



City of Chattanooga

Mayor Andy Berke

**CIVIL EMERGENCY PROCLAMATION AND EXECUTIVE ORDER
REGARDING RETURNING TO WORK AND REOPENING CERTAIN BUSINESS
OPERATIONS PURSUANT TO GOVERNOR LEE'S EXECUTIVE ORDER NO. 38 BY MAYOR
ANDY BERKE FOR THE CITY OF CHATTANOOGA
No. 2020-14**

WHEREAS, Coronavirus Disease 2019 (“COVID-19”) is a communicable respiratory disease that can lead to serious illness or death, particularly in the case of elderly adults and persons with serious chronic medical conditions; and

WHEREAS, on January 21, 2020, following the guidance of Centers for Disease Control and Prevention, the Tennessee Department of Health designated COVID-19 as a reportable disease in Tennessee; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic; and

WHEREAS, on March 12, 2020, the Governor for the State of Tennessee first issued an Executive Order to facilitate the treatment and containment of COVID-19, pursuant to Tennessee Code Annotated § 58-2-107(e)(1); and

WHEREAS, on March 13, 2020, the President of the United States declared a national state of emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 19, 2020, I initially declared a state of emergency for the City of Chattanooga, pursuant to Tennessee Code Annotated § 38-9-101 et seq. and § 58-2-101 et seq. and City of Chattanooga Charter, Article 2.1 in response to the COVID-19 pandemic; and

WHEREAS, on April 28, 2020, Governor Lee issued Executive Order No. 30 which strongly limits the ability of local orders in Hamilton County and governs all subjects it concerns, except to the extent that the locally run county health department has issued differing local orders or measures regarding the opening, closure, or operation of businesses, organizations, or venues as provided in Paragraph 13 c of Executive Order No. 30; and

WHEREAS, as of May 28, 2020, the Hamilton County Health Department has most recently reported 719 confirmed cases of COVID-19 in Hamilton County and 15 deaths and that community transmission may be occurring; and



WHEREAS, as of May 21, 2020, there were at least 21,679 positive COVID-19 tests and 356 deaths from COVID-19 reported in the state of Tennessee; and

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WHEREAS, more than 2,000 physicians in this state have signed an online petition asking the Governor to consider a mandatory shelter-in-place order to save lives by stopping the spread of the virus and reducing the strain on hospital systems and COVID-19 continues to present a severe danger to public health and the Governor previously issued a stay at home unless engaging in Essential Activities Order as Executive Order No. 27 on April 13, 2020 which has now been superseded and repealed by Governor Lee's Executive Order No. 30 which was issued on April 28, 2020; and

WHEREAS, Governor Lee's Executive Order Nos. 30 and 38 encourage and permit Tennessee citizens to return to work safely while urging continued adherence to health and social distancing guidelines to limit the spread of COVID-19 and following Governor Lee's Executive Order No. 33 which has reopened Close Contact Personal Services pursuant to new safety guidelines on May 5, 2020; and Governor Lee's Executive Order No. 35 which has reopened Small Group, Non-Contact Entertainment and Recreational Venues pursuant to new safety guidelines on May 7, 2020.

NOW, THEREFORE, I, ANDY BERKE, MAYOR OF THE CITY OF CHATTANOOGA, by virtue of the powers vested in me, proclaim that a local public health civil emergency continues to exist in the City of Chattanooga, Tennessee which includes the additional natural disaster based on the extensive storm and damage to property from wind and floods which occurred on the night of April 12, 2020 and into the early morning hours of April 13, 2020 and I hereby direct and order the following:

1. Staying at Home when possible is still urged pursuant to Governor Lee's Executive Order 38. All individuals currently living within the City are still strongly urged to stay at home when possible at their place of residence following the guidelines of the Governor's Economic Recovery Group (ERG) for all public interactions. Governor Lee has encouraged persons, businesses, and organizations to return to work consistent with the provisions of his latest Order while following to the greatest extent possible the Health Guidelines and ERG Guidelines which should be observed to reduce the spread of COVID-19. Our County has continued to have increased counts of positive cases of COVID-19 within this community within the past week without further orders from the Hamilton County Health Department which are authorized to control under Paragraph 13 of the Governor's Order. To the extent individuals are using shared or outdoor spaces, they are strongly urged to wear cloth face coverings or other similar coverings and maintain social distancing of at least six feet from any other person when they are outside their residence and following CDC and Governor Lee's Health Guidelines as set forth in Executive Order 38.
2. All previous restrictions which were contained in my Executive Orders issued since March 13, 2020 relative to Travel Restrictions; Mass Gatherings Prohibited; Closure of Non-Essential Services Businesses; Essential Activities; Essential Services Businesses; Non-Essential Services Businesses; Essential Travel; Healthcare Operations; Essential Infrastructure; Essential Governmental Functions; Minimum Basic Operations; and Social Distancing Requirements; are repealed and suspended but all persons are recommended to stay in compliance with the provisions of Governor Lee's Executive Order No. 38.

3. All limitations on Social Gatherings of ten (10) or more, special care to protect vulnerable populations and the specific business guidelines for any retail businesses and restaurants authorized to be reopened in compliance with the provisions of Governor Lee's Executive Order No. 38 are strongly urged to be followed in the City during the effective dates of the Governor's Executive Order No. 38. All limitations on festivals, fairs, parades, large parties or picnics, sporting events and activities, summer youth camps, and other types of social or recreational assemblies or gatherings shall continue to be required to follow the Social distancing guidelines as set forth in Governor Lee's Executive Order No. 38.

4. All Businesses or organizations that perform close-contact personal services which were **reopened** pursuant to Governor Lee's Executive Order No. 33 in this City and remain open pursuant to Governor Lee's Executive Order No. 38 shall be subject to the Close Contact Business Guidelines issued by the Governor's Economic Recovery Group, which are available at: <https://www.tn.gov/governor/covid-19/economic-recovery/close-contact-business-guidelines.html>

Such businesses or organizations include:

- a. Barber shops;
- b. Hair salons;
- c. Waxing salons;
- d. Threading salons;
- e. Nail salons or spas;
- f. Spas providing body treatments;
- g. Body-art facilities or tattoo services;
- h. Tanning salons; or
- i. Massage-therapy establishments or massage services.

5. Small Group, Non-contact Recreation Businesses shall remain reopened. Small-group, non-contact entertainment, recreational, and other gathering venues are no longer required to be closed, unless, pursuant to Paragraph 13.c., the Hamilton County Health Department issues an order or measure requiring that such businesses or organizations remain closed.

6. All venues, businesses, and employers that are allowed to reopen in connection with Governor Lee's Executive Order No. 38 at Paragraph 2 are expected to operate in accordance with, and to fulfill the spirit of, the Social Distancing Guidelines (c.g., Tennessee Pledge) issued by the Governor's Economic Recovery Group, which are available at the following web address and may be periodically updated:

<https://www.tn.gov/governor/covid-19/economic-recovery/recreation-guidelines.html>

7. This Order continues to permit take-out alcohol sales by restaurants and limited-service restaurants and licensed temporary off-premises beer sales and deliveries as set forth in my Executive Order 2020-05 during the term of such operations allowed under Governor Lee's Executive Order No. 38. This Order shall require all beer and alcohol sales to comply with the terms of paragraph 12 of the Governor's Order.

