EXECUTIVE ORDER NUMBER 2020-012

BY THE MAYOR

WHEREAS: The world has experienced a deep humanitarian crisis due to the COVID-19; and

WHEREAS: As of March 11, 2020, COVID-19 is officially a global pandemic according to the World Health Organization (WHO); and

WHEREAS: Governor Brian Kemp has declared a public health emergency in the state of Georgia as of March 14, 2020 due to the COVID-19 pandemic; and

WHEREAS: Pursuant to O.C.G.A. § 38-3-28, the Mayor, as Chair of the Board of Commissioners, is authorized to make, amend, and rescind orders, rules, and regulations as necessary for emergency purposes and to supplement carrying out the emergency management laws; and

WHEREAS: Pursuant to O.C.G.A. § 38-3-51, the Governor's declared public health emergency authorizes the Mayor, as Chair of the Board of Commissioners, to use emergencies powers in O.C.G.A. §§ 38-3-1 through 38-3-64; and

WHEREAS: Pursuant to O.C.G.A. § 38-3-6, during an emergency, O.C.G.A. §§ 38-3-1 through 38-3-64 are supposed to be liberally construed to effectuate their purposes; and

WHEREAS: Pursuant to Sections 3-3-41 through 3-3-45 of the AUGUSTA, GEORGIA CODE, the Mayor, as Chair of the Board of Commissioners, shall have the right to exercise any or all of the following options after declaration of an emergency:

(1) To close or restrict areas to preserve, protect, or sustain life, health, welfare or safety of persons or their property.
(2) To impose re-entry restrictions on those areas to promote order and protect lives.
(3) To perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS: The Mayor finds that an emergency of unprecedented size resulting from the natural cause of community spread of a novel human coronavirus disease, COVID-19, has occurred in Augusta, Georgia; and

WHEREAS: COVID-19 is a disease that causes upper-respiratory tract illnesses that can range from mild to severe, spread quickly, and may cause death, particularly in older adults and persons with certain chronic medical conditions; and

WHEREAS: The spread and effect of COVID-19 has created a humanitarian crisis of unanticipated proportions; and

WHEREAS: Although under investigation and development, no vaccine or drug is currently available to cure or combat COVID-19; and

WHEREAS: Augusta, Georgia is threatened by COVID-19 because of the extraordinary ability of the virus to spread rapidly among humans, and COVID-19 thereby constitutes a clear and present threat to the health, safety, and welfare of the citizens and visitors of Augusta, Georgia; and

WHEREAS: As of July 9, 2020 Georgia has 111,211 confirmed COVID-19 cases, including 1,517 in Augusta, Georgia; and

WHEREAS: The number of cases in the State of Georgia has increased by 4,484 new cases on July 10, 2020 alone; and

WHEREAS: As of August 8, 2020, Georgia has recorded 4,186 deaths attributed to COVID-19, with 90 of those deaths occurring in Augusta, Georgia; and

WHEREAS: Current discussions about COVID-19 includes plans to safely return the public to jobs and regular activities; and

WHEREAS: The Mayor recognizes that it is critical to continue maintaining 6-feet social distancing and proper hygiene to slow the spread of COVID-19, but that the additional use of simple cloth face coverings, as recommended by CDC, can further aid in slowing the spread of the virus by reducing the chances of asymptomatic people transmitting the virus to others; and

WHEREAS: It is in the best interest of public health for individuals to use social distancing, proper hygiene, and the additional precaution of face coverings or masks while in public in Augusta, Georgia; and

WHEREAS: The Mayor finds that it is in the best interest of the public peace, health, welfare, and safety, and to preserve the lives of the citizens of Augusta, Georgia, to require that masks, consisting of at least simple cloth face coverings, be worn by persons in public places within Augusta, Georgia.

WHEREAS: The Mayor has determined the threat of the spread of COVID-19 continues in The City of Augusta and has extended this order for thirty (30) days.

