

**FIRST AMENDMENT  
TO  
EMERGENCY ADMINISTRATIVE ORDER**

**WHEREAS**, on March 26, 2020, Towns County Sole Commissioner declared the unincorporated areas of Towns County, Georgia to be under a State of Emergency;

**WHEREAS**, despite guidance from the United States Centers for Disease Control and Prevention ("CDC"), stating that people should avoid gathering in crowds more than ten, and guidance from the Georgia Emergency Management Agency ("GEMA") , recommending that Georgians should avoid gathering in groups of any size, it has been evidenced that people in Towns County, particularly visitors from outside the county, continue to gather in large numbers in enclosed spaces where social distancing cannot be effectuated; and

**WHEREAS**, in the judgment of the Sole Commissioner of Towns County, a political subdivision of the state of Georgia, there exists emergency circumstances located within its jurisdiction requiring extraordinary and immediate response for the protection of the health, safety, and welfare of the citizens of the community, the state, and the nation; and

**WHEREAS**, the Governor's Executive Order issued on March 23, 2020 did not include statewide application of certain measures that the Sole Commissioner of Towns County, a political subdivision of the State of Georgia, deems necessary within its jurisdiction to attempt to minimize the spread of COVID-19 and to prevent or minimize sickness, injury, or death, to people and damage to property resulting from this public health crisis; and

**WHEREAS**, the United States Supreme Court has previously held that "upon the principle of self-defense, of paramount necessity, a community has the right to protect itself against an epidemic of disease which threatens the safety of its members"; and now

**THEREFORE, IT IS ORDERED AND SUBJECT TO IMPLEMENTATION:**

**Section 1**

Because of the proliferation of COVID-19, the Sole Commissioner of Towns County hereby extends the State of Emergency declared on March 26, 2020 in the unincorporated areas of Towns County, Georgia in the United States and the State of Georgia, in force and effect until April 30, 2020 unless further extended or repealed.

**Section 2**

For the duration of the declared emergency:

(1) All Towns County residents are encouraged to "shelter in place".

All nonessential businesses are encouraged to close, work remotely, or at a minimum practice social distancing within the workplace.

(2) For the purposes of this Emergency Administrative Order, "Essential Businesses" means:

- A. Healthcare Operations and essential infrastructure;
- B. 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 sell other non-grocery products, and products necessary to maintain the safety, sanitation, and essential operation of residences;
- C. Food cultivation, including farming, livestock, and fishing;
- D. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- E. Newspapers, television, radio, and other media services;
- F. Gas stations and auto-supply, auto repair, and related facilities;
- G. Banks and related financial institutions, including pawn stores;
- H. Hardware stores;
- I. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences and Essential Businesses;
- J. Businesses providing mailing and shipping services, including post office boxes;
- K. 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;
- L. Laundromats, dry cleaners, and laundry service providers;
- M. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Cafeterias in hospitals, nursing homes, or similar facilities shall not be subject to the restrictions contained in this Declaration Order.
- N. Businesses that supply products needed for people to work from home;
- O. Businesses that supply other essential businesses with the support or supplies necessary to operate;
- P. Businesses that ship or deliver groceries, food, goods or services directly to residences;
- Q. Home-based care for seniors, adults, or children;
- R. Residential facilities and shelters for seniors, adults, and children;
- S. Professional services, such as legal or accounting services;
- T. Childcare facilities;
- U. Construction services; and
- V. 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).

- (3) There shall be no public gatherings on any property owned or controlled by the County. To avoid confusion, the following definitions shall apply: a "public gathering" shall mean the organized gathering or assembly of more than ten persons at a specific location; "property owned or controlled by the County" shall include any park, public square, public space, playground, recreational area, or similar place of public gathering, but nothing herein shall prohibit individuals or families from using sidewalks or designated pedestrian areas of parks for walking or other exercise if they are not participating in an organized gathering.
- (4) All businesses that provide services that normally cater to tourists (as well as Towns County residents) including, but not limited to, escape rooms, miniature golf, zip-lines, all water related activities (such as rafting, rental boating, floats, commercial swimming pools), movie theaters, and concerts are prohibited during the pendency of this order.

