HISTORIC
FRANKLIN
TENNESSEE

EXECUTIVE ORDER 2020-04
March 31, 2020

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory disease that appears to occur through respiratory transmission, presents with similar symptoms to those of influenza, and can lead to serious illness or death, particularly in the case of older adults and persons with serious chronic medical conditions; and

WHEREAS, the Centers for Disease Control and Prevention has recommended that all states and territories implement aggressive measures to slow and contain transmission of COVID-19 in the United States ("Healthcare Guidelines"); and

WHEREAS, on January 30, 2020, the World Health Organization declared a public health emergency of international concern related to COVID-19; and

WHEREAS, COVID-19 is frequently spread through close contact between persons and respiratory transmission; and

WHEREAS, on March 4, 2020, the first case of COVID-19 in the State of Tennessee was identified, and several additional confirmed or presumptively positive cases of COVID-19 have since been identified in Tennessee; and

WHEREAS, on March 5, 2020, the first case of COVID-19 in Williamson County was identified; and

WHEREAS, the spread and identification of additional cases of COVID-19 in Tennessee, and specifically Franklin, is likely to continue, and therefore, taking proactive steps to prevent a substantial risk to public health and safety is paramount; and

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

WHEREAS, on March 12, 2020, pursuant to the authority granted by Tenn. Code Ann. § 58-2-107, the Governor of Tennessee, Bill Lee, issued Executive Order No. 14, declaring a state of emergency to facilitate the response to COVID-19, and

WHEREAS, on March 13, 2020, the President of the United States, Donald J. Trump, declared a national state of emergency with respect to COVID-19; and

WHEREAS, on March 19, 2020, Governor Lee issued Executive Order No. 15, suspending certain statues and rules in response to COVI-19; and

WHEREAS, on March 20, 2020, I issued Executive Order No. 2020-01 Declaring a State of Emergency and Civil Emergency; and

WHEREAS, on March 20, 2020, Governor Lee issued Executive Order No. 16 allowing electronic meetings while continuing to function openly and transparently; and

WHEREAS, on March 22, 2020, Governor Lee issued Executive Order No. 17 limiting social gatherings and the operations of restaurants, bars, and gyms; and

WHEREAS, on March 23, 2020, Governor Lee issued Executive Order No. 18 limiting non-emergency healthcare procedures; and

WHEREAS, on March 24, 2020, I issued the Stay at Home Executive Order 2020-02 requiring citizens to stay in their residences unless they are conducting Essential Activities or Essential Business; and

WHEREAS, on March 24, 2020, Governor Lee issued Executive Order No. 19 suspending certain provisions of statutes and rules; and

WHEREAS, on March 26, 2020, Governor Lee issued Executive Order No. 20 amending Executive Order No. 15 suspending provisions of certain statutes and rules and taking other necessary measures in order to facilitate the treatment and containment of COVID-19;

WHEREAS, on March 30, 2020 Governor Lee issued Executive Order No. 21 directing Tennesseans to stay home unless engaging in Essential Activities to limit their exposure to and spread of COVID-19; and

WHEREAS, on March 30, 2020 Governor Lee issues Executive Order No. 22 amending Executive Order No. 17 to further mitigate the spread of COVID-19 by limiting non-essential services and gatherings; and

WHEREAS, the Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004, Tenn. Code Ann. §§ 58-8-101 *et seq.*, authorizes the mayor to declare a local state of emergency affecting such official's jurisdiction by executive order consistent and in accordance with Tenn. Code Ann. §§ 58-2-110(3)(A)(v); and

WHEREAS, Tenn. Code Ann. §§ 58-2-110(3)(A)(v), among other things, authorizes the City, upon the mayor's declaration of a local state of emergency to waive certain procedures and formalities otherwise required of the City by law; and

WHEREAS, the declaration of a local state of emergency may entitle the City to cost reimbursement as provided in Tenn. Code Ann. § 58-8-11; and

WHEREAS, the Title 1, Chapter 5 of the Franklin Municipal Code provides for Emergency Management upon the declaration of emergency by the Mayor.

NOW, THEREFORE, I, Dr. Ken Moore, Mayor of the City of Franklin, by virtue of the power and authority vested in me by the City Charter, and other applicable law, including specifically Tenn. Code Ann. § 38-9-101 et seq. , Tenn. Code Ann. § 58-2-110, and Tenn. Code Ann. § 58-8-104, do hereby declare a local state of emergency within the City and order the following:

Section 1. Stay at Home. All individuals currently living within the City are required to continue to stay at their place of residence unless engaged in Essential Activities or Essential Travel as outlined in this Order and Executive Order 2020-02, effective 12:01 am March 25, 2020 and continuing until this Order expires. For purposes of this Order, residences include, but are not limited to, hotels, motels, shared rental units, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain physical distancing of at least six (6) feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses as defined in this Order. Individuals experiencing homelessness are exempt from this section but are strongly urged to seek safe shelter and are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to use COVID-19 risk mitigation practices in their operation). Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location.

