

RESOLUTION NO. 20-193

**WHEREAS**, Kay Ivey, Governor of the State of Alabama, on March 13, 2020, did declare the existence of a state public health emergency in the State of Alabama, in that the State Health Officer has reported the appearance of the novel coronavirus known as COVID-19, thereby indicating the potential of widespread exposure to an infectious agent posing significant risk of substantial harm to a large number of people within the State of Alabama, such declaration authorized by the above-referenced Alabama Emergency Management Act of 1955; and

**WHEREAS**, the State Health Officer promulgated certain Health Orders suspending certain public gatherings; and

**WHEREAS**, the current "Safer at Home" State Health Order mandates the wearing of a mask or other facial covering that covers his or her nostrils and mouth at all times when within six feet of a person from another household in any indoor space open to the general public, a vehicle operated by a transportation service or an outdoor public space where ten or more people are gathered; and

**WHEREAS**, Section 22-2-14 of the Code of Alabama (1975) makes it a misdemeanor for anyone to knowingly violate or fail or refuse to obey or comply with any rule or regulation adopted and promulgated by the State Health Officer; and

**WHEREAS**, Lee County is now seeing a decline in COVID-19 infections in the general population but a dramatic increase in infections in the college student population and the Auburn City Council desires to further protect the public health, safety and welfare; and

**WHEREAS**, Auburn University has requested the City to enact measures to reduce or eliminate the spread of COVID-19 in ABC licensed establishments; and

**WHEREAS**, East Alabama Medical Center has advised the City that spikes in community cases have shown to follow 2-3 weeks later with spikes in hospitalizations. Furthermore, EAMC currently has 37 patients with COVID-19, which is generally on the high side of a manageable COVID volume; and

**WHEREAS**, the Alabama Emergency Management Act of 1955, as amended, codified in Section 31-9-1, *et seq.*, of the Code of Alabama, confers emergency powers upon the various governing bodies in the State of Alabama, including political subdivisions of the state, to include municipalities such as the City of Auburn, Alabama; and

**WHEREAS**, the City Council of the City of Auburn did, on March 17, 2020, adopt Resolution 20-080, declaring a State of Local Emergency; and

**WHEREAS**, said declaration expired on April 30, 2020.

**NOW, THEREFORE, BE IT RESOLVED** based upon the findings and determinations hereinabove stated, and the authorities hereinabove recited, the City Council of the City of Auburn, Alabama, does hereby declare a State of Local Emergency for the City of Auburn, effective immediately.

**BE IT FURTHER RESOLVED**, that effective August 28, 2020, beginning at 5:00pm, all ABC licensed alcohol establishments in the City of Auburn shall suspend walk up bar services at indoor bars and only allow alcoholic beverages to be served to seated customers. Further, the serving of alcoholic beverages to any person who is not seated at a table/counter/bar is hereby prohibited. Indoor alcohol consumption in such establishments is restricted to customers seated at a table/counter/bar. Any ABC licensed alcohol establishment with an outdoor bar complying with all applicable local and state regulations may allow walk up bar service at the outdoor bar.

**BE IT FURTHER RESOLVED**, that any ABC licensed alcohol establishment in the City of Auburn that shall be cited for a violation of this Resolution, or any applicable State Health Order, shall be prohibited from further serving alcohol until such time as the establishment shall remedy the violation.

**BE IT FURTHER RESOLVED**, that any person or business violating any provision of this Resolution shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00).

**BE IT FURTHER RESOLVED**, that the duration of this State of Local Emergency shall extend to September 16, 2020 at 6:00am unless extended by the City Council.

**ADOPTED AND APPROVED** by the City Council of the City of Auburn, Alabama, this the 27th day of August, 2020.

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/s/ Ron Anders, Jr., Mayor

ATTEST:

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/s/ James C. Buston, III, City Manager