

**City of Lookout Mountain, Georgia  
LOCAL STATE OF EMERGENCY**

**Emergency Order No. 1  
by the Mayor and City Council**

**AN ORDER TO MITIGATE THE SPREAD OF COVID-19 BY LIMITING SOCIAL GATHERINGS, DINE-IN FOOD SERVICE, GYM USE, AND PROVIDING FLEXIBILITY FOR RESTAURANTS AND PRIVATE CLUBS REGARDING THE SALE OF ALCOHOL**

WHEREAS, the novel coronavirus, aka COVID-19, prompted a national emergency on March 13, 2020; public health state of emergency for the state of Georgia on March 14, 2020; and a local state of emergency for Walker County, Georgia on March 18, 2020; and

WHEREAS, despite limited testing, there is clear evidence of community spread and widespread exposure in our region, with multiple cases “confirmed” in neighboring counties, presenting a serious risk to the health, safety and welfare of Lookout Mountain, Georgia residents; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has stated COVID-19 is frequently spread between people who are in close contact with one another, and on March 16, 2020, the President of the United States issued Guidelines for America, which encourage all persons to assist in the containment of COVID-19 by taking various precautions, include the following:

- a. Work from home whenever possible;
- b. Avoid social gatherings of ten (10) or more people;
- c. Avoid eating or drinking at restaurants, bars, and food courts, and instead use drive-thru, pick-up, or delivery options;
- d. Avoid discretionary travel and social visits;
- e. Avoid discretionary visits to nursing homes, retirement homes, or long-term care facilities;
- f. Avoid close contact with people who are sick, and distance oneself from others, especially those who are at higher risk of getting sick, including older adults and persons with serious chronic medical conditions; and
- g. Practice good personal hygiene: wash hands, especially after touching any frequently used item or surface; avoid touching your face; and disinfecting frequently used items and surfaces as much as possible; and

WHEREAS, consistent with this guidance, Lookout Mountain, Georgia residents, businesses, places of worship, and governmental and nongovernmental entities and organizations of all types are making sacrifices to limit the spread of COVID-19, and the provisions of this Order are designed to support efforts to protect Lookout Mountain, Georgia and allow normal activities to resume sooner; and

WHEREAS, restaurants have been uniquely harmed by the COVID-19 pandemic, and it is important to provide them, and the individuals they employ, with tools to weather these unprecedented circumstances and continue servicing customers utilizing safe, innovative methods; and

WHEREAS, Georgia law allows for the suspension of certain laws, rules, ordinances and orders during a declared state of emergency, and authorizes the City to waive compliance with time consuming procedures and formalities; O.C.G.A. S 38-3-1 et. seq.; and

WHEREAS, the Mayor and Council deems the temporary suspension of selected local ordinances and rules, and other measures contained herein are necessary to facilitate the response to the current emergency.

NOW, THEREFORE, the Mayor and City Council of Lookout Mountain, Georgia, by virtue of the power and authority vested by the laws of the State of Georgia and other applicable laws and consistent with Emergency Order No. 1 issued by the Commissioner of Walker County on March 23, 2020, in light of the continuing state of emergency to facilitate the response to COVID-19, do hereby order the following within the boundaries of the City:

1. Persons in Lookout Mountain shall not participate in gatherings of ten (10) or more people. A “gathering” does not include normal operations at spaces where persons may be in transit or coming and going individually or in groups of less than 10 persons.
2. Persons in Lookout Mountain shall not eat or drink onsite at restaurants, bars, or other similar food or drink establishments.
3. Restaurants, bars, private clubs, and similar food or drink establishments shall not be open to persons, except only to offer drive-thru, curbside pickup, carry-out, or delivery service for food or drink, and persons are highly encouraged to use such drive-thru, curbside pickup, carry-out, or delivery options to support such businesses during this emergency. Cafeterias in nursing homes, retirement homes, long-term care or assisted living facilities, or similar facilities shall not be subject to these restrictions and may continue normal operations.
4. Gyms or fitness/exercise centers or substantially similar facilities shall not be open to members or the public.
5. Persons and businesses should take particular care to protect the well-being of those populations vulnerable to COVID-19. Businesses should further consider implementing measures to protect our most vulnerable populations by offering delivery service, special hours or opportunities for members of vulnerable populations to shop in retail establishments exclusive of the general population.
6. For offices, workplaces and businesses that remain open, employees should work from home where feasible, and employees and their customers should practice good hygiene and observe the necessary precautions advised by the President and the CDC to reduce the spread of COVID-19.
7. Any local law, order, rule, or regulation inconsistent with this Order is hereby suspended.

BE IT FURTHER RESOLVED, the provisions of Chapter 4 of the City Code of Lookout Mountain and related rules and regulations to the extent that they are in conflict with this order are temporarily suspended, so long as said suspension does not conflict with state law, to allow restaurants and private clubs that are licensed to sell alcoholic beverages to sell for take-out or delivery alcoholic beverages, so long as the following conditions are met:

1. Unless the establishment has a license issued by the City of Lookout Mountain for the sale of controlled beverages at retail, any sale of an alcoholic beverage that is for consumption off of the premises of a restaurant, bar, private club, and similar food or drink establishment must be accompanied by the sale of food in the same order;

2. An alcoholic beverage must be packaged in a container or bottle with a secure lid or cap and in a manner designed to prevent consumption without removal of the lid or cap, and customers shall not remove such lids or caps while operating a motor vehicle;
3. Single servings of alcoholic beverages and multi-serving bottles or containers of beer or wine normally sold by the restaurant, bar, private club, and similar food or drink establishment may be sold for consumption off premises, but not bottles of spirits or liquor;
4. An employee or contractor of a restaurant, bar, private club, and similar food or drink establishment providing or delivering alcoholic beverages to a customer under this provision shall not provide or deliver such beverages to any person under twenty-one (21) years of age and may not provide or deliver such beverages to a person who is visibly intoxicated. Any such employee providing or delivering alcoholic beverages must visually inspect a valid government-issued document deemed acceptable to the establishment that includes the photograph and birth date of the adult consumer attempting to make an alcoholic beverage purchase and confirms that the person is at least twenty-one (21) years of age;
5. A person delivering alcoholic beverages under this provision must be at least twenty-one (21) years of age and must have a valid driver license; and
6. An alcoholic beverage sold under this provision must be sold during the establishment's current operating hours.

This Order shall be effective and enforceable at 12:01 a.m., Eastern Daylight Time, on Thursday, March 26, 2020, following its approval by at least three (3) members of the Council of the City of Lookout Mountain and shall remain in effect for the duration of the City of Lookout Mountain's local state of emergency for the COVID-19 public health crisis, at which time the suspension of any laws and rules and the other provisions of this Order shall cease and be of no further force or effect.

SO RESOLVED AND ADOPTED this 25th day of March, 2020.

*s/David S. Bennett*

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David S. Bennett  
Mayor

*s/Arch Willingham*

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Member of City Council

*s/Taylor Watson*

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Member of City Council

*s/Caroline Williams*

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Member of City Council

*s/Tony Towns*

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Member of City Council

*s/Kevin Leckenby*

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Member of City Council