

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**
4

5
6 **AN ORDINANCE REQUIRING SOCIAL DISTANCING AT RESTAURANTS WITHIN**
7 **THE CITY OF SOUTH FULTON; PROVIDING FOR INCREASED COVID-19**
8 **PROTECTIONS AND FOR OTHER LAWFUL PURPOSES**
9

10 **(Sponsored by Mayor Edwards)**
11

12
13 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
14 organized and existing under the laws of the State of Georgia;
15

16 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
17 Council thereof ("City Council");

18 **WHEREAS**, the City and governments across the world are responding in an
19 emergency capacity to an outbreak of respiratory disease caused by a novel coronavirus
20 ("COVID-19");
21

22 **WHEREAS**, Georgia remains under a State of Emergency from COVID-19, with
23 the number of new cases and related deaths increasing daily throughout Fulton County
24 and several other counties within Georgia;
25

26 **WHEREAS**, it is vitally important that City residents, businesses and guests work
27 together to decrease the widespread proliferation of COVID-19;
28

29 **WHEREAS**, the City officials and officers have witnessed an increase in violations
30 of State Executive Orders by restaurants within the City;
31

32 **WHEREAS**, the City Council finds that such actions jeopardize public safety and
33 hinder the City's goal to help minimize the spread of COVID-19 within the City; and
34

35 **WHEREAS**, the City Council finds this Ordinance to be in the best interests of the
36 health, safety and general welfare of the City, its residents and general public.
37

38 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS** as
39 follows:
40

41
42
43 **Section 1.**

44
45 **A. Social Distancing in Restaurants Required.** All restaurants in the City shall
46 comply with the regulations pertaining to restaurants contained in Executive Order
47 09.30.20.01 issued by Governor Brian Kemp (attached hereto as Exhibit A), for the
48 duration that such Executive Order is in effect and/or renewed. Among other
49 things, Executive Order 09.30.20.01 mandates that restaurants:

- 50
51 1. Require workers to wear face coverings when interacting with patrons;
52
53 2. Redesign seating to ensure at least six (6) of separation from seating to seating
54 or utilize physical barriers to sperate groups of seating within 6 feet; and
55
56 3. Do not allow patrons to congregate on restaurants or the curtilage thereof.
57

58 **B. Restaurant Defined.** "Restaurant" shall be defined under this Ordinance as any
59 entity falling within the definition of a "food service establishment" as set forth under
60 O.C.G.A. § 26-2-370(2), with the exception of food establishments in medical,
61 nursing and long-term healthcare facilities.
62

63 **C. Enforcement.** Restaurants shall be issued a warning for their first violation of this
64 Ordinance. Owners, operators, supervisors and managers of restaurants in
65 violation of this Ordinance may be individually cited for such violation. Upon a
66 restaurant's second or subsequent violation of this Ordinance, offenders shall be
67 punished by a fine of One Hundred (\$100) per violation. Each separate incident
68 of non-compliance at least an hour apart shall constitute a separate violation of
69 this Ordinance.
70

71 **D. Masks and/or Facial Coverings Strongly Encouraged throughout Entire City.**
72 All City residents and visitors are strongly encouraged to wear face masks and/or
73 facial coverings as practicable while outside their homes or places of residence.
74

75 **E. Duration.** This Ordinance shall go into effect on **October __, 2020 at __am**
76 and shall remain in effect for the duration that Executive Order 09.30.20.01 issued
77 by the Georgia Governor is in effect and/or renewed.
78

79 **F. Instruction to Police Department.** The City Police Department is hereby
80 instructed to provide copies of this Ordinance to all licensed restaurants within the
81 City within ten (10) days of the adoption of this Ordinance.

82
83 *****

84 **Section 2.** It is hereby declared to be the intention of the City Council that: (a) All
85 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,

upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance 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 of the City Council 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 Ordinance.

Section 3. All Ordinance and Resolutions in conflict herewith are hereby expressly repealed.

Section 4. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

The foregoing Ordinance No. 2019-xxx was moved for approval by Councilmember _____ . The motion was seconded by Councilmember _____ , and being put to a vote, the result was as follows:

126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158

	AYE	NAY
William "Bill" Edwards, Mayor	_____	_____
Carmalitha Gumbs, Mayor Pro Tem	_____	_____
Catherine Foster Rowell	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Corey Reeves	_____	_____
Khalid Kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE so adopted this _____ day of _____ 2020. **CITY OF SOUTH FULTON, GEORGIA.**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

CORY ADAMS, INTERIM CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY