

**Executive Order  
Office of the Mayor  
City of Atlanta**

RECEIVED  
OFFICE OF  
MAYOR'S CLERK  
2020 JUL -8 PM 7:44

**EXECUTIVE ORDER NUMBER 2020-113  
BY THE MAYOR**

**THAT IN ACCORDANCE WITH SECTION 2-181(A) OF THE CITY OF ATLANTA CODE OF ORDINANCES; DECLARING THERE TO BE AN EMERGENCY IN EXISTENCE WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF ATLANTA DUE TO THE ONGOING COVID-19 PANDEMIC; EXERCISING MY EMERGENCY POWERS IN ACCORDANCE WITH SECTION 2-181(B) OF THE CITY OF ATLANTA CODE OF ORDINANCES TO ENSURE THE ENFORCEMENT OF THE GOVERNOR'S EXECUTIVE ORDER; PROHIBITING GATHERINGS OF MORE THAN TEN (10) INDIVIDUALS ON CITY OF ATLANTA PROPERTY; REQUIRING ALL PERSONS WITHIN THE JURISDICTION OF THE CITY OF ATLANTA TO WEAR A MASK OR A CLOTH FACE COVERING OVER THE NOSE AND MOUTH; AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to Section 2-181(a) of the Code of the City of Atlanta ("City"), the Mayor, as Chief executive of the City, shall have the emergency power to declare an emergency to exist when, in the mayor's opinion, there is an extreme likelihood of destruction of life or property due to an unusual condition; and

**WHEREAS**, pursuant to Section 2-181(b) of the Code of the City of Atlanta, the Mayor, as chief executive of the City, shall have the right to exercise any or all of the following options after such declaration of emergency:

- (1) To use employees of the city other than employees of the department of police to assist in the safety and preservation of life, limb and property of the citizenry of the city.
- (2) To close streets and sidewalks and to delineate areas within the city wherein an emergency exists.
- (3) To impose emergency curfew regulations.
- (4) To close business establishments within the affected area.
- (5) To close any and all city-owned buildings and other facilities to the use of the general public.
- (6) To do any and all acts necessary and incidental to the preservation of life, limb and property of the citizenry of the city; and

**WHEREAS**, no emergency power as set forth in this section may be effective for more than 72 hours after the declaration of an emergency; and

**WHEREAS**, pursuant to Section 2-182 of the Code of the City of Atlanta, the Mayor may issue executive orders which apply to events of short duration and which expire at the next meeting of the City Council subsequent thereof unless ratified by a majority vote of the members present and voting; and

**WHEREAS**, like much of the world the United States, the State of Georgia, and the City of Atlanta are currently responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2” and the disease it causes named “coronavirus disease 2019” (abbreviated “COVID-19”); and

**WHEREAS**, on March 11, 2020 the World Health Organization declared the COVID-19 outbreak a pandemic; and

**WHEREAS**, on March 13, 2020 the President of the United States announced a national emergency in response to the COVID-19 pandemic, which included two emergency declarations: one under the National Emergencies Act and one under the Stafford Disaster Relief and Emergency Assistance Act; and

**WHEREAS**, on March 14, 2020 Governor Brian Kemp signed a public health state of emergency to address the COVID-19 pandemic through assisting health and emergency management officials across Georgia by deploying all available resources for the mitigation and treatment of COVID-19; and

**WHEREAS**, due to the COVID-19 pandemic, on March 16, I declared there to be an emergency in existence within the City of Atlanta pursuant to Section 2-181(a) of the City of Atlanta Code of Ordinances; and

**WHEREAS**, the Center for Disease Control (“CDC”) has issued guidance on the emerging and rapidly evolving situation of the COVID-19 pandemic, including how to protect oneself from this illness; and

**WHEREAS**, social distancing is recommended by the CDC to prevent the continued spreading of this illness in the community; and

**WHEREAS**, the CDC also advises that the use of masks or cloth face coverings will slow the spread of COVID-19; and

**WHEREAS**, on April 2, 2020, Governor Brian Kemp signed an Executive Order to Ensure a Safe and Healthy Georgia (Governor’s Executive Order 04.02.20.01) to address the COVID-19 pandemic by implementing temporary actions necessary and appropriate to protect the health, safety, and welfare of Georgia’s residents and visitors; and

