

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REQUIRING THAT FACE COVERINGS OR MASKS BE WORN IN THE GOVERNMENTAL BUILDING OF AUGUSTA, GEORGIA DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND RECOVERY**

**WHEREAS**, the Augusta, Georgia Commission recognized the emergency declarations of the President of the United States and the Governor of the State of Georgia related to the spread of COVID-19 disease in our community; and

**WHEREAS**, the Commission has the authority under O.C.G.A. §§ 38-3-27 and 38-3-28 to provide for the health and safety of persons and property and may make, amend, and rescind such order, rules, and regulations as may be necessary to carry out this emergency purpose so long as such orders, rules, and regulations are not inconsistent with any orders, rules, or regulations promulgated by the Governor or by any state agency exercising a power delegated by the Governor; and

**WHEREAS**, the Commission finds that an emergency of unprecedented size resulting from the natural cause of community spread of a novel human coronavirus disease, COVID-19, has occurred in Augusta, Georgia; and

**WHEREAS**, COVID-19 is a disease that cause upper-respiratory tract illnesses that can range from mild to severe, spread quickly, and may cause death, particularly in older adults and persons with certain chronic medical conditions; and

**WHEREAS**, the World Health Organization declared COVID-19 to be a global pandemic as of March 15, 2020; and

**WHEREAS**, the spread and effect of COVID-19 has created a humanitarian crisis of unanticipated proportions; and

**WHEREAS**, stated of emergency have been declared by the President of the United States and the Governor of Georgia and continue to exist; and

**WHEREAS**, Augusta, Georgia is threatened by COVID-19 because of the extraordinary ability of the virus to spread rapidly among humans, and COVID-19 thereby constitutes a clear and present threat to the health, safety, and welfare of the citizens and visitors of Augusta, Georgia; and

**WHEREAS**, although under investigation and development, no vaccine or drug is currently available to cure or combat COVID-19; and

**WHEREAS**, as of May 11, 2020, Georgia has 33,927 confirmed COVID-19 cases, including 446 in Augusta, Georgia; and

**WHEREAS**, the number of cases in the State of Georgia has increased by 2,471 in the first full week of May; and

**WHEREAS**, as of May 11, 2020, Georgia has recorded 1,441 deaths attributed to COVID-19, with 16 of those deaths occurring in Augusta, Georgia; and

**WHEREAS**, current discussions about COVID-19 includes plans to safely return the public to jobs and regular activities; and

**WHEREAS**, the Commission recognizes that it is critical to continue maintaining six (6)-feet social distancing and proper hygiene to slow the spread of COVID-19, but that the additional use of simple cloth face coverings, as recommended by CDC, can further aid in slowing the spread of the virus by reducing the chances of asymptomatic people transmitting the virus to others; and

**WHEREAS**, in an attempt to reopen the Augusta, Georgia governmental buildings, it is in the best interest of public health for individuals to use social distancing, proper hygiene, and the additional precaution of face coverings or masks while in the Augusta, Georgia governmental buildings; and

**WHEREAS**, the Commission finds that it is in the best interest of the public peace, health, welfare, and safety, and to preserve the lives of employees and citizens of Augusta, Georgia, to require that masks, consisting of at least simple cloth face coverings, be worn by persons when interacting in governmental buildings of Augusta, Georgia.

**THE AUGUSTA, GEORGIA COMMISSION** hereby ordains as follows:

**SECTION 1.** All persons over the age of two (2) years old shall wear a face covering or mask at all times within governmental buildings owned and operated by Augusta, Georgia, in order to slow the spread of the novel coronavirus disease, known as COVID -19.

(a) For purposes of this Section, the terms shall be defined as follows:

- (i) *Face Covering or Mask:* A device to cover the nose and mouth an individual to impede the spread of saliva or other fluids during speaking, coughing, sneezing, or other intentional or involuntary action. Medical grade masks are not required; coverings may be fashioned from scarves, bandanas, or other suitable fabrics or materials. The face covering or mask must cover the mouth and nose of the wearer.

- (ii) *Governmental Building*: Any building owned, leased or otherwise controlled by Augusta, Georgia where governmental operations or functions occur.
- (b) Face coverings and masks shall be worn at all times by individuals over the age of two (2) years old and who can medically tolerate doing so when in government buildings of Augusta, Georgia.
- (c) Reusable face coverings must be kept clean and sanitary, including regular washing, at least daily.
- (d) For City business that must be done in person, the City will take reasonable steps to provide such in-person service to members of the public who affirm they cannot wear a face covering because they are physically unable to remove such a face covering, have trouble breathing, or must be accompanied by children under age two (CDC states that children under age two should never wear face coverings).

Exceptions:

- (a) Augusta, Georgia employees working alone in separate office spaces or in non-public work spaces where there is more than adequate social distancing area, based on size of and number of people in the space, with a minimum of six (6) feet between persons, need not wear a face covering or mask during such times. However, such employees must be prepared to wear a face covering or mask when interacting with other individuals in places where social distancing of more than six (6) feet cannot be consistently maintained.
- (b) Parents, guardians, and caregivers shall be responsible for ensuring proper masking of children over the age of two (2) years when in governmental buildings and must ensure that the face covering or mask does not pose a choking hazard or health risk for said children and can safely be worn without obstructing child's ability to breathe.
- (c) Parents, guardian and caregivers of children eight (8) years old or younger shall exercise judgment regarding the ability of those children to consistently wear a face covering or mask.
- (d) Parents, guardian and caregivers shall exercise judgment and avoid bringing children not wearing face covering or mask into governmental building, especially where contact with vulnerable individuals is expected, due to concerns of health officials that children may be asymptomatic spreaders of Covid-19.
- (e) Face coverings and masks shall not be required where it is so provided and expressly stated in a separate policy, if any that applies to certain uses of a governmental building, such as courtrooms and polling locations.

**SECTION 2.** This ordinance shall become effective upon adoption and shall remain in effect until \_\_\_\_\_ p.m. on \_\_\_\_\_, 2020. Prior to that time, this ordinance shall be evaluated to determine if, in accordance with federal, state, and local authorities, including the appropriate health authorities, the COVID-19 emergency conditions require continuation or modification of this ordinance.

**SECTION 3.** Any person violating any provision of this ordinance shall be subject to be tried as a misdemeanor. Upon conviction, a violation shall be punished by a fine of an amount not to exceed one thousand dollars (\$1,000.00) and/or imprisonment in the county jail for a period not in excess of sixty (60) days.

**SECTION 4.** To the extent this ordinance is in conflict with other ordinances of Augusts, Georgia, this ordinance shall supersede the others until this ordinance is amended or repealed. This ordinance shall be read to avoid inconsistency with any orders, rules, or regulations promulgated by the Governor or by any state agency exercising a power delegated by the Governor.

**SECTION 5.** If any subsection, sentence, clause, phrase, or word of this ordinance or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or applications of this ordinance.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Hardie Davis, Jr.  
As its Mayor

Attest:

\_\_\_\_\_  
Lena J. Bonner, Clerk of Commission

1<sup>st</sup> Reading: \_\_\_\_\_

2<sup>nd</sup> Reading: \_\_\_\_\_