NOW, THEREFORE, PURSUANT TO AUGUSTA, GEORGIA CODE SECTIONS 3-3-34 THROUGH 3-3-46, AND THE AUTHORITY VESTED IN ME AS MAYOR OF THE CITY OF AUGUSTA, IT IS HEREBY

ORDERED: That there exists an actual or threatened occurrence of a disaster or emergency, which may result in the large-scale loss of life, injury, property damage or destruction or in the major disruption of routine community affairs, business or governmental operations in Augusta, Georgia.

ORDERED: For the protection of members of the public, including members of Vulnerable Populations and members of other Populations at Risk, facial coverings or masks shall be required in public places and all government buildings within Augusta-Richmond County to slow the spread of the novel coronavirus disease known as COVID-19 as follows:

IT IS FURTHER

ORDERED: For purposes of this Order, the terms shall be defined as follows:

Face Covering or Mask - A device to cover the nose and mouth an individual to impede the spread of saliva or other fluids during speaking, coughing, sneezing, or other intentional or involuntary action. Medical grade masks are not required; coverings may be fashioned from scarves, bandanas, or other suitable fabrics. The face covering or mask must cover the mouth and nose of the wearer;

Individual - Any person over the age of ten (10) years regardless if such person is an employee, customer, or citizen; and

Social Distancing – Keeping space of at least six (6) feet of distance between people of different homes or places of residence.

IT IS FURTHER

ORDERED: All individuals entering a commercial establishment within Augusta, Georgia shall wear a face covering or mask at all times within establishment to slow the spread of the novel coronavirus disease, known as COVID-19. This section shall not apply to religious establishments, but the use of a face covering or mask is highly recommended during religious activity.

IT IS FURTHER

ORDERED: All employees of commercial establishments within Augusta, Georgia, including but not limited to restaurants, retail stores, salons, grocery stores and pharmacies, shall wear a

face covering or mask at all times while having face-to-face interaction with members of the general public. However, when employees of such establishments are working alone in separate office spaces or in workspaces inaccessible to the public where there is more than adequate social distancing area, based on size of and number of people in the space, said employees need not wear a face covering or mask during such times. However, such employees must be prepared to put on and, in fact, wear a face covering or mask when interacting with others, whether coworkers or the general public, in a face-to-face manner.

IT IS FURTHER

ORDERED: Any individual who is unable to safely wear a face covering or mask due to age, and underlying medical condition, or is unable to remove the face covering or mask without the assistance of others is exempt from this Executive Order.

IT IS FURTHER

ORDERED: Face coverings or masks shall not be required in the following circumstances: (1) in personal vehicles; (2) When an individual is alone in enclosed spaces or with other household members; (3) during outdoor physical activity, provided the active individual maintains a minimum of six (6) feet at all times from other persons with whom said individual does not cohabitate; (4) while drinking, eating, or smoking; (5) when wearing a face covering or mask causes or aggravates a health condition; (6) when wearing a face covering or mask would prevent the receipt of personal services; and (7) when an individual is ten (10) years of age or younger.

IT IS FURTHER

ORDERED: Any individual who attempts to enter a government building without a mask will be provided one. If the mask is refused, entry will be denied.

IT IS FURTHER

ORDERED: Any individual who fails to comply with this Executive Order shall be guilty of a civil offense that may be punishable by a fine not exceeding twenty-five dollars ($25.00) on the first offense, not more than fifty dollars ($50.00) on the second offense, and not more than one hundred dollars ($100.00) on the third offense and any subsequent offenses.

IT IS FURTHER

ORDERED:

This Executive Order shall become effective on **September 8, 2020 at 12:00 a.m.** and shall remain in effect, unless otherwise noted, until **11:59 p.m. on October 8, 2020** unless further extended by further action of the Mayor or Augusta, Georgia Commission and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against Augusta, Georgia, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IT IS FURTHER

ORDERED: This Executive Order shall be read to avoid inconsistency with any orders, rules, or regulations promulgated by the Governor or by any state agency exercising a power delegated by the Governor. This Executive Order supersedes all previous orders from the Mayor.

IT IS FURTHER

ORDERED: If any subsection, sentence, clause, phrase, or word of this Executive Order or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or applications of this executive order.

This 7th **day of** September**, 2020 at** 5:04 **A.M. /P.M.**

Hardie Davis, Jr.
Mayor