

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

**EXECUTIVE ORDER NUMBER _____
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; REQUIRING PERSONS WITHIN THE JURISDICTION OF THE CITY OF ATLANTA TO WEAR A MASK OR A CLOTH FACE COVERING WHILE INDOORS; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to its police power, the City of Atlanta may enact ordinances and take action to protect the health, safety, and general welfare of the public; and

WHEREAS, pursuant to that power, and specifically, 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, in furtherance thereof, on March 16, 2020 all City facilities, including City Hall and Municipal Court were declared closed to the general public until further notice, and City implemented a mandatory full telework deployment; 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 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 issued a series of Executive Orders which amended and revised the temporary action necessary and appropriate to protect the health, safety, and welfare of Georgia’s residents and visitors, the last such Executive Order expiring on July 1, 2021; and

WHEREAS, nevertheless, because of the continuing negative impacts of the COVID-19 pandemic on the State’s economy, supply chain, and healthcare infrastructure, on June 30, 2021, Governor Kemp issued an Executive Order declaring there to be a State of Emergency in the State of Georgia and

ordering that all resources of the State of Georgia shall be made available to assist in activities designed to address this emergency and aid recovery and response efforts; and

WHEREAS, on February 24, President of the United States, Joe Biden issued notice stating that the national emergency declared on March 13, 2020, concerning the COVID-19 pandemic is to continue in effect beyond March 1, 2021; and

WHEREAS, pursuant to OCGA §38-3-28, 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 Articles 1 through 3 of the Emergency Management chapter of the Official Code of Georgia, but such orders, rules, and regulations shall not be inconsistent with any orders, rules, or regulations promulgated by the Governor or by any state agency exercising a power delegated to it by him; and

WHEREAS, on July 27, 2021, the CDC issued guidance pursuant to which it recommends that to maximize protection from the Delta SARS-CoV-2 variant and to prevent possibly spreading it to others, persons, including those who are fully vaccinated, should wear a mask indoors in public if they are in an area of substantial or high transmission; and

WHEREAS, the City of Atlanta is currently in an area which the CDC has classified COVID-19 transmission as “high” or “substantial”; and

WHEREAS, wearing a mask 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, requiring the use of masks 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, in accordance with the City’s police powers and the authority granted to the City to enter emergency orders which are not in conflict with any orders, rules, or regulations promulgated by the Governor of the State of Georgia, 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 to this declaration, all City facilities including City Hall, shall be closed to the general public until further notice; and

WHEREAS, the closure of City facilities shall not apply to the Municipal Court, Lakewood Amphitheater, or Chastain Amphitheater; and

WHEREAS, additionally, pursuant to this declaration, persons within the jurisdiction of the City of Atlanta shall wear a mask over the nose and mouth indoors in public as described herein.

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 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 OCGA Section 38-3-28, and Section 2-181(b) of the City of Atlanta Code of Ordinances.

SECTION 3. All City facilities, including City Hall, shall be closed to the general public. This subsection shall not apply to the Atlanta Municipal Court, Lakewood Amphitheater or Chastain Amphitheater.

SECTION 4. Indoor Mask Mandate.

- (a) All portions of the City are located in an area which the CDC has classified COVID-19 transmission as “high” or “substantial”.
- (b) For purposes of the Indoor Mask Requirement portion of this Order, the following terms are hereby defined as follows:
 - (1) *Entity* means any private business, establishment, corporation, non-profit corporation, or organization, including the curtilage thereof.
 - (2) *Facial covering or mask* means a device to cover the nose and mouth of a person and impedes the spread of saliva, respiratory droplets, or other fluids during speaking, coughing, sneezing or other intentional or involuntary action. Medical grade masks are not required; coverings may be fashioned as advised by the CDC and from other suitable fabrics. The mask must cover the mouth and nose of the wearer.
 - (3) *Polling place* means the room provided in each precinct for voting at a primary or election.
 - (4) *Public place* means any place other than a personal vehicle, residential property, or an entity including the curtilage thereof.
- (c) Except as otherwise provided in this Order, all persons in an entity or a public place shall wear a facial covering or mask over the mouth and nose at all times when indoors.
- (d) Facial coverings or masks are not required in the following circumstances:
 - (1) In personal vehicles or upon residential property;
 - (2) When a person is alone in enclosed spaces or only with other members of the same household;
 - (3) When the individual has a bona fide religious objection to wearing a facial covering or mask;
 - (4) While drinking or eating;
 - (5) When a licensed healthcare provider has determined that wearing a facial covering or

mask causes or aggravates a health condition for the individual or when such person has some other bona fide medical reason for not wearing a facial covering or mask;

- (6) When wearing a facial covering or mask would prevent the receipt of personal services or performing work in the course of employment;
 - (7) When complying with the directions of a law enforcement officer or for the purposes of verifying a person's identity, such as when purchasing alcohol, tobacco, or prescription drugs or when engaging in a financial transaction;
 - (8) Children under the age of ten (10) years;
 - (9) When the individual cannot don or remove a face mask or face covering without undue assistance;
 - (10) At any polling place and no individual shall be denied ingress or egress to or from a polling place for failure to wear a facial covering or mask; and
- (e) Violations of this Section 4 may be enforced by a notice of Order violation issued by any police officer, code enforcement officer, or other authorized law enforcement official, as provided below:
- (1) A person who fails to comply with paragraph (c) of Section 4 of this Order shall be first given a warning and an opportunity to put on a facial covering or mask, leave the entity, or demonstrate their compliance with one of the exceptions in paragraph (d) of Section 4.
 - (2) If the person violating this Order refuses or fails to comply with this Order after being given a warning pursuant to subparagraph (1) of this paragraph then such person may be subject to a civil penalty of not more than \$25.00 on the first offense and not more than \$50.00 on the second and any subsequent offenses.
 - (3) A notice of violation may be served by delivery into the hands of the suspected violator or by other reasonable process for serving notice of ordinance violations used by the City.
 - (4) Violations of this Order shall not be enforced against any entity and shall not be taken against any owner, director, officer, or agent of an entity solely because of the failure of their customers to comply with this Order.
 - (5) Notwithstanding the foregoing, every reasonable effort shall be made to bring an individual into voluntary compliance with the terms of this Order prior to issuance of any notice of violation, including providing complimentary masks, explaining the importance of wearing facial coverings during this pandemic, and issuing verbal and written warnings.
- (f) In all locations where facial coverings or masks are not required to be worn pursuant to this Order, they are strongly encouraged to be worn.

SECTION 5. 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 any orders, rules, or regulations promulgated by the Governor or by any state agency exercising a power delegated to it by the Governor of the State of Georgia, 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 28th day of July, 2021.



Keisha Lance Bottoms, Mayor

ATTESTED:

Municipal Clerk

Received/Filed.

This _____ day of _____ 2021.