

**ORDINANCE #20-02**

**HENRY COUNTY SAFER-AT-HOME ORDINANCE  
REPEALING ORDINANCE #20-01 AND IMPOSING SHELTER-IN-PLACE  
RESTRICTIONS TO CONTROL THE SPREAD OF COVID-19.**

**WHEREAS**, beginning in late 2019, the severe acute respiratory syndrome coronavirus 2, SARS-CoV-2, emerged causing a novel coronavirus disease, COVID-19, which has become a global pandemic; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the COVID-19 pandemic a national emergency; and

**WHEREAS**, on March 14, 2020, the Governor of the State of Georgia declared that a Public Health State of Emergency exists in the State of Georgia due to the public health emergency from the spread of COVID-19; and

**WHEREAS**, on March 16, 2020, the President of the United States in conjunction with the CDC issued Coronavirus Guidelines for America - 15 Days to Slow the Spread; and

**WHEREAS**, on March 17, 2020, pursuant to authority granted by the Henry County Emergency Management Ordinance<sup>1</sup>, the Chair of the Board of Commissioners of Henry County signed a State of Local Emergency (Resolution #20-51) activating emergency powers in order to allow the County to quickly and appropriately respond to the COVID-19 pandemic; and

**WHEREAS**, these guidelines contain recommendations on how to protect oneself from the COVID-19 pandemic, including recommendations such as avoiding social gatherings in groups of more than 10 people for fifteen (15) days; and

**WHEREAS**, those guidelines also include a recommendation that communities with evidence of community transmission consider closing restaurants, food courts, gyms, and other indoor and outdoor venues where groups of people congregate; and

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<sup>1</sup> HENRY COUNTY CODE §3-4-434

**WHEREAS**, social distancing is recommended by the CDC to prevent the continued spread of COVID-19 in the community; and

**WHEREAS**, on March 23, 2020, the Governor issued Executive Order No. 03.23.20.01, which requires the Department of Public Health to order that certain specific higher risk populations to isolate, quarantine, or shelter in place for fourteen (14) days; and

**WHEREAS**, Executive Order No. 03.23.20.01 further orders that no business, establishment, corporation, non-profit corporation, or organization shall allow more than ten (10) persons to be gathered at a single location if such gathering requires persons to stand or be seated within six (6) feet of any other person; and

**WHEREAS**, according to the Georgia Department of Public Health COVID-19 update at 12:00 pm. on April 1, 2020, Georgia now has 4,638 confirmed cases of COVID-19, including 90 confirmed cases in Henry County; and

**WHEREAS**, according to the Georgia Department of Public Health COVID-19 update, 139 individuals in Georgia have died and 952 have been hospitalized after contracting COVID-19; and

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) indicates that there is evidence of widespread community transmission in Georgia; and

**WHEREAS**, the CDC and public health officials expect that additional cases of COVID-19 will be identified in the coming days; and

**WHEREAS**, if COVID-19 continues to spread in Henry County, it may greatly strain the resources and capabilities of county government, municipal governments, and local public health agencies that provide essential services, including services for containing and mitigating the spread of COVID-19; and

**WHEREAS**, one of the purposes of the Georgia Emergency Management Act of 1981 is to confer upon the Governor and the governing bodies of local political subdivisions of the state emergency powers; and

**WHEREAS**, pursuant to O.C.G.A. Section 38-3-28, Henry County 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. 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; and

**WHEREAS**, the United States Supreme Court has previously held that "[u]pon the principle of self-defense, of paramount necessity, a community has the right to protect itself against an epidemic of disease which threatens the safety of its members;" and

**WHEREAS**, the Board of Commissioners of Henry County, Georgia does hereby find that emergency circumstances continue to exist as a result of COVID-19 within the geographical boundaries of Henry County requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the residents of Henry County; and

**WHEREAS**, to prevent or minimize illness and/or injury to people resulting from the COVID-19 pandemic, the Board of Commissioners of Henry County, Georgia finds that certain actions are required, including but not limited to, the social distancing measures set forth herein; and

**WHEREAS**, based upon available information from the CDC, the Georgia Department of Public Health, and County health partners concerning the spread of COVID-19 and available resources, the Board of Commissioners of Henry County, Georgia finds that it is necessary to ensure that the maximum number of people self-isolate in their place of residence to the maximum extent feasible, while enabling essential services to continue, in order to slow the spread of COVID-19 to the maximum extent possible; and

**WHEREAS**, based upon the President's Coronavirus Guidelines for America - 15 Days to Slow the Spread and the Governor's Executive Order No. 03.23.20.01, the Board of Commissioners finds that it is necessary when people need to leave their place of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with social distancing guidelines; and

**WHEREAS**, on March 27, 2020 the Henry County Board of Commissioners adopted Ordinance #20-01 imposing certain restrictions deemed necessary and

appropriate to stop the spread of COVID-19; and

**WHEREAS**, after consultation with local health care providers and our public health department and City officials, the Board of Commissioners finds and determines that the protective measures imposed by Ordinance 20-01 should be enhanced further in order to adequately protective the citizens of Henry County and to effective combat the spread of COVID-19;

