



Tuesday, March 24, 2020  
3:00 pm

## The Power of a Comma

On Monday, March 23, 2020, Atlanta's Mayor, Keisha Lance-Bottoms, issued an executive order that originally had the construction marketplace concerned that only public works construction projects were going to be allowed to continue moving forward.

AGC Georgia has fielded dozens of calls this morning and understands how important governmental regulations are to your businesses.

Questions to the Mayor's office revealed the intention was for construction to remain in place and an important comma was omitted from the original executive order.

Below is where the comma has now been inserted giving construction the authority to resume progress inside the City of Atlanta as long as you are using CDC guidelines.

The full executive order, including the corrected language is included on the following pages.

healthcare, broadly defined. "Healthcare Operations" does not include construction, construction, and similar facilities.

(c) For purposes of this Order, individuals may leave their homes to perform any work necessary to the operations and maintenance of critical infrastructure, including, but not limited to public works, construction, airports, gas, electrical, oil refining, roads and highways, railroads, and solid waste collection and removal, internet, and telecommunications provision of essential global, national, and local infrastructure (including infrastructure, communications, and web-based services), and

Executive Order  
Office of the Mayor  
City of Atlanta

2020 MAR 23 PM 8:49

EXECUTIVE ORDER NUMBER 2020-21  
BY THE MAYOR

DECLARING, IN ACCORDANCE WITH SECTION 2-181(A) OF THE CITY OF ATLANTA CODE OF ORDINANCES, THERE TO BE AN EMERGENCY IN EXISTENCE WITHIN THE TERRITORIAL JURISDICTIONAL LIMITS OF THE CITY OF ATLANTA DUE TO THE EXISTENCE OF AN EXTREME LIKELIHOOD OF DESTRUCTION OF LIFE OR PROPERTY WITHIN THE TERRITORIAL JURISDICTIONAL LIMITS OF THE CITY OF ATLANTA DUE TO THE UNUSUAL CONDITION OF THE COVID-19 PANDEMIC; AND ORDERING THAT ALL INDIVIDUALS LIVING IN THE TERRITORIAL JURISDICTIONAL LIMITS OF THE CITY OF ATLANTA ARE DIRECTED TO STAY AT THEIR PLACE OF RESIDENCE; TO PERMIT PERSONS SUBJECT TO THIS ORDER TO LEAVE THEIR PLACES OF RESIDENCE TO PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR ESSENTIAL BUSINESS AND GOVERNMENT SERVICES; TO EXEMPT INDIVIDUALS EXPERIENCING HOMELESSNESS FROM THIS ORDER BUT URGING THEM TO FIND SHELTER AND GOVERNMENTAL AND OTHER ENTITIES TO PROVIDE IT; DIRECTING ALL BUSINESSES TO CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS WITHIN THE CITY OF ATLANTA; PROHIBITING ALL NON-ESSENTIAL GATHERINGS OF ANY NUMBER OF INDIVIDUALS; 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 15, 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**, as on March 16, 2020, the CDC advised that during the next fifteen (15) days, all events in the United States of ten (10) or more people should be cancelled or held virtually; and

**WHEREAS**, on March 22, 2020 twenty-four (24) infectious disease clinicians in Georgia signed onto an opinion that it is in their belief that there is little time to “flatten the curve” of the spread of COVID-19; and

**WHEREAS**, these clinicians advised that at least one model suggests that “the point of no return” for Georgia is estimated to begin on March 24, 2020 and that after that date, every day of delay before restrictive measures, such as those put in place by California, New York, and Illinois, are taken will lead to an earlier and higher peak of infected Georgians that will completely overwhelm our hospital systems; and

**WHEREAS**, these clinicians have requested that effective midnight Tuesday, March 24<sup>th</sup> there be a Stay at Home declared for 14 days with only essential personnel being deployed during this emergency; and

**WHEREAS**, it is my opinion that based upon the advice of the CDC and of the Georgia infectious disease clinicians the extreme likelihood of destruction of life or property within the territorial jurisdictional limits of the City of Atlanta due to the unusual condition of the COVID-19 Pandemic has increased significantly; and

**WHEREAS**, accordingly, 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**, in accordance with this declaration, and the advice of the CDC and the Georgia infectious disease clinicians who issued the opinion on March 22, 2020 I am hereby ordering that all individuals living in the territorial jurisdictional limits of the City of Atlanta are directed to shelter at their place of residence; to permit persons subject to this order to leave their places of residence to provide or receive certain essential services or engage in certain essential activities and work for essential business and government services; to exempt individuals experiencing homelessness from this order but urging them to find shelter and government agencies and non-profit service providers to provide it; directing all businesses to cease non-essential operations at physical locations within the City of Atlanta; prohibiting all non-essential gatherings of any number of individuals; and

