubs;

2.3 All City outdoor facilities, including parks, shall remain open, but the public hereby shall be strongly encouraged to maintain social distancing between persons of at least six (6) feet;

2.4 Bars, restaurants, and business that sell food or beverages for consumption on premises may offer food for take-away, take-out, or delivery to be consumed off premise;

2.5 All businesses affected by this Ordinance shall establish and implement systems of social distancing. Such systems include, but are not limited to:

(1) taking food to the vehicles of customers rather than customers entering the business premises;

(2) ensuring on premise consumption of food and beverages is prohibited;

(3) ensuring employees and contractors of the business, to the greatest extent possible based on the physical constraints of the business, maintain social distancing; and

(4) ensuring employees and contractors of the business, to the greatest extent possible, minimize contact with the public.

2.6 All businesses affected by this Ordinance and authorized to sell alcoholic beverages for on premise consumption, while this Ordinance or any reenactment hereof is in effect, shall be authorized to sell to customers, whom simultaneously purchase food, unopened bottles of beer and/or wine for consumption off premise; provided, however, that off premise delivery of alcoholic beverages shall be prohibited;

2.7 At the next regularly scheduled meeting of the City Council, the City Council shall by voice vote repeal or reenact this Ordinance or adopt a substitute ordinance.

SECTION 3. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to a particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained herein.

SECTION 5. This Ordinance shall become effective immediately upon adoption.

SECTION 6. This Ordinance, pursuant to Section 2.23 of the Charter of the City of Alpharetta, Georgia, shall automatically stand repealed thirty (30) days after the date upon which it is adopted.

SECTION 7. This Ordinance may be reenacted and extended for one or more additional periods of thirty (30) days (or repealed) upon a meeting of the City Council called by the Mayor or two (2) councilmembers of the City Council.

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_ 2020 by  
the Mayor and Council of the City of Alpharetta, Georgia.

THE CITY OF ALPHARETTA, GEORGIA

By: \_\_\_\_\_  
Jim Gilvin, Mayor

(SEAL)

Attest:

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
Erin Cobb, City Clerk

\_\_\_\_\_  
C. Sam Thomas, City Attorney (by  
Steven L. Jones with express  
permission)

Adopted: \_\_\_\_\_