



City of Chattanooga

Mayor Andy Berke

**CIVIL EMERGENCY EXECUTIVE ORDER
CONTINUING THE RETURN TO WORK AND REOPENING CERTAIN CITY HALL,
DEVELOPMENT RESOURCE CENTER, ANNEX, AND LIBRARY OFFICES TO THE PUBLIC,
AND URGING CITIZENS TO CONTINUE FOLLOWING HEALTH GUIDELINES
ESTABLISHED IN DIRECTIVE NO.3 OF THE HAMILTON COUNTY HEALTH OFFICER, IN
GOVERNOR LEE'S EXECUTIVE ORDER NO. 59, AND BY MAYOR ANDY BERKE FOR THE
CITY OF CHATTANOOGA
No. 2020-33**

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 limited the ability of local orders in Hamilton County and governed all subjects it concerned, 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 October 6, 2020, Hamilton County Health Officer, Paul Hendricks, MD, has issued Directive No. 3, which requires all persons in Hamilton County to continue 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 through November 22, 2020 and on September 29, 2020 Governor Lee issued Executive Order No. 63 which continues the response to COVID-19 and extends certain targeted provisions which provide local governments with authority concerning face coverings; and

WHEREAS, as of October 8, 2020, the Hamilton County Health Department has most recently reported 10,250 confirmed and probable cases of COVID-19 in Hamilton County and 101 deaths and that community transmission may be occurring at greater rates; and

WHEREAS, as of October 8, 2020, there were at least 209,447 total COVID-19 cases and 2,705 total 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 based on COVID-19 community transmission and 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. 3 from the Hamilton County Health Officer which are also authorized under Paragraph 13 of the Governor's Order. **As a result of Directive No. 3 and Governor Lee's Executive Order No. 54 all persons in Hamilton County 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 through November 22, 2020.** 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. 3 from the Hamilton County Health Officer continues until Thursday, November 22, 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 continue 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. 3 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. 3 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. 63 and Directive No. 3 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. 3 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. 63 at Parts A and B are expected to operate in accordance with, and to fulfill the spirit of, Directive No. 3 of the Hamilton County Health Department, Governor Lee's Executive Order No. 63, 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. 63. 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. **This Executive Order continues to provide for the return to the normal designated city business office hours for City Hall, Development Resource Center, and Annex offices from 8:00 AM until 4:30 PM on Monday, September 28, 2020, as set forth in Chattanooga Code Section 2-3 until further Orders are issued. Such business offices shall provide access to city staff and the public, subject to the requirements for face masks or facial coverings and social distancing, unless otherwise designated in the interest of public health and safety for our employees.** During the period that these city business offices are open, designated staff of these offices will be available in shifts to provide services and to serve the public in a manner which safely provides for the public health and safety of all city employees. **This Order discontinues my previous Order that office hours to the public at City Hall, Development Resource Center, and Annex business offices would be closed other than through electronic communications which began at 12:01 AM on July 25, 2020.** Please review the City website at www.chattanooga.gov for any changing departmental communications during this period of this Order. This Order shall be effective upon execution and shall remain in effect until withdrawn.

11. Nothing in Governor Lee's Executive Order No. 63 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. 3 of the Hamilton County Health Officer and Governor Lee's Executive Order No. 63 until further Order of the Mayor or the expiration or discontinuance of Directive No. 3.** All City Boards and Commissions and the City Council shall continue to follow Governor Lee's Executive Order No. 60 on all electronic meetings on or before September 30, 2020 and/or October 30, 2020. **All YFD Centers operated by the City shall remain closed until further Order of the Mayor. The 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 downtown Library buildings is limited for the safety of city employees and the public.**

12. This Order continues to provide for the opening of all City owned parks, trails, city playgrounds, 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. 3 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 Orders No. 50, 55, 59 and 63 until any further Orders are issued by the Governor and are required to comply with Directive No. 3 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, playgrounds, trails, Walnut Street Bridge and other public spaces until further orders are entered. This Order further provides for the ability of the Tivoli Foundation to host private photo shoots and film screenings inside City property beginning on October 3, 2020 provided that such social and recreational gatherings of 10 or less persons or film screenings shall be maintained as stated in the Tivoli Foundation Health & Safety Guide and requires adequate social distancing to be maintained in accord with the Hamilton County Health Officer Directive No. 3 and in accord with Governor Lee's Executive Order No. 63.

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, October 10 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 as amended or extended by Governor Lee's Executive Order No. 63 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 9th day of October, 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