

**CIVIL EMERGENCY PROCLAMATION AND EXECUTIVE ORDER  
EXTENDING THE SAFER AT HOME DIRECTIVE AND CONTINUING THE  
CLOSURE OF NON-ESSENTIAL SERVICES AND BUSINESSES  
BY MAYOR MIKE WISSMAN, TOWN OF ARLINGTON, TENNESSEE**

**No. 07-2020**

**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 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, the Governor for the State of Tennessee issued Executive No. 15 and declared that “a state of emergency and major disaster exists to facilitate the response to COVID-19”; and

**WHEREAS**, on March 20, 2020, I declared a state of emergency for the Town of Arlington, pursuant to Tennessee Code Annotated § 38-9-101 *et seq.* and § 58-2-101 *et seq.* in response to the COVID-19 pandemic; and

**WHEREAS**, pursuant to the authority invested in the Mayor under Tennessee Code Annotated § 38-9-101, *et seq.*, the Mayor may proclaim in writing the existence of a civil emergency, as defined therein; and

**WHEREAS**, after proclamation of a civil emergency, the Mayor, in the interest of public safety and welfare, may make all orders necessary for the protection of life and property, including but not limited to, the closure of certain establishments; and

**WHEREAS**, on March 20, 2020, pursuant to the authority invested in the Mayor under Tennessee Code Annotated § 38-9-101, *et seq.*, I issued Civil Emergency Proclamation and Executive Order No. 01-2020 (“Executive Order No. 01-2020”) closing restaurants and bars for on-site consumption as well as closing gyms and exercise facilities; and

**WHEREAS**, on March 22, 2020, the Governor of the State of Tennessee issued Executive Order No. 17, temporarily suspending select state laws and limiting social gatherings, dine-in service, gym use, exposure to nursing and retirement homes, and adjusting state law regarding the sale of alcohol in restaurants; and

**WHEREAS**, on March 24, 2020, pursuant to the authority invested in the Mayor under Tennessee Code Annotated § 38-9-101, *et seq.*, I issued Civil Emergency Proclamation and Executive Order No. 02-2020 (“Executive Order No. 02-2020”) closing all non-essential businesses and issuing a safer at home directive, which was extended until April 24, 2020 by Executive Order No. 06-2020; and

**WHEREAS**, the State of Tennessee and Shelby County Health Department have reported increases in confirmed cases of COVID-19 in Shelby County and the State of Tennessee and that community transmission is occurring; and

**WHEREAS**, COVID-19 continues to present a severe danger to public health making it necessary to extend Executive Order No. 02-2020.

**NOW, THEREFORE, I, MIKE WISSMAN, MAYOR OF THE TOWN OF ARLINGTON, TENNESSEE**, by virtue of the powers vested in me, do hereby proclaim that a civil emergency continues to exist in the Town of Arlington, Tennessee and I hereby direct and order the following:

1. **Safer at Home**. All individuals currently living within the Town are required to stay at their place of residence unless engaged in Essential Activities as outlined in this Order. 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 social distancing of at least six 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 governmental and other entities 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.
2. **Travel Restrictions**. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and travel for Essential Activities as defined in this Order, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in this Order, to the greatest extent feasible. This Order allows travel into or out of the Town to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.
3. **Mass Gatherings Prohibited**. All public and private gatherings of more than ten 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.
4. **Closure of Non-Essential Businesses**. All businesses with a facility in the Town, except Essential Businesses as defined in this Order, are required to cease all activities at facilities located within the Town except Minimum Basic Operations, as defined in this Order. 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 Social

Distancing Requirements as defined in this Order, including by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.

5. Essential Activities. For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities.”
  - 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 Social Distancing Requirements as defined in this Order, such as, by way of example and without limitation, walking, hiking, dog walking, or running.
  - 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.
  - 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.

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.

6. Essential Businesses. For the purposes of this Order, “Essential Businesses” shall be defined as “Essential services” is defined in the Shelby County Health Officer’s April 4, 2020 Health Directive, or any amendment thereto. A copy of the April 4, 2020 Health Directive is attached hereto as Exhibit A.
7. 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 Town. Individuals are strongly encouraged to verify that their transportation out of the Town remains available and functional prior to commencing such travel.
8. Healthcare Operations. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operations” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, medical supply companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes 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. “Healthcare Operations” does not include fitness and exercise gyms and similar facilities.
9. 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 Social Distancing Requirements as defined this Order, to the extent possible.
10. Essential Governmental Functions. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement personnel, as well as and local, state and federal agencies located within Town 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 Town of Arlington, even if not explicitly described herein. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined this Order, to the extent possible. Employees of the Town of Arlington shall follow all current and future directives and orders issued by the Mayor of the Town of Arlington that are specifically directed to Town employees.
11. Minimum Basic Operations. For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with Social 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, 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.
12. Social Distancing Requirements. All businesses and activities, including those that are designated as Essential under this Order, are required to practice Social Distancing. For purposes of this order Social 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 social 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.

13. 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.
14. Town parks shall remain open, but Social Distancing Requirements shall be observed.
15. The Shelby County Sheriff's Office and other Town and Shelby County officials are authorized to enforce and close those businesses within the Town of Arlington in violation of this Order.
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.
17. This Order will be effective at 6:00 p.m. on April 24, 2020 and shall remain in effect until 11:59 p.m. on April 30, 2020, unless otherwise extended.

Upon signature, this Order shall become effective at 6:00 p.m. on April 24, 2020.

  
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Mike Wissman, Mayor  
Town of Arlington, Tennessee

Executed this 24<sup>th</sup> day of April, 2020