**WHEREAS**, subsequently, Governor Kemp has issued a series of Executive Orders which amend and revise the temporary action necessary and appropriate to protect the health, safety, and welfare of Georgia's residents and visitors; and

**WHEREAS**, on June 29, 2020, Governor Kemp issued Executive Order 06.29.20.02, (Governor's June Executive Order) which is the latest direction from the Governor concerning temporary actions necessary and appropriate to address the COVID-10 pandemic; and

**WHEREAS**, the Governor's June Executive Order provides in pertinent part as follows:

all persons within the state are required to practice social distancing as defined in the order and are prohibited from gathering in groups of more than 50 persons if to be present, persons are required to stand or be seated within 6 feet of any other person;

all persons within the state are strongly encouraged to wear face coverings as practicable while outside their homes or place of residence, except when eating, drinking, or exercising outdoors;

all persons within the state who meet certain specified criteria for higher risk of severe illness as defined by the CDC are required to shelter in place within their homes or places of residence as provided in the order; and

**WHEREAS**, in accordance therewith, and during the pendency of the term of the Governor's June Executive Order, the City is empowered to make, amend and rescind such orders, rules, and regulations as may be necessary for emergency management purposes and to supplement the carrying out of the Governor's June Executive Order, but such orders, rules, and regulations shall not be inconsistent with the Governor's June Executive Order or any orders, rules, or regulations promulgated by the Governor or by any state agency exercising a power derived from the Public Health State of Emergency declaration; and

**WHEREAS**, for the purpose of the Governor's June Executive Order, orders, rules, and regulations that are promulgated by the City that are more or less restrictive than the terms of the Governor's June Executive Order shall be considered inconsistent with the Governor's June Executive Order; and

**WHEREAS**, accordingly the City may enter emergency orders which are not in conflict, and which are designed to enforce compliance therewith; and

**WHEREAS**, the Governor's June Executive Order generally prohibits municipalities from allowing more than 50 persons to be gathered at a single location if such gatherings require persons to stand or to be seated within six feet of any other person; and

**WHEREAS**, the requirement concerning gatherings contained in the Governor's June Executive Order, is a direction of prohibition against the gathering of groups of more than 50 persons, not one of permission concerning gatherings of less than 50 persons; and thus, as applied to municipal

governments does not conflict with any municipal prohibition against smaller groups on municipal property<sup>1</sup>; and

**WHEREAS**, the Governor's June executive Order does not contain a requirement or a prohibition concerning the use of masks or facial coverings; and thus, does not conflict with any action of the City concerning the use of masks or face coverings; and

**WHEREAS**, requiring the use of masks or face coverings is a targeted response that can combat the threat to public health using the least restrictive means, and if people follow this requirement, more extreme measures may be avoided; and

**WHEREAS**, wearing a face covering is important not only to protect oneself, but also to avoid unknowingly harming others, especially given that many people who go into public may have COVID-19 without knowing it because they have no symptoms; and

**WHEREAS**, in accordance with the authority granted to City to enter emergency orders which are not in conflict with the Governor's Executive Orders and which are designed to enforce compliance therewith, I am hereby declaring there to be the existence of an emergency within the City of Atlanta pursuant to Section 2-181(a) of the City of Atlanta Code of Ordinances; and

**WHEREAS**, pursuant this declaration, compliance with the Governor's June Executive Order shall be enforced, and all non-essential gatherings of more than ten (10) individuals shall be prohibited on City of Atlanta property; and

**WHEREAS**, small private gatherings of more than ten (10) individuals, with appropriate social distancing shall be permitted on City of Atlanta property; and

**WHEREAS**, additionally, pursuant to this declaration, all persons within the jurisdiction of the City of Atlanta shall wear a mask or a cloth face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain appropriate social distancing from another person not in the same household provided specifically herein; and

**WHEREAS**, this Order is designed to enforce compliance with the Governor's June Executive Order during the pendency thereof, and to take action which does not conflict therewith; and

