



DECLARATION OF LOCAL STATE OF EMERGENCY

AND

EXECUTIVE ORDER BY MAYOR LEE HARRIS

MARCH 24, 2020

EXECUTIVE ORDER REGARDING A "SAFER AT HOME" DIRECTIVE AND THE CLOSURE OF NON-ESSENTIAL SERVICES AND BUSINESSES LOCATED IN UNINCORPORATED SHELBY COUNTY, TENNESSEE

WHEREAS, the Coronavirus Disease (COVID-19) is a respiratory disease caused by the SARS-coV-2 virus that can result in mild or severe symptoms, including fever, cough, and shortness of breath, and can lead to serious illness or death, particularly in the case of older adults and persons with serious chronic medical conditions; and

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

WHEREAS, on January 21, 2020, following the guidance of Centers for Disease Control and Prevention ("CDC"), 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, I declared by Executive Order a state of emergency for Shelby County, Tennessee, pursuant to Tennessee Code Annotated § 58-2-101 et seq., in response to the COVID-19 pandemic; and

WHEREAS, on March 20, 2020, I declared a state of emergency for Shelby County, Tennessee, requiring the immediate closure for on-site patronage of particular business locations in unincorporated Shelby County, Tennessee; 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, after the aforementioned declarations and executive orders, I, as Mayor of Shelby County, in the interest of the public health, safety and welfare, may make all orders necessary for the protection of life and property, pursuant to Tennessee Code Annotated § 58-2-101 et seq. and my authority under the Shelby County Charter; and

WHEREAS, as of March 23, 2020, the CDC reports there are 615 confirmed cases of COVID-19 in the state of Tennessee; and

WHEREAS, as of March 23, 2020, the Shelby County Health Department reports there are 84 confirmed cases of COVID-19 and 2 deaths in Shelby County as well as community-based transmissions; and

WHEREAS, COVID-19 presents a severe danger to public health.



NOW, THEREFORE, I, LEE HARRIS, MAYOR OF SHELBY COUNTY, TENNESSEE, Pursuant to my Declarations dated March 19, 2020 and March 20, 2019, and by virtue of the power vested in me by the Shelby County Charter, county ordinances, and state law, do hereby proclaim that an ongoing public health emergency exists in the Shelby County, Tennessee, that requires the following additional directions and orders:

1. **Safer at Home.** All individuals currently living within unincorporated Shelby County are directed to stay at their place of residence unless engaged in 1) Essential Activities or 2) Essential Governmental Functions or 3) the operation of Essential Businesses, all as defined below. For purposes of this Order, “residence” includes, but is not limited to, any house, apartment, hotel, motel, shared rental unit, or place of habitation where one or more people live. Individuals experiencing homelessness are exempt from this section, but are strongly urged to seek safe shelter. Governmental and other entities are strongly urged to make safe shelters available as soon as possible and to the maximum extent practicable (and to use COVID-19 risk mitigation practices in their operation as can be found here: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/community-mitigation-strategy.pdf>). 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. **Social Distancing Requirements.** To the extent individuals are using shared indoor or outdoor spaces, they should at all times and as reasonably possible, maintain social distancing of at least six feet from any other person when they are outside their residence. This includes standing in any lines. All businesses and activities, including those that are designated as “Essential” under this Order, are required to practice the guidelines for the prevention of COVID-19 as issued by the Centers for Disease Control and Prevention (CDC). These guidelines currently include: 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.
3. **Travel Restrictions.** Travel is permitted to perform Essential Activities, maintain Essential Governmental Functions, or operate Essential Businesses. Anyone who must use travel for purposes of performing these activities and functions should heed Social Distancing Requirements as defined in this Order, to the greatest extent feasible. “Travel” includes, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit.
4. **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, meals, or 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 Shelby County. Individuals are strongly encouraged to verify that their transportation out of Shelby County remains available and functional prior to commencing such travel.



5. Mass Gatherings Prohibited. All public and private gatherings of more than ten people occurring outside a residence are prohibited except for any purposes expressly permitted by this Order. Nothing in this Order prohibits the gathering of members of a household or living unit within a residence.
6. Closure of Non-Essential Businesses. All businesses with a facility in unincorporated Shelby County, except Essential Businesses as defined in this Order, should cease all activities at facilities located within unincorporated Shelby County, with the exception of Minimum Basic Operations as defined in this Order. 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.
7. Minimum Basic Operations. For the purposes of this Order, “Minimum Basic Operations” include the following:
 - 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.
8. Essential Activities. For purposes of this Order, individuals may leave their residence 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, 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 while in compliance with Social Distancing Requirements, such as 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.
 - vii. To engage in any life-sustaining work.

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.

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 any local, state and federal agencies located within unincorporated Shelby County are 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 Shelby County. Anyone performing an Essential Governmental Function shall make reasonable efforts to comply with Social Distancing Requirements as defined above.

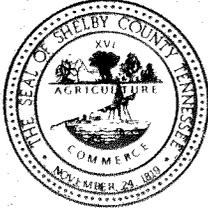


10. Essential Businesses. For the purposes of this Order, “Essential Businesses” means:

- i. Healthcare Operations and Essential Infrastructure as defined below 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;
- 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, 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, intellectual disabilities, substance use disorders, and/or mental illness;



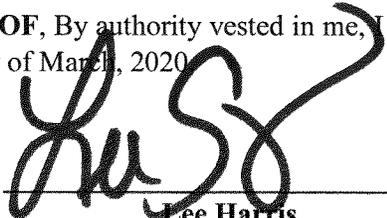
- xx. Residential facilities and shelters for seniors, adults, children, people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness;
 - xxi. Churches, synagogues, mosques and other religious organizations. However, all services and mass gatherings should be cancelled or postponed, unless the religious organization enforces and maintains social distance of at least six feet between persons and the religious organization can demonstrate that there is no other reasonable alternative;
 - xxii. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
 - xxiii. Childcare and daycare facilities, prioritizing services to employees of businesses exempted in this Order to work as permitted. Daycare and childcare facilities must use Social Distancing and COVID-19 risk mitigation practices in their operations, and urged to have no more than ten people in the facility;
 - xxiv. Hotels and motels, to the extent used for lodging and delivery or carry-out food services;
 - xxv. Funeral homes, crematoriums, mortuary and burial services;
 - xxvi. Private waste removal and recycling services;
 - xxvii. Blood donor operations;
 - xxviii. 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; and
 - xxix. Any other business or service that the Mayor determines is essential for safety and public health reasons.
11. 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 as broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.
12. 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 above to the extent possible.



13. The Shelby County Sheriff's Office is authorized to monitor noncompliance with this Order and make any report to the county health officer for purposes of obtaining an enforcement order from an appropriate court or tribunal.
14. Pursuant to Tennessee Supreme Court Order No. ADM2020-00428, the Shelby County Attorney's Office, in conjunction with and on behalf of the county health officer, is authorized to seek injunctive relief against any entity in violation of this Order.

FURTHERMORE, The duration of this state of emergency will commence at 6:00 p.m., March 24, 2020, and will continue until rescinded but shall be limited to seven (7) days unless it is necessary to extend it by Executive Order for additional seven (7) day increments as permitted by law.

IN WITNESS WHEREOF, By authority vested in me, I have here unto set my hand and signed this Executive Order this 24th day of March, 2020.



Lee Harris
Mayor of Shelby County