Persons and businesses should take particular care to protect the well-being of those populations especially vulnerable to COVID-19, including older adults and persons with compromised immune systems or serious chronic medical conditions, by, among other things, taking care to adhere to all precautions advised by the President, the CDC, and Governor Lee and refraining to the extent practicable from physical contact and association. Businesses should further consider implementing measures to protect our most vulnerable populations by, for example, delivering service or special opportunities for members of vulnerable populations to shop in retail establishments exclusive of the general population.

Section 2. Mass Gatherings Prohibited. All public and private gatherings of more than ten (10) people occurring outside a single household or living unit are prohibited, except for the limited purposes as expressly permitted by this Order. Nothing in this Order prohibits the gathering of members of a household or living unit.

Section 3. Closure of Non-Essential Businesses. All businesses with a facility in the City, except Essential Businesses as defined in this Order, are required to cease all activities at facilities located within the City except Minimum Basic Operations, as defined in this Order and as defined in Governor Lee's Executive Orders No. 17, No. 20, and No. 21. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Physical Distancing Requirements as defined in this Order, including by maintaining six-foot physical distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.

Section 4. Essential Activities. For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities." Even though Essential Activity is permitted under this Order, all persons are strongly encouraged to limit to the greatest extent possible the frequency of engaging in Essential Activity. When engaged in Essential Activity persons shall at all times follow the Health Guidelines of the CDC to the greatest extent practicable.

i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.
ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others.
iii. To engage in outdoor activity, provided the individuals comply with Physical Distancing Requirements as defined in this Order, such as, by way of example and without limitation, driving or riding in a vehicle, walking, hiking, dog walking, running, biking, swimming, kayaking, canoeing, golf, tennis, or other sports or recreational activities that can be performed while maintaining the aforementioned precautions or utilizing public parks and outdoor recreation areas. Congregating or playing on playgrounds presents a unique risk for the spread of COVID-19 and is therefore not covered as an Essential Activity.
iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations and Essential Travel.
v. To perform payroll and other critical administrative functions for any business, including businesses not defined as essential.
vi. To care for a family member or pet in another household.
vii. Visiting a place of worship or attending a wedding or funeral; provided, that the Health Guidelines of the CDC are followed to the greatest extent practicable. However, it is strongly encouraged that the public celebration component of weddings and funerals be postponed or attended only by close family members. However, places of worship are strongly encouraged to utilize electronic means and provide virtual services to its members.

However, people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.

Section 5. Essential Businesses. For the purposes of this Order, "Essential Businesses" means:

i. Healthcare Operations and Essential Infrastructure as defined in this Order;
ii. Grocery and beverage stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, catering, and other similar establishments. This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
iii. Food cultivation, including farming, livestock, and fishing;
iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
v. Newspapers, television, radio, and other media services;
vi. Gas stations and auto-supply, auto-repair, and related facilities, including automobile purchases that are conducted by phone or electronically and delivered to the customer or provided to the customer by pick-up;
vii. Banks and related financial institutions;
viii. Hardware stores, home and business repair, construction (commercial and residential), and facilities design businesses;

ix. Insurance businesses and services;

x. Plumbers, landscaping services, electricians, exterminators, cleaning, janitorial, property management, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;

xi. Businesses providing mailing, shipping and logistic services, including post office boxes;

xii. Laundromats, dry cleaners, and laundry service providers;

xiii. Electronic, cell phone, and internet retail businesses;

xiv. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take- away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;

xv. Manufacturing companies, distributors, and supply chain companies producing, storing, shipping, and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, medical supplies, shipping and paper supplies, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, as well as products used by other Essential Businesses;

xvi. Businesses that supply other Essential Businesses with the support or supplies necessary to operate or facilitate individuals to work from home, such as office supplies;

xvii. Businesses that provide goods or services exclusively through curbside pick-up, drive thru, shipment or delivery. This shall include any business that did not previously provide goods or services in this manner, but develops a procedure to provide its goods and services in this manner;

xviii. Transportation services including buses, airlines, taxis, and other private transportation providers (such as Uber and Lyft) providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;

xix. Home-based care for seniors, adults, or children, people with developmental disabilities, with intellectual disabilities, substance use disorders, and/or mental illness;

xx. Residential facilities and shelters for seniors, adults, children, people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness;

xxi. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;

xxii. Childcare and daycare facilities, prioritizing services to employees of businesses exempted in this Order to work as permitted. Daycare and childcare facilities must use Physical Distancing and COVID-19 risk mitigation practices in their operations;

xxiii. Hotels and motels, to the extent used for lodging and delivery or carry-out food services;

xxiv. Funeral homes, crematoriums, mortuary and burial services;

xxv. Private waste removal and recycling services;

xxvi. Blood donor operations;

xxvii. All other critical infrastructure businesses not otherwise listed but identified in the U.S. Department of Homeland Security's Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response issued on March 19, 2020;

xxviii. Real Estate Businesses that provide transactional services, final walk through and final inspections and can show homes either electronically or virtually; and

xxix. Any other business or service that the Mayor determines is essential for the safety and public health of the City.