**WHEREAS**, all provisions of this Order should be interpreted to effectuate this intent.

**NOW THEREFORE, I, KEISHA LANCE BOTTOMS, AS MAYOR OF THE CITY OF ATLANTA, NOW HEREBY AUTHORIZE, ORDER AND DIRECT AS FOLLOWS:**

**SECTION 1.** It is my opinion that there exists an extreme likelihood of destruction of life or property within the jurisdictional limits of the City of Atlanta due to the unusual condition of the COVID-19 pandemic, and in accordance with Section 2-181(a) of the City of Atlanta Code of

---

<sup>1</sup> Willis v. City of Atlanta, 285 Ga. 775, 776, 684 S.E.2d 271, 273 (2009).

Ordinances, I hereby declare there to be an emergency in existence within the jurisdictional limits of the City of Atlanta.

**SECTION 2.** In accordance with this emergency declaration, I am exercising my emergency powers in accordance with Section 2-181(b) of the City of Atlanta Code of Ordinances to ensure the enforcement of the Governor's June Executive Order.

**SECTION 3.**

- (a) In accordance with the Governor's June Executive Order, persons who meet criteria for higher risk of severe illness as set forth therein are required to shelter in place within their homes or places of residence, meaning remaining their place of residence and taking every possible precaution to limit social interaction to prevent the spread or infection of COVID-19, except as provided therein.
- (b)
  - (1) In accordance with the Governor's June Executive Order, neither the City of Atlanta or any business, establishment, corporation, non-profit corporation, organization may allow more than 50 persons to be gathered at a single location if such gathering requires persons to stand or be seated within six (6) feet of any person; and
  - (2) All gatherings of more than ten (10) individuals shall be prohibited on City of Atlanta property. Small private gatherings of no more than ten (10) individuals, with appropriate social distancing shall be permitted on City of Atlanta property; and
  - (3) This subsection shall not apply to cohabitating persons outside of their homes, family units or roommates residing together in private homes, (persons in the same households), or to any businesses or activities specifically governed by the Governor's June Executive Order.

**SECTION 4.**

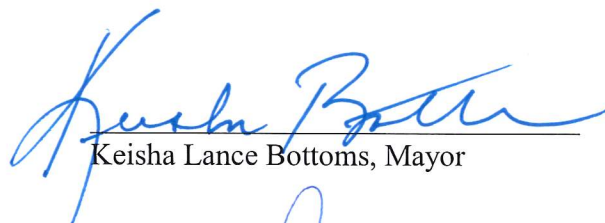
- (a) All persons within the jurisdiction of the City of Atlanta shall wear a mask or a cloth face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain appropriate social distancing from another person not in the same household.
- (b) The requirement contained in this Section shall not apply to the following:
  - (1) any person younger than ten (10) years of age;
  - (2) any person with a medical condition or disability that prevents the wearing of a mask or face covering;
  - (3) any person while the person is consuming food or drink, or is smoking;
  - (4) any person while the person is in a personal motor vehicle;

- (5) any person obtaining a service that requires temporary removal of the mask or face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or while obtaining a personal care service involving the face or head, but only to the extent necessary for the temporary removal;
- (6) any person while the person is in a swimming pool;
- (7) any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election;
- (8) any person while the person is speaking for a broadcast or to an audience.

**SECTION 5.** Nothing in this Order shall impede the operation of any businesses, establishments, corporations, non-profit corporations, and organizations as provided in the Governor's June Executive Order.

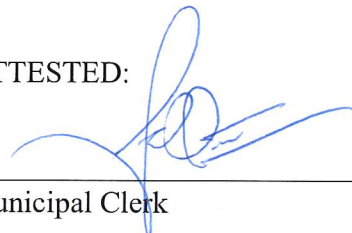
**SECTION 6.** If one or more of the provisions contained in the Order shall be held to be invalid, in violation of the Constitution of the United States, the Georgia Constitution, in violation of Georgia law, in violation of the Governor's June Executive Order, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions herein, but in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained with this Order.

This 8<sup>th</sup> day of July 2020.



Keisha Lance Bottoms, Mayor

ATTESTED:



Municipal Clerk

**Foris Webb, III**  
**Municipal Clerk**