

**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. 05-2020

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 10, 2020 by Executive Order No. 04-2020; 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.

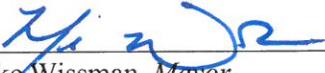
6. Essential Businesses. For the purposes of this Order, “Essential Businesses” shall be defined as “Essential services” is defined in the Shelby County Health Officer’s April 4, 2020 Health Directive, or any amendment thereto. A copy of the April 4, 2020 Health Directive is attached hereto as Exhibit 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 10, 2020 and shall remain in effect until 6:00 p.m. on April 17, 2020, unless otherwise extended.

Upon signature, this Order shall become effective at 6:00 p.m. on April 10, 2020.



Mike Wissman, *Mayor*
Town of Arlington, Tennessee

Executed this 9th day of April, 2020



LEE HARRIS
MAYOR

SHELBY COUNTY HEALTH DEPARTMENT

ALISA R. HAUSHALTER, DNP, RN, PHNA-BC
DIRECTOR

BRUCE RANDOLPH, MD, MPH
HEALTH OFFICER



Public Health
Prevent. Promote. Protect.

April 4, 2020

FORMAL ISSUANCE OF HEALTH DIRECTIVE NO. 2

TO: Citizens of Shelby County, Tennessee

FROM: Bruce Randolph, M.D., M.P.H, Shelby County Health Officer

RE: Public Health Announcement on COVID-19 Response

Pursuant to the authority vested in my office as Health Officer of Shelby County, Tennessee, and in collaboration with the Shelby County Health Director, I am formally issuing this Health Directive No. 2 in order to protect the public health for all citizens and businesses in Shelby County, Tennessee. I am issuing this Health Directive to assure your compliance in preventing the spread of the Coronavirus Disease (COVID-19). Those citizens and owners of businesses described herein and currently within Shelby County, Tennessee serve as the class of people subject to this Directive. This Health Directive No. 2 supersedes the written Health Directive issued on March 25, 2020 and any oral Health Directive issued on April 3, 2020.

My review of all relevant cases, including but not necessarily limited to medical records, and my consultation with medical experts, reveals that the 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. On January 21, 2020, following the guidance of the Centers for Disease Control and Prevention ("CDC"), the Tennessee Department of Health designated COVID-19 as a reportable disease in Tennessee.

As of April 3, 2020, the CDC, the Tennessee Department of Health, and the Shelby County Health Department reports indicate the number of confirmed cases of COVID-19 continue to rise in the State of Tennessee, and, specifically, in Shelby County, Tennessee. Cases of COVID-19 in Shelby County have resulted in serious complications, up to and including death. Consultation with experts and review of data provided to us by the State

of Tennessee and the CDC show that transmission of the disease increases in locations where groups of people congregate.

Based on the clinical and epidemiological evidence, COVID-19 is a direct and deadly threat to the population of Shelby County, Tennessee.

By virtue of this Directive, I am directing that:

1) All citizens not serving in positions designated as essential services or not engaged in defined essential activities to shelter in place (essential services and essential activities are defined below);

2) All owners and operators of businesses that do not provide essential services to the community shall cooperate with health authorities' efforts to prevent and control the spread of COVID-19;

3) Only those individuals serving for essential services or engaged in essential activities should be traveling. Personnel serving in essential services should be screened and not allowed to be in the workplace if they have a fever or other signs and symptoms of COVID-19; and

4) In conjunction with the limitations on public gatherings set forth below, all businesses that are not an essential service are required to close their physical locations to the public.

"Essential services" means services and/or businesses that the interruption of which would endanger the life, health, or personal safety of the whole or part of the population and shall include the following:

- Federal and state offices and services, including post offices and airports.
- Essential County and municipal government functions including law enforcement, transportation, and businesses that provide government programs and services
- Businesses that provide social services and other necessities of life for seniors, adults, children, or people with disabilities, substance abuse disorders, or mental illness. This includes residential facilities and shelters.

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

- Legally permitted food and beverage to include: grocery and beverage stores, farmers' markets, food banks, catering, convenience stores selling food, agriculture, food processing, feed mills, and other businesses that directly support the food supply. Patrons within the establishment at any one time are required to be minimally six (6) feet apart.
- Legally permitted restaurants and other businesses that provide goods or services exclusively through curbside pick-up, drive-thru, shipment or delivery, are permitted to continue, with the limitation that there are no more than ten (10) employees within the establishment at any one time and that those employees are minimally six (6) feet apart. This shall include any business that did not previously provide goods or services in this manner but obtains a legal permit and develops a procedure to provide its goods and services in this manner. This Directive does not permit on-site dining.
- Health care, mental and behavioral health, and biomedical research and businesses that directly support the healthcare industry including health information technology, staffing and supplies
- Sanitation and waste removal businesses and services
- Energy, water, and sewage businesses and services
- Pharmacies and medical supply businesses, and other related-businesses that directly support the drug and medical supply pipeline
- Vehicle fuel, support, service stations and businesses
- Banks, savings and loans, insurance companies, accounting businesses, and other businesses that directly support the insurance and financial services sector
- Legal and judicial services as prescribed by state and federal courts
- Laundromats/laundry/cleaning services
- Home and business repair, hardware supply
- Warehousing and storage
- Construction and facilities design businesses

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

- Product logistics, transport, and distribution businesses
- Parcel/mailings transportation and delivery businesses
- Transportation services including buses, taxis, and other private transportation providers
- Veterinary and pet supply business and services including agricultural services and the caring and feeding of all livestock and farm animals
- Home and business cleaning and maintenance services
- All businesses which rely upon deliveries may continue, including florists
- Internet and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services)
- Print, online and broadcast media
- Funeral and burial services
- Certain other business and services that the Shelby County Health Department, in coordination with the Shelby County Mayor's Office and Shelby County Attorney's Office, determine are essential for the continued safety and security of Shelby County.