Governor Lee's Executive Order No. 22 states that businesses or organizations that perform close-contact personal services and entertainment or recreational gathering venues shall not be open to members of the public and therefore deemed not essential. As such, those businesses shall not be open to members of the public in the City.

Even though Essential Business is permitted under this Order, all persons are strongly encouraged to limit to the greatest extent possible the frequency of engaging in Essential Business. When engaged in Essential Business persons shall at all times follow the Health Guidelines of the CDC to the greatest extent practicable. For those offices, workplaces, and businesses that remain open as permitted by this Order, employers should take steps to the greatest extent practicable to equip and permit employees to work from home, and employees and their customers should practice good hygiene and observe the Health Guidelines of the CDC and take necessary precautions advised by the President and the CDC to reduce the spread of COVID-19.

Section 6. Essential Travel. For the purposes of this Order, "Essential Travel" includes travel for any of the following purposes:

i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
iv. Travel to return to a place of residence from outside the jurisdiction.
v. Travel required by law enforcement or court order.
vi. Travel required for non-residents to return to their place of residence outside the City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel.

Section 7. Healthcare Operations. For purposes of this Order and pursuant to Governor Lee's Executive Order No. 18 and No. 22, individuals may leave their residence to work for or obtain essential or emergency services at any "Healthcare Operations" including hospitals; clinics; medical practices and services; dentists; pharmacies; public health entities; pharmaceutical and biotechnology companies, medical supply companies; other healthcare facilities; healthcare and medical suppliers; home healthcare services providers; mental health and substance abuse providers; organizations collecting blood, platelets, plasma, and other necessary materials; obstetricians and gynecologists; eye care centers, including those that sell glasses and contact lenses; providers of any related and/or ancillary health care services; entities that transport and dispose of medical materials and remains; manufacturers, technicians, logistics, and warehouse operators, and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood, platelets, and plasma products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products; and veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. This also includes any medical or administrative personnel necessary to operate those functions in this paragraph. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities. Elective and non-

emergency procedures, check-ups, and well-visits shall be rescheduled pursuant to Governor Lee's Executive Order 18.

Section 8. Essential Infrastructure. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure," including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, grass mowing, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Physical Distancing Requirements as defined this Order, to the extent possible.

Section 9. Essential Governmental Functions. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement personnel, as well as local, state and federal agencies located within City limits are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing Essential Governmental Functions. "Essential Governmental Functions" means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public as determined by the Mayor of the City of Franklin, even if not explicitly described herein. All Essential Governmental Functions shall be performed in compliance with Physical Distancing Requirements as defined this Order, to the extent possible. Employees of the City of Franklin shall follow all current and future directives and orders issued by the Mayor of the City of Franklin that are specifically directed to City employees.

Section 10. Minimum Basic Operations. For the purposes of this Order, "Minimum Basic Operations" include the following, provided that employees comply with Physical Distancing Requirements as defined this Order, to the extent possible, while carrying out such operations:

i. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, process mail, or for related functions.
ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
iii. Preserving the condition of the business's or organization's physical plant and equipment, livestock, or other assets.

Section 11. Physical Distancing Requirements. All businesses and activities, including those that are designated as Essential under this Order, are required to practice Physical Distancing. For purposes of this order Physical Distancing Requirements refers to the CDC issued guidelines for COVID-19 prevention measures, which includes: screening of employees for symptoms; maintaining at least six-foot physical distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

Section 12. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function it performs, or its corporate or entity structure.

Section 13. City parks shall remain open but Physical Distancing Requirements shall be observed. Congregating or playing on certain parks equipment presents a unique risk for the spread of COVID-19 and therefore the City Administrator in consultation with the Parks Director may open and close equipment as needed.

Section 14. Nothing in this Order is intended to alter valid court orders.

Section 15. The Building Official, the Franklin Police Department and the Franklin Fire Marshall are authorized by this Order to enforce and close those businesses in violation of this Civil Emergency Order in our City until this Order is withdrawn. Pursuant to Tenn. Code § 38-9-101 et seq. and Franklin Municipal Code § 11-805 any person violating this Order is declared guilty of a misdemeanor.

Section 16. 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.

Section 17. Notice of this Order will be promptly communicated to all members of the Board of Mayor and Aldermen.

Section 18. This Order is valid and effective immediately for a period not to exceed seven days and may be incrementally extended for additional seven-day periods as deemed necessary.

Issued and ordered this the 31st day of March, 2020, pursuant to Tenn. Code Ann. § 38-9-101 et seq., Tenn. Code Ann. § 58-2-110 (3), and Tenn. Code Ann. § 58-8-101 et seq.

CITY OF FRANKLIN, TENNESSEE

DR. KEN MOORE
City of Franklin Mayor

ATTEST:

ERIC S. STUCKEY
City Administrator/City Recorder

Approved as to form by:
Shauna R. Billingsley, City Attorney