



# City of Chattanooga

Mayor Andy Berke

## CIVIL EMERGENCY EXECUTIVE ORDER

**REGARDING STAYING AT HOME WHERE POSSIBLE, CONTINUING THE TEMPORARY CLOSURE OF CITY HALL, ANNEX, AND DEVELOPMENT RESOURCE CENTER, AND LIBRARY OFFICES TO THE PUBLIC SINCE JULY 25, 2020 AT 12:01 AM AND URGING CITIZENS TO CONTINUE FOLLOWING HEALTH GUIDELINES ESTABLISHED IN DIRECTIVE NO.1 OF THE HAMILTON COUNTY HEALTH OFFICER AND IN GOVERNOR LEE'S EXECUTIVE ORDER NO. 54 AND BY MAYOR ANDY BERKE FOR THE CITY OF CHATTANOOGA**

**No. 2020-25**

**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 previously closed City business offices to the public on March 27, 2020 until July 6, 2020 in attempts to avoid the spread of disease to City employees and the public; 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**, on July 6, 2020 Hamilton County Health Officer, Paul Hendricks, MD, issued Directive No. 1, which requires all persons in Hamilton County effective at 12:01 AM on July 10, 2020, to wear a facial covering or mask which covers the mouth and nose at all times when indoors in all public and private buildings and when outdoors except under certain circumstances due to the rise in new COVID-19 cases and hospitalizations in this County and on July 6, 2020 Governor Lee issued Executive Order No. 54 providing local governments with authority concerning face coverings; and

**WHEREAS**, as of August 13, 2020, the Hamilton County Health Department has most recently reported 6,547 confirmed cases of COVID-19 in Hamilton County and 56 deaths and that community transmission may be occurring at greater rates; and

**WHEREAS**, as of August 13, 2020, there were at least 128,511 confirmed COVID-19 cases and 1,313 confirmed deaths from COVID-19 reported in the State of Tennessee; and

**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 Governor Lee has recently issued Executive Order No. 50 on June 29, 2020 to extend the State of Emergency related to the ongoing COVID-19 pandemic to August 29, 2020. The order allows the continued suspension of various laws and regulations and other measures in these orders to facilitate the treatment and containment of COVID-19 through regulatory flexibility, promoting social distancing and avoidance of large gatherings, and protecting vulnerable populations. This Order also considers medical information that the City has received from various sources, including the State of Tennessee Department of Health, the Centers for Disease Control (CDC), the Hamilton County Health Department, and best practices from Harvard University, Johns Hopkins University, Vanderbilt University, and the University of Tennessee System, as well as the City and County Mayors' COVID-19 Joint Task Force.

**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. Local Governments have been given authority concerning requirements for facial coverings pursuant to Governor Lee's Executive Order No. 54. All individuals currently living within the City are still strongly urged to continue limiting activity and 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 and general health guidelines from the CDC and/or the Hamilton County Health Department. Our County has continued to have increased counts of positive cases of COVID-19 and related deaths within this community within the past week which has resulted in the continuing business limitations in Directive No. 1 from the Hamilton County Health Officer which are also authorized under Paragraph 13 of the Governor's Order. **As a result of Directive No. 1 and Governor Lee's Executive Order No. 54 all persons in Hamilton County, effective at 12:01 AM on July 10, 2020, are continued to be required by the Health Officer, to wear a facial covering or mask which covers the mouth and nose at all times when indoors in all public and private buildings and when outdoors except under certain circumstances due to the rise in new COVID-19 cases and hospitalizations in this County.** All individuals are urged to maintain social distancing of at least six feet from any other person when they are outside their residence and to follow CDC and Governor Lee's Health Guidelines as set forth in Executive Order 54. All employers in this City are urged to allow or require remote work/telework if possible. All employers should provide that persons with COVID-19 or COVID-19 symptoms are required to stay at home, and that employers may not require or allow employees with COVID-19 to work. **This Order shall remain in effect as long as Directive No. 1 from the Hamilton County Health Officer continues until Tuesday, September 8, 2020, or until otherwise discontinued by the Health Officer.**
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 at home in compliance with the provisions of Governor Lee's Executive Order No. 54.
3. Based on the County's report of increased counts of positive cases and deaths within the past week, social and recreational gatherings of 10 or less persons shall be maintained unless adequate social distancing can be maintained in accord with the Hamilton County Health Officer Directive No. 1 and in accord with Governor Lee's Executive Order No 54. This Executive Order does not apply to places of worship, for which there are guidelines for safe operation of worship services and gatherings, though places of worship are urged to continue virtual or online services where possible. This Executive Order does not apply to weddings, funerals, and related events, but encourages the postponement of any large-gathering components of such events and all individuals are strongly urged to maintain adequate social distancing and wear mask when they attend any public events.
4. Nursing home and long-term care facility visitation shall continue to be limited, while providing a framework for safe, limited visitation set forth in Governor Lee's Executive Order No. 49 and Directive No. 1 of the Hamilton County Health Officer. All senior centers shall continue to remain closed which are operated in the City of Chattanooga.

