



City of Chattanooga

Mayor Andy Berke

CIVIL EMERGENCY EXECUTIVE ORDER

REGARDING STAYING AT HOME WHERE POSSIBLE, CONTINUING TEMPORARY CLOSURE OF CITY BUSINESS OFFICES AT CITY HALL, ANNEX, DEVELOPMENT RESOURCE CENTER, AND LIBRARY TO THE PUBLIC, RECOGNIZING TEMPORARY CHANGES IN OPERATION OF THE McKAMEY ANIMAL CENTER, AND URGING CITIZENS TO CONTINUE FOLLOWING HEALTH GUIDELINES ESTABLISHED IN DIRECTIVE NO.4 OF THE HAMILTON COUNTY HEALTH OFFICER, AND GOVERNOR LEE'S EXECUTIVE ORDER NO. 73, AND BY MAYOR ANDY BERKE FOR THE CITY OF CHATTANOOGA

No. 2021-05

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 December 22, 2020, Governor Lee issued Executive Order No. 73 which continues to limit the ability of local orders in Hamilton County and governs all subjects it referenced as to social distancing and specific business restrictions, 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; and

WHEREAS, on January 14, 2021, Hamilton County Health Officer, Paul Hendricks, MD, has issued Directive No. 5, 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 March 31, 2021, and on December 22, 2020 Governor Lee issued Executive Order No. 73 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 February 4, 2021, the Hamilton County Health Department has most recently reported 37,705 confirmed and probable cases of COVID-19 in Hamilton County and 396 deaths and that community transmission may be occurring at greater rates; and

WHEREAS, as of February 4, 2021, there were at least 736,370 total COVID-19 cases and 10,202 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 issued Executive Order No. 73 on December 22, 2020 to extend the State of Emergency related to the ongoing COVID-19 pandemic extending remote meetings and implementing best practices to February 27, 2021. 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, 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. 73. 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. 5 from the Hamilton County Health Officer which are also authorized under Paragraph 13 of the Governor's Order. **As a result of Directive No. 5 and Governor Lee's Executive Order No. 73 all persons in Hamilton County are continued to be required by the Health Officer, to maintain social distancing and 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 March 31, 2021.** 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 73. 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. 5 from the Hamilton County Health Officer continues until Thursday, March 31, 2021, 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 or maintain at least six (6) feet of separation from persons outside their household in compliance with the provisions of Governor Lee's Executive Order No. 73.
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 should be maintained unless adequate social distancing can be maintained in accord with the Hamilton County Health Officer Directive No. 5 and in accord with Governor Lee's Executive Order No 70. 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. 73 and Directive No. 5 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. 70 and Directive No. 5 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. 73 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. 5 of the Hamilton County Health Department and Governor Lee's Executive Order No. 73.
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. 5 of the Hamilton County Health Department, Governor Lee's Executive Order No. 70, 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. 70. 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 for all City Offices at City Hall, Annex, and Development Resource Center business offices will continue to be closed other than through electronic communications until further Orders are issued. All YFD Centers operated by the City shall remain closed until further Order of the Mayor (except for specific YFD Learning). Senior Tax Relief at City Hall Annex 1st Floor, Avondale YFD Center, South Chattanooga YFD Center, North River Civic Center, and Eastgate Senior Center shall be closed until further notice. 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. Family Justice Center offices and City Headstart locations shall remain open until further Order of the Mayor.** 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 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. 73 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 any City Buildings are required to wear face masks or facial coverings as required by Directive No. 5 of the Hamilton County Health Officer and Governor Lee's Executive Order No. 73 until further Order of the Mayor or the expiration or discontinuance of Directive No. 5.** All City Boards and Commissions and the City Council shall continue to follow Governor Lee's Executive Order No. 71 on all electronic meetings on or before February 27, 2021. **All YFD Centers operated by the City shall continue to be allowed to have limited access for YFD programming, subject to the requirements for face masks and social distancing as set forth in Directive No. 5 of the Hamilton County Health Office. 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 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 to remain open subject to Directive No. 5 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 fall recreational use subject to necessary guidelines by the Department of Youth and Family Development and/or Public Works. City-owned Outdoor recreation facilities may continue to be used after participants provide signed waivers and releases approved by the Office of the City Attorney for all recreational dog parks, tennis courts, and skate parks for fall recreational use subject to necessary guidelines by the Department of Youth and Family Development and/or Public Works and/or Open Spaces. **All persons using these facilities 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, 63, 65, 70 or 73 until any further Orders are issued by the Governor and are required to comply with Directive No. 5 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 continues to provide for the ability of the Tivoli Foundation to host private photo shoots and film screenings inside City property but due to the increases in positive numbers in Hamilton County this week such social and recreational gatherings of 10 people 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. 5 and in accord with Governor Lee's Executive Order No. 70. This Order continues to provide for the ability of the Bessie Smith Cultural Center to host private photo shoots and film screenings inside City

property but due to the increases in positive numbers in Hamilton County this week such social and recreational gatherings of 10 people or less persons shall be maintained as stated in the Bessie Smith Cultural Center Health & Safety Guiding Principles and Practices which requires adequate social distancing to be maintained in accord with the Hamilton County Health Officer Directive No. 5 and in accord with Governor Lee's Executive Order No. 70.