**NOW, THEREFORE**, be it and it is hereby **ORDAINED** by the Board of Commissioners of Henry County, Georgia, as follows:

- (1) Individuals to Stay at Home.** All individuals currently living within the territorial limits of unincorporated Henry County are directed to stay at their place of residence unless otherwise allowed herein. To the extent individuals are using shared or outdoor spaces, they must at all times reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their place of residence only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 5. Notwithstanding, anything to the contrary herein, individuals are authorized to leave their homes and travel for the purpose of attending religious worship or funerals as authorized in Section 6 hereof.
- (2) Businesses to Close.** All businesses with a facility in the County, except Essential Businesses as defined below in Section 5, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 5. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own place of residence (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 5 below and as set forth in the Governor's Executive Order 03.23.20.01, including, but not limited to, when any customers are standing in line. Door to door sales by Essential Businesses are strongly discouraged.
- (3) Public Gatherings Prohibited.** All public and private gatherings of any number of people occurring outside a household or living unit are

prohibited, except for the limited purposes as expressly permitted in Section 5. Nothing in this Ordinance prohibits the gathering of members of a household or living unit or public gatherings for purposes of religious worship or funerals as authorized in Section 6 hereof.

**(4) Cease Non-essential Travel.** All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined below. in Section 5, is prohibited People riding on the Henry County public transit must comply with Social Distancing Requirements as defined in Section 5 below, to the greatest extent feasible. This Ordinance allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

**(5) Definitions and Exemptions.**

- a. For purposes of this Ordinance, individuals, not under a Department of Public Health Order to isolate, quarantine, or shelter in place, may leave their place of residence to perform any of the following "Essential Activities." Individuals under a Department of Public Health Order to isolate, quarantine, or shelter in place shall follow the directives of any such order. Individuals at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their place of residence to the extent possible except as necessary to seek medical care.
  - i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or partners or significant others (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.
  - ii. To obtain necessary services or supplies from Essential Businesses or access Essential Governmental Services for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry

goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

- iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, running, or bicycling.
- iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Ordinance, including Minimum Basic Operations.
- v. To care for a family member or pet in another household.

b. **Healthcare Operations.** For purposes of this Ordinance, individuals may leave their place of residence to work for or obtain services at any "Healthcare Operations" including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms, fitness studios, and similar facilities.

c. **Essential Infrastructure.** For purposes of this Ordinance, individuals may leave their place of residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure," including, but not limited to, public works construction, private construction and all related activities, airport operations, water, sewer, gas, electrical, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure,

communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

- d. **Essential Governmental Functions.** For purposes of this Ordinance, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Ordinance. Further, nothing in this Ordinance shall prohibit any individual from performing or accessing "Essential Governmental Functions," as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.
- e. **Covered Businesses.** For the purposes of this Ordinance, covered businesses include any for-profit, nonprofit, or private educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- f. **Essential Businesses.** For the purposes of this Ordinance, "Essential Businesses" means:
  - i. Healthcare Operations and Essential 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 non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;

- iii. Package Stores engaged in the retail sale of off-premise consumption of beer, wine, and distilled spirits offered for sale through curbside delivery, takeout, and/or drive-thru service
- iv. Food cultivation, including farming, livestock, and fishing;
- v. Businesses and other organizations 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, Essential Activities, and Essential Businesses;
- xi. Businesses providing mailing and shipping services, including but not limited to post office boxes;
- xii. Educational institutions, except to the extent closed by the Governor- 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. Restaurants and other facilities that prepare and offer food or beverages to customers through delivery, takeout, and/or drive-thru service. Any establishment that is licensed for on-



premises consumption of alcoholic beverages shall be authorized to sell unopened bottles or new, sealed growlers of beer or unopened bottles of wine curbside or to takeout customers only during the times specified by alcoholic beverage license and pertinent Code sections. The County makes no representations as to the effect of these types of sales on an establishment's state liquor license. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Ordinance on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;

- xv. Businesses that supply products needed for people to work from home;
- xvi. Businesses or manufacturers that supply other Essential Businesses with the support or supplies necessary to operate;
- xvii. Businesses that ship or deliver groceries, food, goods, or services directly to residences;
- xviii. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Ordinance;
- xix. Home-based care for seniors, or adults;
- xx. Residential facilities including hotels, motels, shared rental units and similar facilities and shelters for seniors, adults, and children;
- xxi. Unless otherwise preempted by state law or executive order of the Governor, childcare facilities providing services that enable employees exempted in this Ordinance to work as permitted. To the extent possible, these childcare facilities

should operate under the following conditions:

