

**EMERGENCY DECLARATION OF THE HART COUNTY
BOARD OF COMMISSIONERS CONCERNING COVID-19**

WHEREAS, on March 11, 2020, the World Health Organization declared coronavirus (now designated COVID-19) as a pandemic and encouraged all countries to take urgent and aggressive action; and

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

WHEREAS, on March 14, 2020, Governor Brian Kemp declared a public health state of emergency regarding COVID-19; and signed a related Executive Declaration on March 23, 2020 and further an Executive Order on April 2, 2020 outlining the State's social distancing requirements, a "Shelter in Place" Order, and defining Essential Services, Necessary Travel, Minimum Basic Operations and business measures for Non-Critical Infrastructure and those businesses deemed Critical Infrastructure; and

WHEREAS, The number of COVID-19 cases in Georgia continues to rise, so much so as to warrant the Declaration of a State of Emergency pursuant to O.C.G.A. § 38-3-3(7); and

WHEREAS, The Georgia Department of Public Health has determined that COVID-19 is spreading throughout communities, requiring the implementation of certain restrictions to limit the spread; and

WHEREAS, The Centers for Disease Control and Prevention has determined that older adults and people of any age who have serious underlying medical conditions may be at higher risk for more serious complications from COVID-19; and

WHEREAS, Hart County, Georgia (hereinafter "Hart County") has previously closed certain public parks, gyms and recreational facilities, and has limited access to county buildings and offices; and

WHEREAS, elected officials have encouraged elderly citizens to remain in their residences, businesses to allow employees to work remotely when possible, and citizens to maintain "social distance", being a distance of six (6') feet from others, and to avoid large gatherings; and

WHEREAS, Hart County benefits from a strong and diversified local economy, and the economic stability and viability of our community depends on the ability of commerce to flow; many businesses have taken proactive measures to protect public health and protect their workers while innovatively providing essential goods and services to citizens. This Declaration is intended to "flatten the curve" of COVID-19, protect the health of the local workforce and ultimately minimize the long-term economic impact to businesses;

WHEREAS, state law authorizes the local Emergency Management Agency to take such action as may be deemed appropriate to "promote and secure the safety, protection and well-being of the inhabitants of Hart County, O.C.G.A. § 38-3-28(a); and

WHEREAS, the Chairman of the Hart County Commission in concert with the County

Administrator and Director of the Hart County Emergency Management Agency and Emergency Medical Service, have determined that extraordinary and immediate measures must be taken to respond quickly to prevent and slow down the spread of COVID-19;

WHEREAS, the Hart County Board of Commissioners did enter an Emergency Declaration Concerning Covid-19, on March 24, 2020; and

WHEREAS, the Governor's Executive Order of April 2, 2020 did suspend the Hart County Emergency Declaration;

NOW, THEREFORE it is hereby declared that a local state of emergency continues to exist within Hart County, and shall continue until the conditions requiring this declaration are abated.

THEREFORE, IT IS DECLARED:

Article 1. Intent. The intent of this Declaration is to ensure that residents of the Hart County self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places 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 Requirements as defined herein (hereinafter "Social Distancing Requirements"). All provisions of this Declaration should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Declaration constitutes an imminent threat to public health.

1. This Declaration comes after the release of substantial guidance from the Centers for Disease Control and Prevention, the Georgia Department of Public Health, and other public health officials throughout the United States and around the world, including a variety of prior declarations to combat the spread and harms of COVID-19. Hart County will continue to assess the quickly evolving situation and may modify or extend this Declaration or issue additional Declarations, related to COVID-19.

2. This Declaration is issued based on scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of Hart County places it at risk for serious health complications, including death, from COVID-19. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the healthcare system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Declaration will help preserve critical and limited healthcare capacity in Hart County.

3. This Declaration also issued in light of the existence of known confirmed cases of COVID-19 in Hart County and surrounding areas throughout northeast Georgia and the State of Georgia,

including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This Declaration is necessary to slow the rate of spread and will be re-evaluated this Declaration as further data becomes available.

Article 2. Provisions.

The Executive Order dated April 2, 2020 of the Governor of the State of Georgia is hereby acknowledged as the sole authority for the State of Georgia and the Citizens of this County relating to all matters defining social distancing requirements, "Shelter in Place," and in defining Essential Services, Necessary Travel, Minimum Basic Operations and business measures for Non-Critical Infrastructure and those businesses deemed Critical Infrastructure.

Article 3. Enforcement and Remedies.

1. The County Administrator of Hart County (hereinafter "County Administrator") is directed to utilize available resources, including the public access channel, newspapers, television, and social media to educate citizens of Hart County regarding the imminent threat to public health posed by COVID-19.
2. It is acknowledged that Hart County does not have the personnel or resources to constantly monitor and police distancing or gathering limitations or shelter in place requirements for all individuals currently living within Hart County. State of Georgia law enforcement agencies with P.O.S.T. certification will be charged with enforcement of the Governor's Order dated April 2, 2020 through its duration unless otherwise order by the Governor.
3. Any violation of this Declaration, whether by individuals or businesses, shall be subject to the general penalty provisions outlined in Section 1-13 of the Code of Ordinances of the Code of Hart County, Georgia, or pursuant to the Governor's April 2, 2020 Executive Order and Official Code of Georgia Section 38-3-7, "any person who violates this [the Executive Order] shall be guilty of a misdemeanor. Officials enforcing this Order should take reasonable steps to provide notice prior to issuing a citation or making an arrest."
4. Agents of the Hart County Board of Health are also authorized to cite individuals and businesses deemed to be in violation with any provision of this Declaration, or to take such other actions deemed necessary (such as suspending various permits issued by the state or local Board of Health).

Article 4. Effective Date. This Declaration shall become effective at 5:00 o'clock pm on April 3, 2020 and will continue to be in effect until 11:59 p.m. on April 13, 2020, or until it is extended, rescinded, superseded, or amended in writing.

Article 5. Copies of this Declaration shall promptly be: (1) made available at Hart County Administration Offices; (2) posted on the Hart County websites; and (3) provided to any member of the public requesting a copy of this Declaration.

Article 6. Severability.

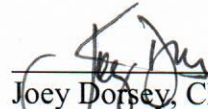
1. It is hereby declared that all sections, paragraphs, sentences, clauses, and phrases of this Declaration are and were, upon their enactment, believed to be fully valid, enforceable, and constitutional. It is further declared to be the intention of that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Declaration is severable from every other section, paragraph, sentence, clause or phrase of this Declaration. It is hereby further

declared to be the intention of that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Declaration is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Declaration.

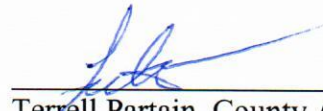
2. In the event that any phrase, clause, sentence, paragraph or section of this Declaration shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Declaration and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Declaration shall remain valid, constitutional, enforceable, and of full force and effect.

IT IS SO DECLARED AND ORDAINED, this 3rd day of April, 2020.

HART COUNTY, GEORGIA



Joey Dorsey, Chairman
Hart County Board of Commission



Terrell Partain, County Administrator and
Emergency Service Director