13. COVID-19 is posing an ever greater threat to our community and disrupting the normal functioning of businesses and services, and McKamey Animal Center (MAC) is no exception. In order to ensure that MAC can continue providing critical emergency animal services for the City of Chattanooga, MAC will be modifying its operations to secure our most critical needs, namely ensuring protection of the public and protecting the wellbeing of animals at immediate risk of illness, injury or death. MAC will continue to need adoptive and foster homes for our animals, and it encourages everyone who might have room in their home for a homeless pet to contact them. MAC will be implementing additional closures and limitations on services may be needed as circumstances warrant. MAC is continuing to struggle with quarantines; and MAC may be facing the reality of rolling closures in intake, clinic and adoptions as necessary throughout the winter. Please visit <https://www.mckameyanimalcenter.org/adoption> to make your adoption appointment or to sign up as a temporary foster care provider.

Effective immediately, McKamey Animal Center (MAC) will be altering its other services as follows:

Animal Intake:

- Until further notice, all intake of animals, whether owned or stray, will be by appointment only. This will help MAC to ensure that it has staff available to properly process the incoming animal and provide it proper care. Residents of the City of Chattanooga can make an appointment to surrender their pet or to bring in a dog found running loose within the City limits by calling 423/305-6500. Appointments are likely to fill up quickly, so please be patient!
- Until further notice, MAC will limit animal intake to those residing in or found inside the City of Chattanooga, Red Bank or Lakesite, it will no longer be able to accept animals from out of its jurisdiction. While we appreciate the general public's trust in our shelter to be the best place in our region to bring animals, during this time it is especially important that MAC reserves its limited space for the City of Chattanooga, Red Bank and Lakesite's animals in need. What's more, animals lost outside those City limits will have a better chance of being reunited with their owners if they are brought to a local shelter within their community.
- Wherever possible, individuals who find a healthy stray animal will be asked if they can keep them at their home while MAC looks for its owner instead of bringing the animal immediately to the shelter. Animals are actually much more likely to be reunited with their family if they stay close to the neighborhood in which they were originally found. MAC will collect all relevant information and make every effort to safely reunite the animal if possible, but keeping found animals out of the shelter will be beneficial to the animals, their owners and the shelter.
- Intake of all healthy outdoor cats and kittens will be suspended by MAC until further notice. An animal shelter is a stressful place for cats, and those accustomed to living outdoors are especially vulnerable to stress and illness while in shelter care. As long as cats appear healthy they are better off remaining where they are, close to the food, water and shelter resources they know. If possible, MAC will work with the finder to set up a spay/neuter appointment for the cat and assist them with trapping and other resources.

Animal Control/Field Services:

- MAC Officers will respond only to priority calls, namely:
 - Animals actively experiencing cruelty
 - Animals that are ill/injured
 - Animals actively posing an imminent danger to the public or to other animals
- Calls about stray dogs will be prioritized according to threat level, ensuring dogs in imminent danger (e.g. running down a highway) or those posing an immediate threat to the public (e.g. a dog behaving aggressively) are always immediately addressed. Cats will not be picked up unless they are ill or injured. MAC Officers will provide alternative options for callers concerned about animals in their community and will do what they can to help facilitate reunifications of lost pets with their owners.

General nuisance calls that do not involve active animal cruelty will be considered low priority; officers will typically advise callers of steps they can take to mitigate their concerns rather than providing an on-site response.

14. MAC recognizes that these changes are going to be inconvenient, and may cause hardship for some members of our community, but they are in line with the steps other organizations around the nation are taking to keep their staff, volunteers and the pet-loving public safe. MAC hopes that everyone will appreciate that our goal is to ensure that we are able to preserve critical functions and maintain the highest standards of care for the homeless animals in our facility while it weathers the worst of the pandemic, and MAC can only do that with the support and understanding of the community.
15. 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. The Mayor recognizes that the Families First Coronavirus Relief Act expires on 12/31/20. By virtue of this Executive Order, City employees will continue to receive 100% of employee time off for COVID related absences as determined by HR for up to 80 hours of missed time from work; and also 2/3rds of their employee time off for family related COVID illness or quarantine time after 80 hours as part of this Executive Order which continues during this period of emergency.
16. All employees of the City of Chattanooga shall be allowed a one-time carry over of all unused PTO to the personal leave year beginning on March 12, 2021 and ending on March 10, 2022; provided, however that such carry over of PTO does not exceed the maximum cap of 800 hours (100 days) or 1200 hours (150) days for employees hired prior to March 27, 1990, less any reductions due to personal leave buy-backs as set forth in my Executive Order 2020-44.
17. 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. 73.
18. 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.
19. This Order shall be effective at 12:01 AM on Saturday, February 6, 2020, and shall remain in effect until withdrawn or extended pursuant to Tennessee law.

20. 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 my intent that local businesses should remain in compliance with in accord with the Hamilton County Health Officer Directive No. 5 and in accord with Governor Lee's Executive Order No. 73 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 5th day of February, 2021, 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.

A handwritten signature in black ink, appearing to read "Andy Berke", is written over a horizontal line.

ANDY BERKE, MAYOR OF THE CITY OF CHATTANOOGA