1. Childcare must be carried out in stable groups of 10 or fewer (inclusive of childcare providers for the group);
  2. Children and childcare providers shall not change from one group to another;
  3. If more than one group of children is care for at one facility, each group shall be in a separate room;
  4. Groups shall not mix or interact with each other;
  5. All play equipment used by one group of children must be cleaned and sanitized before us by another group of children;
  6. Any child exhibiting symptom of COVID-19 illness shall not be allowed to remain in the childcare facility.
- xxii. Professional services, such as legal, accounting services, real estate services, when necessary to assist in compliance with legally mandated activities;
- xxiii. Businesses providing services, goods, materials or other items to any government.
- xxiv. Businesses that support and perform repair or construction work for business or homes;
- xxv. Road construction, maintenance, and repair and related engineering and construction services;
- xxvi. Businesses that supply other Essential Businesses with support or supplies;
- xxvii. Industrial Manufacturers;
- xxviii. Any business or service that has been deemed essential by the State of Georgia, or any agency thereof or by the Federal Government, or any agency thereof.
- xxix. Any service that is deemed by the County Manager to be essential for the protection of public health, safety and welfare.

- g. **Minimum Basic Operations.** For the purposes of this Ordinance, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined in this Section to the extent possible, while carrying out such operations.
- i. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
  - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their place of residence.
- h. **Essential Travel.** For the purposes of this Ordinance, "Essential Travel" includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section below.
- i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
  - ii. Travel to care for the elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
  - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
  - iv. Travel to return to a place of residence from outside the jurisdiction.
  - v. Travel required by law enforcement or court order.
  - vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing

such travel.

vii. Travel required to attend religious worship services or ceremonies, including funerals as permitted under Section 6 hereof.

i. **Residences.** For purposes of this Ordinance, residences include hotels, motels, shared rental units and similar facilities.

j. **Social Distancing Requirements.** For purposes of this Ordinance, "Social Distancing Requirements" includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or, if soap and water is not available using an alcohol-based hand sanitizer containing at least 60% alcohol, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

(6) **Houses of Worship/Funeral Services.** The regulations, requirements and prohibitions set forth herein shall not apply to churches, synagogues, temples or other houses of worship of facilities in which religious worship and ceremonies are conducted. Such houses of worship are strongly encouraged to conduct "drive-in" services, utilize social media, or other alternative means to broadcast services. To the extent in-person services are held, such houses of worship should take all reasonable steps to ensure that participants comply with all "Social Distancing Requirements" as set forth in paragraph 5.j. above. For funeral and graveside services, funeral directors should take all reasonable steps to ensure that participants comply with all "Social Distancing Requirements" as set forth in paragraph 5.j. above.

(7) **Enforcement.**

a. **Individuals.** The Henry County Police Department and other departments of the County as deemed necessary by the County Manager under this Ordinance are authorized to support compliance with this Ordinance through information delivery and education of individuals regarding the imminent threat to public health posed by COVID-19.

- b. **Covered Businesses:** Any violations of this Ordinance by covered businesses shall be considered ordinance violations subject to the general penalty provisions outlined in Section 3-1-8 of the Code of Henry County, Georgia<sup>i</sup>
- (8) For the duration of the March 17, 2020 Declaration of Emergency, the County Manager shall be vested with the following discretion and authority:
- a. To categorize County services as either "required" or "discretionary," and to periodically review and modify such categories;
  - b. To assign specific employees to required or discretionary services, and to periodically review and modify such assignments;
  - c. To temporarily suspend the provision of discretionary services and to direct employees who provide discretionary services not to report to work until such time as the service suspension is lifted or until such time as the County Manager redirects the employee to other services;
  - d. To maintain, to the best of the ability of the resources of the County, the provision of essential services, which shall include, but not be limited to, public safety, public works, building permits, and inspections;
  - e. To close County buildings and facilities; and
  - f. To coordinate with appropriate officials in neighboring jurisdictions, to ensure, to the extent possible, a coordinated and efficient response to the COVID-19 pandemic.
- (9) **Effective Date.** This Ordinance shall become effective at 12:01 a.m. on April 2, 2020 and will remain in effect until 11:59 p.m. on April 21, 2020, or until it is otherwise extended, rescinded, superseded, or amended in writing by the Board of Commissioners.
- (10) **Severability.** If any provision of this Ordinance to the application thereof to any person or circumstance is held to be invalid, the

reminder of the Ordinance, 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 Ordinance are severable.

**(11) Repealer.** Ordinance #20-01 is hereby repealed. All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby temporarily suspended.

**SO ORDAINED**, this 1 day of APRIL, 2020.

HENRY COUNTY, GEORGIA

BY: June Wood  
JUNE WOOD  
CHAIR, BOARD OF COMMISSIONERS

ATTESTED TO BY:

Stephanie Braun  
STEPHANIE BRAUN  
COUNTY CLERK

<sup>1</sup> Sec. 3-1-8 – Violations; penalty.

- A. Unless otherwise specified within a particular chapter of the Code of Henry County, Georgia, any person violating any of the provisions of the ordinances of Henry County, Georgia shall, upon conviction or plea of guilty thereof, be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding sixty (60) days, or by both, such fine and imprisonment as the facts of the case may justify.