

**A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS
APPROVING A MANDATORY MASK POLICY FOR COUNTY FACILITIES IN
INCORPORATED AREAS**

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions and regulations; and

WHEREAS, on August 18, 2020, the Board of Commissioners adopted an ordinance requiring the wearing of a mask or face covering in public places in the unincorporated areas of the County, subject to certain exceptions;

WHEREAS, the Board of Commissioners desires to adopt a policy imposing equivalent standards requiring the use of masks in County facilities in the incorporated areas of the County;

WHEREAS, on August 15, 2020, Governor Kemp issued an executive order permitting any county to “control terms of entry onto property owned or leased by the ... county ... however no individual shall be denied ingress or egress to or from a Polling Place, as defined under Code Section 21-2-2(27), for failure to wear a face covering or face mask”; and,

WHEREAS, this Resolution is authorized and specifically intended to comply with the Governor's Executive Orders regarding the public health crisis in the State of Georgia;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Newton County, Georgia as follows:

1. The following policy is adopted for all County-owned or leased buildings, parks, and other property located in incorporated areas of Newton County.

A. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. *Face Covering* or *Mask* means a fabric that entirely covers the nostrils and mouth using a continuous piece of material with no apparent holes (i.e., with no holes larger than would be found in an ordinary piece of cloth such as a bandana). It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand or can be improvised from household items such as scarves, T-shirts, sweatshirts, or towels.

2. *Person* shall mean an individual.
3. *Social Distance* means maintaining a distance of at least six feet from any other person who is not a member of the same household (such as cohabitating persons, family units, or roommates residing together in private homes).

B. Requirement to Wear a Face Covering or Mask.

1. Employees of the County Governing Authority are required to utilize a face covering or mask when in public areas of County buildings and other County property subject to the control of the County Governing Authority.
2. Members of the public age eight years and older are required to utilize a face covering or mask when entering and while inside public areas of County buildings and on other property subject to the control of the County Governing Authority except as expressly stated in a separate policy, order or law, if any, that applies to certain uses of portions of County buildings, such as courtrooms and polling locations.

C. Exemptions. No face coverings shall be required:

1. When Social Distancing is both possible and being actively practiced;
2. In personal vehicles;
3. If a medical provider has advised against the use of a face covering due to an underlying medical issue or because wearing such covering presents a health, safety, or security risk;
4. To the extent removal of the covering is necessary to receive personal services (e.g. haircuts or makeup);
5. To the extent removal of a covering is necessary to treat or examine a person subject to the direction of a medical professional;
6. When consuming food or beverages; however, a face covering shall be required when interacting with others who are not at an individual's immediate table (i.e. fellow patrons, servers, staff, etc.);
7. To the extent temporary removal of the face cloth is necessary for the purposes of verifying a person's identity for the purposes of law enforcement, purchasing alcohol, tobacco, or prescription drugs;
8. If a person is employed and working in their capacity as a governmental professional (i.e. public safety, fire, sanitation), or medical professional and is wearing more protective equipment or is otherwise prohibited from utilizing a face covering by the policy of their employer;
9. If wearing a mask poses a greater mental or physical health safety or security risk such as when a person has trouble breathing, is unconscious, is incapacitated, or is unable to remove or put on the face covering without assistance;
10. If an individual has a bona fide conscientious objection to the wearing of a face covering based upon health, ethical, or religious reasons; or

11. For purposes of entering or exiting any Polling Place, as defined under O.C.G.A. § 21-2-2(27), in connection with exercising the right to vote or otherwise participating in election activities.

D. Exemptions for children.

1. Parents or guardians of children eight (8) years or younger may exercise their own discretion regarding the wearing of masks by such children.

E. Enforcement.

1. The provisions of this section may be enforced by Newton County employees, including Newton County Sheriff's Office and/or code enforcement officers.
2. The County shall supply masks at County facilities where this policy is enforced, for those who are unable to provide their own personal mask.
3. Persons in violation this section who refuse to put on a mask or repeatedly remove or alter a mask in violation of this policy may be removed from County facilities and/or may be denied service at the County facility.
2. All other conflicting ordinances and resolutions are hereby repealed.
3. This Policy is intended to be interpreted, to the maximum extent possible, to be consistent with Governor Kemp's August 15, 2020, executive order.
4. The sections, paragraphs, sentences, clauses and phrases of this Policy are severable and if any phrase, clause sentence, paragraph, or section of this Policy shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Policy.
5. This Policy shall become effective at the beginning of the day (12:00 a.m.) on August 3, 2020. This Ordinance shall stand repealed without further official action by the Newton County Board of Commissioners upon the earlier of: (a) 11:59pm on October 31, 2020; or (b) the expiration and nonrenewal of the Governor's executive order permitting Local Option Face Covering Requirements, which date shall be 11:59 p.m. on August 31, 2020, absent renewal of the executive order.

So resolved this 1st day of September, 2020.

NEWTON COUNTY BOARD OF COMMISSIONERS



Marcello Banes, Chairman

Attest:



Jackie Smith, County Clerk