In addition, the following businesses may continue to operate only as recommended by CDC guidelines, but at the very least are required to limit the total number of patrons in the establishment to 10 at any one time. Because such services require close contact, patrons must not have a fever or any other symptoms of COVID-19, and these establishments must ensure additional steps are taken to enhance personal hygiene of employees and to provide extraordinary sanitization efforts within the facilities themselves:

- Daycare and childcare businesses will remain open, but will prioritize children of parents working as emergency responders or in essential services.

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

- Hotels and commercial lodges will remain open, but must end entertainment or dining services in restaurants or group settings. Pick-up and room-service food services may continue.
- Housing and rental services may continue, but agents should practice social distancing, hold no open houses, or gather in groups larger than 10.

All essential services, especially grocery stores and pharmacies, will make best efforts to establish hours when only available to senior citizens or otherwise vulnerable populations. These businesses will adhere to CDC guidance on social distancing and hand hygiene in the workplace, including encouraging work-from-home and allowing employees when possible to work on-site in shifts to optimize social distancing in the workplace.

All businesses not deemed to provide essential services are hereby required to close their physical locations to the public. This applies to all non-essential businesses and establishments. If your business does not provide essential services, you are required to immediately cease operations until this or a superseding health directive regarding the COVID-19 public health threat no longer exists. The primary purpose of the business on or before March 24, 2020 will be the basis for determining whether the business provides essential services.

In addition, all nursing homes, assisted living facilities, and any other such facilities housing, treating, or caring for senior citizens or other vulnerable populations shall be closed to all visitors. Only employees and residents of such facilities will be permitted. Facilities should strictly adhere to CDC guidance regarding social distancing. Employees must not be permitted to enter if they have a fever or any other symptoms of COVID-19, and these establishments must ensure additional steps are taken to enhance personal hygiene of employees and to provide extraordinary sanitization efforts within the facilities themselves.

“Essential Activities” permitted under this Directive shall include:

- Engaging in activities essential to a person’s health and safety or the health and safety of family or household members, persons who are unable or should not leave their home, or pets, including, but not limited to, seeking emergency services, obtaining medical supplies or assistance, obtaining medication, obtaining non-elective medical care or treatment or other similar vital services, or visiting a health care professional;

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

- Obtaining and/or delivering necessary services or supplies for 1) persons and/or their family/household members; 2) persons who are unable to or whom should not leave their home; or 3) pets. This includes but is not limited to groceries and food, household consumer products, supplies required to work from home, automobile supplies (including dealers, parts, supplies, repair, and maintenance), and products necessary to maintain the safety, sanitation and essential operation of residences;
- The ability to engage in outdoor activity, provided that persons strictly adhere to the CDC, Tennessee Department of Health, and Shelby County Health Department health guidelines to the greatest extent practicable, including, but not limited to physical activities that utilize public areas but that can be performed while maintaining the aforementioned precautions. By way of example, playing on playgrounds and on basketball courts presents unique risks for the spread of COVID-19 and therefore, these types of activities are not essential;
- Caring for or visiting a family member, friend, or pet in another household, or transporting or traveling with family members, friends, or pets as allowed by this Order, provided, that the health guidelines issued by the CDC, Tennessee Department of Health, and Shelby County Health Department are followed;
- Visiting a place of worship, provided that the health guidelines issued by the CDC, the Tennessee Department of Health, and the Shelby County Health Department are followed, and further, any public celebrations or gatherings of more than 10 people, whether religious or secular in nature, should be postponed;

It is my belief that the aforementioned guidelines are the least restrictive means by which to slow the transmission of COVID-19.

Due to the state of emergencies declared nationally, statewide, and locally, the Shelby County Health Department is authorized to take emergent and immediate action to enforce this Health Directive. This Directive serves as official notice of your requirement to comply with it, and therefore immediate action may be taken for any violation of this Directive.

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

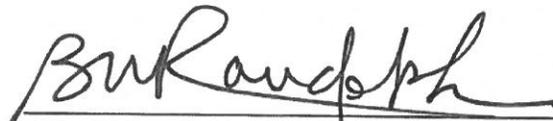
814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

This Health Directive shall remain in force until such time as we have determined that the disease is no longer a threat to the public, but shall expire after thirty (30) days. Upon expiration of this Health Directive, as Health Officer and in consultation with medical experts, I have the authority to extend this Directive for an additional thirty (30) days if such an extension is deemed to be in the best interest of public health.

Your Right of Review

If you feel this Directive has been issued in error, you may request a review by the TDH's Chief Medical Officer, Dr. Tim Jones (615) 741-3111, or a designee. Dr. Jones, or a designee, will review your request within five (5) business days of its receipt, and you will receive a decision in writing. You may also request that the TDH obtain a court order containing the provisions of this Directive. If you request this option, the TDH will take the matter to an available and appropriate court of record. Please be aware you are still required to abide by all of the provisions contained in this Health Directive during any review process.

A copy of the rules setting forth the Health Directive procedure and your related rights is attached to this Health Directive.



BRUCE RANDOLPH, M.D., M.P.H.
SHELBY COUNTY HEALTH OFFICER

cc: Dr. Tim Jones

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com