



ORDER OF THE MAYOR
AN ORDER RENEWING AND AMENDING
THE LOCAL STATE OF EMERGENCY IN ORDER TO FACILITATE
THE CONTAINMENT OF COVID-19

March 28, 2020

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a respiratory disease caused by the SARS-Co V-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;

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

WHEREAS, on January 16, 2020, the Tennessee Department of Health activated the State Health Operations Center (SHOC), and on January 21, 2020, following guidance issued by the Centers for Disease Control and Prevention, the Department designated COVID-19 as a reportable disease in Tennessee; and

WHEREAS, on January 31, 2020, the U.S. Secretary of Health and Human Services declared a public health emergency to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on March 4, 2020, the first case of COVID-19 in the State of Tennessee was identified; and

WHEREAS, on March 4, 2020, Governor Bill Lee of the State of Tennessee announced the formation of a Coronavirus Task Force to enhance Tennessee's coordinated efforts to prevent, identify, and treat potential cases of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared the novel coronavirus (COVID-19) outbreak a global pandemic; and

WHEREAS, on March 12, 2020, Tennessee Governor Bill Lee issued Executive Order No. 14 declaring a state of emergency within the State of Tennessee with regard to the COVID-19 outbreak; and

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

WHEREAS, on March 13, 2020, the Tennessee Department of Health reported the first confirmed cases of COVID-19 in Rutherford County; and

WHEREAS, on March 19, 2020, Tennessee Governor Bill Lee issued Executive Order No. 15, superseding Executive Order No. 14 and suspending certain statutes and rules and taking other necessary measures in order to facilitate the treatment and containment of COVID-19; and

WHEREAS, on March 20, 2020, Tennessee Governor Bill Lee issued Executive Order No. 16, suspending the requirements of the Tennessee Open Meetings Act to the extent the City determines it necessary to conduct essential business by electronic means in order to protect the health, safety, and welfare of Tennesseans in light of the COVID-19 pandemic; 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 23, 2020, the Governor of the State of Tennessee issued Executive Order No. 18, limiting non-emergency dental providers (including, but not limited, to dentists, pediatric dentist, orthodontist, oral surgeons, periodontists, prosthodontists, and endodontists) by prohibiting non-emergency dental service, and limiting hospital and surgical outpatient facilities by prohibiting non-essential or non-emergency procedures; and

WHEREAS, on March 24, 2020, Tennessee Governor Bill Lee issued Executive Order No. 19, amending and superseding certain portions of Executive Orders 14 and 15; and

WHEREAS, on March 26, 2020, Tennessee Governor Bill Lee issued Executive Order No. 20, amending Executive Order 15; and

WHEREAS, the spread and identification of additional cases of COVID-19 in Tennessee has continued and is likely to continue, and therefore, taking proactive steps to prevent a substantial risk to public health and safety is paramount; 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 of a municipality 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. §58-8-111; and

WHEREAS, after declaration 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, both federal and state health officials have determined and advised that extraordinary and immediate measures must be taken to respond quickly to COVID-19, to prevent community spread, and to alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be infected or effected by COVID-19; and

WHEREAS, on March 21, 2020, I, Shane McFarland, the Mayor of the City of Murfreesboro, issued an order declaring a local state of emergency in order to facilitate the containment of COVID-19.

NOW THEREFORE, I, Shane McFarland, the Mayor of the City of Murfreesboro, by virtue of the power vested in me under the City's Charter, City of Murfreesboro Council Resolution 10-R-08, and other applicable law, including specifically Tenn. Code Ann. § 58-8-104, do hereby declare that a local state of emergency continues to exist within the City and order the following:

Section 1. Request for Assistance. To protect public health, the City of Murfreesboro 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. Waiver of Certain Legal Requirements Pertaining to Government Operations. All procedures and formalities otherwise required under the Murfreesboro City 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. Activation of Emergency Provisions in City Code. All provisions of the City Code pertaining to emergency situations are hereby activated.

Section 4. Mutual Aid. The City Manager and the City Manager's designees are hereby authorized to request and respond to requests of aid from other jurisdictions in accordance with City of Murfreesboro Council Resolution 10-R-09.

Section 5. Specific Authority Granted to City Manager. The City shall, to the extent possible and provided by law, shall follow CDC guidance as it relates to COVID-19. To that end, the City Manager is granted the following authority.