### **Section 3**

In addition to the foregoing, it is deemed to be determined by the Sole Commissioner of Towns County that Short-Term Rentals, Campgrounds, Hotels and Bed & Breakfast Businesses (collectively "Tourism Rentals") are businesses that facilitate non-residents of Towns County

- (a) being able to stay overnight in groups that are often in excess of the number prohibited by the Governor;
  - (b) purchase goods and services while mingling with residents of the Towns County, Georgia;
  - (c) otherwise posing a high-risk, however unwillingly, of transmitting COVID-19 from other jurisdictions to residents of Towns County and
  - (d) falling ill while staying in said Vacation Rentals and potentially causing an unbearable and unsustainable strain to Towns County's health care system and public safety personnel.
- Towns County relies on and is designed to accommodate tourists in non-pandemic situations. However, in a pandemic situation, public health and safety must be protected. Therefore:

- (1) Any person who is a resident of a State, City or County subject to a stay-at-home Order or stay-at-home restriction and who is not currently physically present in Towns County Georgia shall not be allowed to enter the County limits during the period this Ordinance is in effect. This shall not prohibit vehicular traffic that remains on state or federal highways within the County limits and does not voluntarily stop within the County limits.
- (2) All Tourism Rentals are hereby declared Non-Essential Businesses and must immediately cease all operations except Minimum Basic Operations as hereinafter defined.
- (3) Any customer currently occupying (currently physically present) a Tourism Rental under a paid reservation tendered prior to March 31, 2020

shall be allowed to complete the original reservation period but shall not be allowed to extend said reservation.

- (4) All other customers must vacate the Tourism Rental immediately when this Order goes into effect (April 1, 2020).
- (5) No Tourism Rental business shall accept reservations during this state of emergency and is hereby put on notice that each Tourism Rental business should alert any potential customer that there is a chance the provisions of this Order may be extended.
- (6) Nothing herein shall prohibit a Tourism Rental business from renting to a resident of Towns County, Georgia who certifies in writing that the rental is
  - (a) to facilitate compliance with this Order or any Order issued by the President of the United States or the Governor or any of their agencies or departments
  - (b) that the Tourism Rental will only be occupied by residents of Towns County, Georgia and/or
  - (c) that is a rental of a current camper site by a Towns County resident existing prior to the date of this Order.
- (7) Further, Tourism Rentals rented and occupied solely by public safety or health care professionals [immediate family members of the same are also allowed] who are working within the County or within an immediately adjacent county are expressly exempt from the prohibition on rental contained herein.
- (8) Any violation of this Section shall be punishable as set forth herein and general law and shall be, at the appropriate time and after appropriate due process, grounds for termination of any business license/occupational tax certificate held by any Tourism Rental business. Any aggrieved Tourism Rental business may appeal, on a case by case basis, the application of this Section to said business or party by filing an appeal with the Superior Court of Towns County, Georgia but, consistent with O.C.G.A. § 38-3-51(i)(F)(2)(B), any appeal shall not stay the application of this Section. Other than this limited right to appeal, this Section does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Towns County, Georgia, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

#### **Section 4**

If enacted later a curfew would be as follows:

- (1) a curfew would be imposed from 9:00 p.m. to 5:00 a.m. Residents, unless "exempt individuals" as defined herein, shall remain in their homes or on their property during the curfew period. Exempt individuals include those individuals engaged in the provision of designated, essential services or working for Essential Businesses, such as, without limitation, (1) fire; (2) law enforcement; (3) medical and hospital services, including veterinary services; (4) military services; (5) utility emergency repairs; (6) persons seeking

emergency medical services or hospital services and those persons assisting such persons; (7) individuals traveling to and from their jobs with appropriate identification and persons traveling to medical facilities; (8) individuals engaged in the delivery of food, medicine, medical supplies, fuel including, but not limited to, the re-stocking of grocery stores, pharmacies, and convenience stores; (9) news media employees; (10) designated employees or agents of businesses designated by the Georgia Emergency Management Agency as "essential" pursuant to O.C.G.A. § 38-3-58; (11) persons providing necessary care of companion animals in the custody and care of an animal shelter, boarding facility, or kennel and persons walking personal animals; and (12) critical infrastructure businesses and employees as designated by the Governor or identified by U.S. Department of Homeland Security Cybersecurity and Infrastructure Security Agency.

**Implementation:**

Each Section of this Order may be implemented by the Sole Commissioner of Towns County by giving notice of same by posting a notice on the County Website and dissemination to the local media outlets together with notification to the mayors of the towns of Hiawassee and Young Harris, Georgia. Notice of Implementation shall include reference to the Section to be implemented; Date and Time when the Section shall take effect; and the duration of the Section if different from the time period for this Order.

Further, the Sole Commissioner of Towns County may modify the referenced Sections without requirement of further called meetings so long as the modification does not include additional powers or restrictions not contained within the Emergency Administrative Order of March 26, 2020 or this First Amendment to Emergency Administrative Order. Said modification shall require notice and publication as set forth for implementation.

If any paragraph, subparagraph, sentence, clause, phrase or any other portion of this Declaration should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this Order as applied to any particular person, situation or set of circumstances is declared invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this Order not so held to be invalid, or the application of this Order to other circumstances not so held to be invalid. It is hereby declared to be the legislative intent of the Sole Commissioner of Towns County, Georgia to provide for separate and divisible parts and it does hereby adopt any and all parts hereof as may not be held invalid for

any reason.

This Order shall become and is effective at noon on April 1, 2020 following the approval of the Sole Commissioner at a called meeting of Towns County held at 4PM on the 31<sup>th</sup> day of March, 2020 and shall remain in effect until 11:59 PM on April 30, 2020 or until extended, rescinded, superseded or amended in writing. Implementation of each Section shall be for the terms and time period as set forth in same of same as set forth herein.

Adopted on March 31, 2020.



TOWNS COUNTY, GEORGIA

By: *Cliff Bradshaw*  
Cliff Bradshaw, Sole Commissioner

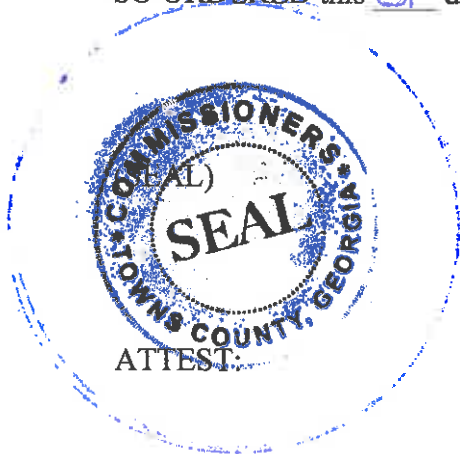
ATTEST:

By: *Linda Hedden*  
Clerk

NOTICE

In accordance with the Emergency Administrative Order adopted on March 26, 2020 and the First Amendment to the Emergency Administrative Order adopted March 31, 2020, the Sole Commissioner of Towns County Georgia hereby orders the implementation of **Section(s) 1,2,and 3** of the First Amendment to the Emergency Administrative Order to become in effect on the 1st day of April, 2020 at noon and remain in effect until the 30th day of April, 2020 at 11:59p.m. A copy of this Notice shall be published by posting a notice on the County Website and dissemination to the local media outlets together with notification to the mayors of the towns of Hiawassee and Young Harris, Georgia.

SO ORDERED this 31<sup>st</sup> day of March, 2020.



TOWNS COUNTY, GEORGIA

By:   
Cliff Bradshaw, Sole Commissioner

By:   
Clerk