

**ORDINANCE NO. 464**

**AN ORDINANCE BY THE CLARKSTON CITY COUNCIL  
REQUIRING THE USE OF MASKS OR FACE COVERINGS  
IN PUBLIC DURING THE COVID-19 PANDEMIC.**

**WHEREAS**, the COVID-19 pandemic remains ongoing and over 500,000 Americans have died from COVID-19; and

**WHEREAS**, the presence of community spread in Georgia and DeKalb County has been confirmed; and

**WHEREAS**, on March 14, 2020, Governor Brian Kemp declared that a public health emergency exists in the State of Georgia due to the spread of COVID-19 within Georgia and has “strongly encouraged” all Georgia residents and visitors to wear masks; and

**WHEREAS**, COVID-19 is a respiratory illness, transmitted through person-to-person contact or by contact with surfaces contaminated with the virus and persons infected with COVID-19 may become symptomatic two to fourteen days after exposure; and

**WHEREAS**, asymptomatic (including presymptomatic) infected persons are infectious and, without mitigation, the current estimate is that 40%-80% of infections occur from individuals without symptoms; and

**WHEREAS**, respiratory droplets from infected persons are a major mode of COVID-19 transmission. This understanding is the basis of the recommendations for physical distancing, and of the personal protective equipment guidance for healthcare workers. Droplets do not only come from coughing or sneezing; droplets are generated via talking and breathing; and

**WHEREAS**, there is scientific consensus that the use of face coverings reduces the transmissibility per contact by reducing transmission of infected droplets; and

**WHEREAS**, guidelines published by the U.S. Centers for Disease Control (CDC) recommend that all people wear cloth face coverings in public settings where other physical distancing measures may be difficult to maintain. CDC also advises the use of simple cloth face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others; and

**WHEREAS**, decreased transmissibility due to face covering use could substantially reduce the death toll and economic impact while the cost of the intervention is low; and

**WHEREAS**, the posting of prominent signage at public places plays an important role in reminding persons to wear a face covering; and

**WHEREAS**, the Charter of the City of Clarkston (Section 1.03, subsections (l), (n) and (w)) grants to the City Council the power to protect the safety, health, and welfare of the public by prohibiting conduct detrimental to public health.

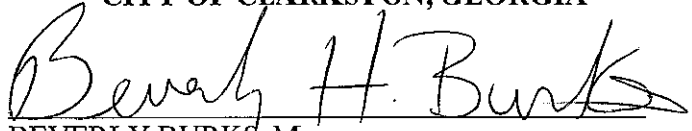
**NOW THEREFORE, BE IT ORDAINED** by the Clarkston City Council as follows:

- 1.) Face Covering Required in Public Places. While indoors, all customers, employees and other users of restaurants, retail stores, grocery stores and all other public places shall wear a mask or face covering that covers the mouth and nose.
- 2.) Signs Required at Entrances to Public Places. The City Manager is hereby directed to create signs for every public place in the City and provide such signs to be posted at every public place in the City by its owner or manager. Such signs shall include an illustration depicting the proper way to wear a mask (with nose and mouth covered), state "MASKS REQUIRED BY CITY ORDINANCE", and further state the following, depending on the nature of the business or public place:
  - a. *If the business serves food or drink*, the sign shall further state "WHEN NOT SEATED AT TABLE"
  - b. *For all other public places*, the sign shall further state "AT ALL TIMES".
- 3.) Use of Face Coverings Outdoors. All persons shall wear a mask or face covering while outdoors in an environment in which people who do not reside in the same household cannot maintain at least six feet of physical distance from one another (as recommended by the CDC).
- 4.) Reasonable exceptions to the use of face coverings are permitted for:
  - Children under the age of ten (10)
  - People who cannot wear face coverings due to documented medical or behavioral conditions
  - People whose religious beliefs prevent them from wearing a face covering
  - While eating or drinking
  - When complying with the directions of a law enforcement officer or for the purposes of verifying a person's identity
- 5.) Enforcement. The City Manager and his designee(s), including the Police Department, shall enforce this ordinance as follows:
  - a. any person found to be in violation of this ordinance shall first be given a warning and an opportunity to put on a mask or leave the public area;
  - b. the City Manager or designee shall offer the person a mask in connection with providing the warning required by (a);
  - c. if the person violating this ordinance refuses to comply after being given a warning and offered a mask, then he or she shall be issued a citation.
  - d. a person convicted of violating this ordinance shall be assessed a fine of Twenty-Five Dollars (\$25.00) by the Municipal Court.


- 6.) This ordinance shall be effective immediately and shall remain in effect until January 1, 2022, unless repealed, modified or extended by further action of the City Council.

**SO ORDAINED**, this 2<sup>nd</sup> day of March, 2021.

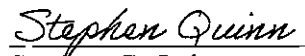
**CITY COUNCIL  
CITY OF CLARKSTON, GEORGIA**

  
BEVERLY BURKS, Mayor

**ATTEST:**

  
Tracy Ashby, City Clerk

Approved as to Form:

  
Stephen G. Quinn  
Clarkston City Attorney