**WHEREAS**, the intent of this Order is to ensure that the maximum number of people 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 as are reasonably possible comply with social distancing; 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 territorial 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 territorial 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 order that all individuals living in the territorial jurisdictional limits of the City of Atlanta are directed to stay at their place of residence; to permit persons subject to this order to leave their places of residence to provide or receive certain essential services or engage in certain essential activities and work for essential business and government services; to exempt individuals experiencing homelessness from this order but urging them to find shelter and government agencies and non-profit service providers to provide it; directing all businesses to cease non-essential operations at physical locations within the City of Atlanta; prohibiting all non-essential gatherings of any number of individuals.

**SECTION 3.** Pursuant to this order all individuals currently living within the territorial jurisdictional limits of the City of Atlanta are ordered to stay at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined herein. Individuals experiencing homelessness are exempt from this Order, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to use COVID-19 risk mitigation practices in their operation).

**SECTION 4.** All businesses with a facility in the territorial jurisdictional limits of the City of Atlanta, except Essential Businesses as defined herein, are required to cease all activities at facilities located therein except Minimum Basic Operations, as defined herein. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined herein, including by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.

**SECTION 5.** All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes as expressly permitted herein.

Nothing in this Order prohibits the gathering of members of a household or living unit.

**SECTION 6.** Definitions and Exemptions.

(a) For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities.” But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.

i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.

ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, or running.

iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.

v. To care for a family member or pet in another household.

(b) For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operations” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include fitness and exercise gyms and similar facilities.

(c) For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to public works, construction, airport operations, utility, water, sewer, gas, electrical, oil refining, roads and highways, railroads, public transportation, taxi/rideshare, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those

services or that work in compliance with Social Distancing Requirements as defined herein, to the extent possible.

(d) For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others working for or to support Essential Businesses are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions.”

Essential Governmental Functions means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

(e) For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

(f) For the purposes of this Order, “Essential Businesses” means:

1. Healthcare Operations and Essential Infrastructure;
2. Grocery stores, farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
3. Food cultivation, including farming, livestock, and fishing;
4. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
5. Newspapers, television, radio, and other media services;
6. Gas stations and auto-supply, auto-repair, and related facilities;
7. Banks and related financial institutions;
8. Hardware stores; lodging businesses (e.g., hotels, motels, conference centers);
9. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
10. Businesses providing mailing and shipping services, including post office boxes;

11. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;

12. Laundromats, dry cleaners, and laundry service providers;

13. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site. Cafeterias in hospitals, nursing homes, or similar facilities shall not be subject to the restrictions contained in this order.

14. Businesses that supply products needed for people to work from home;

15. Businesses that supply other essential businesses with the support or supplies necessary to operate;

16. Businesses that ship or deliver groceries, food, goods or services directly to residences;

17. Home-based care for seniors, adults, or children;

18. Residential facilities and shelters for seniors, adults, and children;

19. Professional services, such as legal or accounting services;

20. Childcare facilities; and

21. Utility, water, sewer, gas, electrical, oil refining, roads and highways, railroads, public transportation, taxi/rideshare, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

(g) For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:

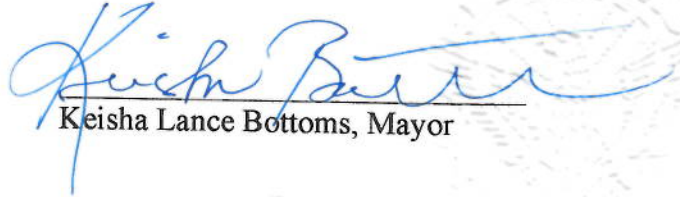
1. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.

2. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.



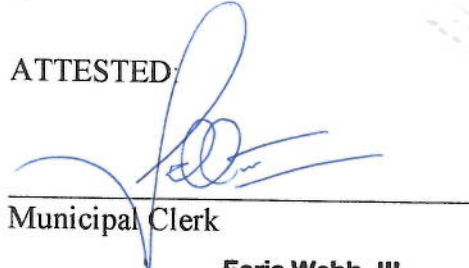
**SECTION 7.** This order shall be effective on March 24<sup>th</sup> at midnight and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the City of Atlanta, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

This 23<sup>rd</sup> day of March 2020.



Keisha Lance Bottoms, Mayor

ATTESTED:



Municipal Clerk

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