5. 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 and/or Executive Order No. 54 and Directive No. 1 of the Hamilton County Health Officer. Participants are required to wear face masks or facial coverings when there is any social contact within six (6) feet as recommended by the CDC.
6. 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.
7. Small Group, Non-contact Recreation Businesses shall remain reopened. This Order continues to urge limits on contact sports with a requirement or substantial likelihood of routine close contact. This does not apply to collegiate or professional sports conducted under the rules or guidelines of their respective governing bodies and does not prohibit training or otherwise practicing the elements of such sports that do not involve close contact with persons. Small-group, non-contact entertainment, recreational, and other gathering venues are required to comply with Directive No. 1 of the Hamilton County Health Department and Governor Lee's Executive Order No. 54.
  8. All venues, businesses, and employers that have been allowed to reopen in connection with Governor Lee's Executive Order No. 50 at Paragraph 2 are expected to operate in accordance with, and to fulfill the spirit of, Directive No. 1 of the Hamilton County Health Department, Governor Lee's Executive Order No. 54, and the Social Distancing Guidelines (e.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>.
  9. 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. 50. This Order shall continue to require all beer and alcohol sales to comply with the terms of paragraph 12 of the Governor's Order.

10. **In response to increasing exposure numbers in our community resulting from the COVID-19 pandemic; and my continued concerns for the public health of our citizens and employees of the City of Chattanooga, it is my Order that office hours to the public at City Hall and Annex business offices will be closed other than through electronic communications beginning at 12:01 AM on July 25, 2020 until further Orders are issued.** This Executive Order suspends those provisions of the Chattanooga Code Section 2-3 which provides for office hours at City Hall and Annex offices from 8:00 AM until 4:30 PM and such business offices shall remain closed to public entrance in accordance with this Executive Order to staff and the public unless otherwise designated in the interest of public health and safety for our employees. During the period that business offices are closed in these locations, the staff of these offices shall remain available for communications electronically to provide services during normal work hours from 8:00 AM until 4:30 PM until such time as business offices can be reopened to the public. Please review the City website at [www.chattanooga.gov](http://www.chattanooga.gov) for departmental communications during this period of emergency operations. This Order shall be effective upon execution and shall remain in effect until withdrawn.
11. Nothing in Governor Lee's Executive Order No. 50 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 which will continue to be reviewed by this office in this health crisis. **All City employees and persons entering other City Buildings are required to wear face masks or facial coverings as required by Directive No. 1 of the Hamilton County Health Officer and Governor Lee's Executive Order No. 54 until further Order of the Mayor or the expiration or discontinuance of Directive No. 1.** All City Boards and Commissions shall continue to follow Governor Lee's Executive Order No. 51 on electronic meetings until August 29, 2020. **All YFD Centers operated by the City shall remain closed until further Order of the Mayor. The previously reopened Chattanooga Public Libraries, other than the Avondale YFD Center, shall remain closed (except for limited curbside pickup requests until further Order of the Mayor). Public use of the computers and access to the Library buildings is temporarily suspended.**
12. 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 subject to Directive No. 1 of the Hamilton County Health Department. City-owned ballfields may continue to be used after participants provide signed waivers and releases approved by the Office of the City Attorney for all recreational ballfields for summer recreational use subject to necessary guidelines by the Department of Youth and Family Development and/or Public Works. City-owned Swimming Pools may continue to be used after participants provide signed waivers and releases approved by the Office of the City Attorney for all recreational swimming pools and dog parks for summer recreational use subject to necessary guidelines by the Department of Youth and Family Development and/or Public Works and/or Open Spaces. City-owned Tennis Courts and Skate Parks may continue to be used after participants provide signed waivers and releases approved by the Office of the City Attorney for all summer recreational use subject to necessary guidelines by the Department of Youth and Family Development and/or Public Works and/or Open Spaces. **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 as extended by**

**Executive Order No. 50 and Executive Order No. 54 until any further Orders are issued by the Governor and are required to comply with Directive No. 1 of the Hamilton County Health Department related masks or facial coverings which may assist the containment or management of the spread of COVID-19, and 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 until further orders are entered.

13. 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.
14. 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;
15. 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.
16. 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 and Governor Lee's Executive Order No. 54.
17. 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.
18. This Order shall be effective at 12:01 AM on Saturday, August 15, 2020, and shall remain in effect until withdrawn or extended pursuant to Tennessee law.

19. 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 and Governor Lee's Executive Order No. 54 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 14th day of August, 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.



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**ANDY BERKE, MAYOR OF THE CITY OF CHATTANOOGA**