- a. The City Manager 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 Manager 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 Murfreesboro. The City Manager shall report to the City Council at least weekly. Further, whenever possible, decisions regarding City services shall be shared with the public through the City website, social media, and other means as deemed appropriate by the City Manager.
- b. The City Manager, to the extent reasonably necessary, shall limit person-to-person public access to City offices and facilities; instead, utilization of drive through window service, and electronic, telephonic and mail methods of communication shall be used whenever possible. The City Manager, with the assistance of the City's Executive Directors, and Department Directors, is authorized to develop and implement policies and procedures to carry out any necessary measures to protect the public and employees during this pandemic while allowing person-to-person to access as may be absolutely necessary for the conduct of City business and as may be required by law.
- c. The City Manager is authorized to develop and implement policies and procedures permitting alternative work arrangements and schedules for City employees to protect City employees during this pandemic, provided such policies and procedures do not negatively impact the City's critical operations, such as Public Safety, Water, Sewer, and Solid Waste. The City Manager, Executive Directors, and Department

Directors shall take steps to ensure such procedures are not abused and that healthy workers perform their job duties and functions.

Section 6. Closure of Restaurants and Other Establishments with Respect to On-Site Food and Alcohol Service. All establishments whose primary business is alcohol service or food service within the City of Murfreesboro are ordered to remain closed for on-site consumption as required by Governor Bill Lee's Executive Order No. 17 or as may be required by any subsequent order of the Governor amending or superseding Executive Order No. 17. Nothing in this order should be deemed to prohibit pick-up, take-out, delivery, or drive-through service, regardless of whether the establishment routinely offers such services. Furthermore, this section shall not apply to non-profit or government organizations providing food at no cost to individuals who are homeless or who are otherwise in need of such assistance. Any sale of alcohol for consumption off-site shall comply with the terms and conditions of Executive Order No 17.

Section 7. Closure of Gyms and Exercise and Fitness Facilities. All gyms and exercise and fitness facilities within the City of Murfreesboro are ordered to remain closed as required by Governor Bill Lee's Executive Order No. 17 or as may be required by any subsequent order of the Governor amending or superseding Order No. 17. This section shall not apply to exercise and rehabilitative programs conducted in medical offices and facilities unless otherwise ordered by the Governor, the Tennessee Department of Health, or the Rutherford County Department of Health.

Section 8. Closure of Cigar Bars, Hookah Lounges and Similar Establishments. All cigar bars, hookah lounges, and other establishments whose business involves offering a place for people to gather and smoke tobacco and similar products shall not be open to any member of the public, except for the sale of tobacco and related products to be used or consumed at a location other than the establishment's premises.

Section 9. Safe at Home Guidance. All individuals currently living within the City are strongly encouraged to remain at their place of residence except as is reasonably necessary to maintain their health and economic well-being. While this Order does not mandate sheltering in place, individuals must comply with all other provisions of this Order and any other law, order or rule related to the containment of COVID-19 whenever it is necessary for them to travel away from their residence. In addition, individuals should comply at all times with the guidance and directives issued by the CDC pertaining to the containment of COVID-19. For purposes of this Order, residences include, but are not limited to, hotels, motels, shared rental units, and similar facilities. To the extent individuals who do not reside together are using shared or outdoor spaces, they should maintain a physical distance of at least six (6) feet from any other person. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are urged to leave their home and stay at a safe alternative location.

Section 10. Mass Gatherings Prohibited. In accordance with Governor Bill Lee's Executive Order No. 17, social gatherings of more than ten (10) people occurring outside a single household or living unit are prohibited. This provision does not prohibit the gathering of members of the same household.

Section 11. City Parks. No person shall participate in any sporting event, athletic practice or game, or any other gathering involving ten (10) or more people in any City park or on the property of an elementary or secondary school within the City. The City's parks, greenways, and other outdoor facilities will remain open, provided all individuals using the parks comply with Section 10 of this Order and abide by the physical-distancing requirements issued by the CDC.

Section 12. Enforcement. The City's Chief Building Official, the Murfreesboro Police Department and the Murfreesboro Fire Marshall are authorized by this Order to enforce and close those businesses in violation of this Civil Emergency Order in the City until this Order is withdrawn.

Section 13. Caring Community. All members of the public are strongly encouraged to remain calm, to resist panic purchasing, consider their neighbors who have need, and to look after and help those most at risk to this pandemic to include the elderly and those with suppressed immune systems.

Section 14. Severability. 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 15. Notice. Notice of this Order will be promptly communicated to all members of the City Council.

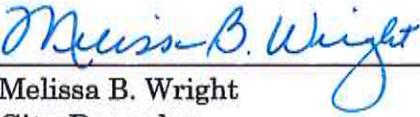
Section 16. Effectiveness. This Order supersedes the Order issued on Saturday, March 21, 2020, and is effective as of 6:00 p.m. on Saturday, March 28, 2020. The Order shall remain in effect until 6:00 p.m. on Saturday, April 4, 2020, at which time this Order and declaration of emergency shall cease and be of no further force and effect, unless sooner terminated, or extended, by written amendment hereof. In accordance with state law, this Order may be incrementally extended for additional seven-day periods as deemed necessary.

ISSUED AND ORDERED, this 28th 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.*



Shane McFarland, Mayor

ATTEST:



Melissa B. Wright
City Recorder

APPROVED AS TO FORM:



Adam Tucker
City Attorney

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