8. This Order, continues to keep in place all prior orders in which this governmental entity has acted in a proprietary capacity as set forth in the closing of City of Chattanooga business offices to the public at City Hall, Development Resource Center, and Annex offices to the public as set forth in my Executive Order 2020-05 in compliance with Paragraph 13 of Governor Lee's Executive Order No. 38. Nothing in Governor Lee's Executive Order No. 38 affects or limits local orders that do not contravene or limit the application of the provisions of that Order, such as orders or measures in which a local governmental entity acts in a proprietary capacity-for example, with respect to the opening or closure of governmental buildings, employee measures, or government operations
9. This Order continues to provide for the opening of all City owned parks, trails, and other public spaces, including the Chattanooga Zoo, all Golf Courses within the City limits, all pet grooming businesses, drive-through car washes, and child care centers within the City limits. All persons are strongly urged to follow the Health Guidelines set forth in Paragraphs 5, 6, 7, 8, 9, and 10 in Governor Lee's Executive Order No. 38 until any further Orders are issued by the Governor or the Hamilton County Health Department related to the containment or management of the spread of COVID-19, which may permit to a greater degree, or restrict to a greater degree, the opening, closure, or operation of businesses, organizations, or venues in Hamilton County. This Order shall continue to limit all gatherings of people on city-owned properties to 10 people or less and maintain six (6) feet or more of separation in the use of City parks, trails, Walnut Street Bridge and other public spaces.
10. This Order continues to proclaim that a Civil Emergency exists in East Brainerd as set forth in my Executive Order 2020-08 and requests that access into the area of damage from the April 12, 2020 storms be limited to law enforcement, fire department, residents, government and emergency management personnel, family members, and debris clearing personnel under contract with the City until further Orders are issued for this area as shown on the attached map.
11. Based on the proclamation of this Civil Emergency the City should continue to be authorized to all emergency management powers and authorities applicable to the geographical areas of the City shown on the attached map under Tenn. Code Ann. § 58-2-110 (3) with the power to waive the procedures and formalities otherwise required of the City by law pertaining to:
 - (a) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
 - (b) Entering into contracts;
 - (c) Incurring obligations;
 - (d) Employment of permanent and temporary workers;
 - (e) Utilization of volunteer workers;
 - (f) Rental of equipment;
 - (g) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
 - (h) Appropriation and expenditure of public funds;

12. This Order does not apply to employees of the City of Chattanooga. Employees of the City shall follow all current and future directives and orders issued by the Mayor of Chattanooga that are specifically directed at them during any period of emergency.
13. The Chattanooga Police Department, Land Development Office, and Fire Marshal are authorized to enforce this Order if requested by Hamilton County Health Department officials pursuant to Paragraph 13 c of Governor Lee's Executive Order No. 38.
14. A determination that any provision of this Order is invalid will not affect the enforceability of any other provision of this Order. The remaining provisions shall remain in full force and effect. Any invalid provision will be modified to the extent necessary for enforceability.
15. This Order shall be effective at 12:01 AM on Saturday, May 30, 2020, and shall remain in effect until withdrawn or extended pursuant to Tennessee law.
16. PURSUANT TO TENN. CODE ANN. § 58-2-110 (3) the duration of this Executive Order is limited to seven (7) days initially and may be extended, as necessary, in additional seven-day increments. It is the intent of this Order to rescind certain prior Executive Orders issued since March 13, 2020 except my Executive Order 2020-05 relative to Temporary Off-Premises Beer Sales and Deliveries and Closing City Hall, Development Resources Center, and Annex Business Offices and my Executive Order 2020-08 proclaiming a local public health civil emergency in the City of Chattanooga, Tennessee after an additional natural disaster struck our City causing extensive storm and damage to property from wind and floods which occurred on the night of April 12, 2020 and into the early morning hours of April 13, 2020. It is my intent that all other local Executive Orders shall be rescinded but urging local businesses to remain in compliance with Governor Lee's Executive Order No. 38 as authorized under Tennessee law within the City of Chattanooga. To the extent that this Order conflicts with any prior Orders by my office this Order shall control.

Issued this 29th day of May, 2020, pursuant to Tenn. Code Ann. §§ 38-9-101, et seq. and 58-8-104 and 58-2-110 (3) by the Mayor of the City of Chattanooga, Tennessee.



ANDY BERKE, MAYOR OF THE CITY OF CHATTANOOGA