HISTORIC
FRANKLIN
TENNESSEE

EXECUTIVE ORDER 2020-09
April 17, 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; 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 global 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 27, 2020, I issued Executive Order No. 2020-03 re-issuing Executive Order 2020-01 Declaring a State of Emergency and Civil Emergency; and

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 issued 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, on March 31, 2020, I issued Executive Order No. 2020-04 re-issuing Executive Order 2020-02 requiring residents to stay in their residences unless they are conducting Essential Activities or Essential Business; and

WHEREAS, on April 2, 2020, Governor Lee issued Executive Order No. 23 amending Executive Order No. 22 requiring Tennesseans to stay home unless engaging in Essential Activity or Essential Services; and

WHEREAS, on April 3, 2020, I issued Executive Order No. 2020-05 re-issuing Executive Order 2020-01 Declaring a State of Emergency and Civil Emergency; and

WHEREAS, on April 3, 2020, Governor Lee issued Executive Order No. 24 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; and

WHEREAS, on April 7, 2020, I issued Executive Order No. 2020-06 re-issuing Executive Order 2020-02 requiring residents to stay in their residences unless they are conducting Essential Activities or Essential Business; and

WHEREAS, on April 8, 2020, Governor Lee issued Executive Order No. 25 limiting non-emergency healthcare procedures; and

WHEREAS, on April 9, 2020, Governor Lee Issued Executive Order No. 26 suspending provisions of certain statutes and rules in order to facilitate remote notarization and witnessing of documents; and

WHEREAS, on April 10, 2020, I issued Executive Order No. 2020-07 re-issuing Executive Order 2020-01 Declaring a State of Emergency and Civil Emergency; and

WHEREAS, on April 13, 2020, Governor Lee issued Executive Order No. 27 extending temporary social distancing and stay-at-home provisions of Executive Order Nos. 17, 21, 22, and 23 until April 30, 2020, to preserve and increase the containment of COVID-19; and

WHEREAS, on April 14, 2020, I issued Executive Order No. 2020-08 re-issuing Executive Order 2020-02 requiring residents to stay in their residences unless they are conducting Essential Activities or Essential Business; and

WHEREAS, as of April 16, 2020, COVID-19 has spread throughout the world, including 632,548 cases within the United States, 6,262 cases state-wide and 324 cases within Williamson County; 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. To protect public health, the City of Franklin finds it is necessary to request assistance from the President, Governor, and the Tennessee Department of Health to address this public health emergency.

Section 2. All procedures and formalities otherwise required under the Franklin Municipal Code or Tennessee law pertaining to the following are hereby waived:

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.

Section 3. All provisions of the Franklin Municipal Code pertaining to emergency situations, including Title 1, Chapter 5, are hereby activated.

Section 4. The City Administrator and his Designees are hereby authorized to request and respond to requests of aid from other jurisdictions.

Section 5. The City Administrator is authorized to conduct the activities of the City and to make all necessary decisions related to personnel and the day-to-day needs of the City. The City Administrator shall also have the authority to administratively suspend permits issued by the City when it is deemed to be in the best interest of the health and welfare of the citizens of Franklin. The City Administrator shall report to the Board of Mayor and Alderman at least weekly. Further, whenever possible, decisions regarding City services shall be shared with the public through the City website and other means as deemed appropriate by the City Administrator.

Section 6. The City Administrator is authorized to settle condemnation lawsuits for up to 40% of the appraisal or up to $50,000, whichever is greater.

Section 7. During the period of this Order, the City shall suspend the addition of penalties for late payment of water, sewer, reclaimed water, sanitation, and stormwater bills. However, all fees and charges remain due and payable during this period.

Section 8. The City shall, to the extent possible and provided by law, shall follow CDC guidance as it relates to COVID-19. City approved events through the months of March and April are hereby cancelled or postponed.

Section 9. Based on the proclaimed civil emergency and pursuant to Governor Lee's Executive Order No. 17, those establishments whose primary business is alcohol service or food service (other than pick-up, delivery, or drive-through service) within the City of Franklin ordered to close on March 20, 2020 are to remain closed for on-site consumption, effective at midnight on March 27, 2020 and shall remain closed until this Order is withdrawn. Nothing in this order shall be intended to prevent pick-up, delivery, or drive-through service.

Section 10. Based upon the proclaimed civil emergency and pursuant to Governor Lee's Executive Order No. 17, all gyms and exercise and fitness facilities within the City of Franklin ordered to close on March 20, 2020 shall remain closed until this Order is withdrawn.

Section 11. 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.

Section 12. Notice of this Declaration and Order will be promptly communicated to all members of the Board of Mayor and Aldermen.

Section 13. This Declaration and 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 17th day of April, 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