



ORDER OF THE MAYOR
AN ORDER RENEWING AND AMENDING
THE LOCAL STATE OF EMERGENCY AND ADOPTING
CERTAIN EXECUTIVE ORDERS OF THE GOVERNOR
WITH RESPECT TO COVID-19

April 10, 2020

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a respiratory disease that can lead to serious illness or death, particularly in the case of older adults and persons with serious chronic medical conditions; and

WHEREAS, despite the actions taken by federal, state, and local officials over the last two months to limit the spread of COVID-19, the spread and identification of additional cases of COVID-19 in Tennessee and throughout the United States has continued and is likely to continue; and

WHEREAS, according to the U.S. Centers of Disease Control, the first case of COVID-19 in the United States was not identified until January 22, 2020, but by April 9, 2020, more than 427,000 people had contracted COVID-19 and nearly 14,700 died as a result; and

WHEREAS, according to the Tennessee Department of Health, the first case of COVID-19 in Tennessee was not identified until March 4, 2020, but by April 9, 2020, 4,634 people in Tennessee had tested positive for the disease, while 505 had been hospitalized and 94 had died because of the disease; and

WHEREAS, both federal and state health officials have determined and advised that extraordinary and immediate measures must be taken to respond to COVID-19, to prevent further 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 30, 2020, Tennessee Governor Bill Lee issued Executive Order No. 22, directing Tennesseans to stay home unless engaging in essential activities to limit their exposure to and spread of COVID-19; and

WHEREAS, on April 2, 2020, Tennessee Governor Bill Lee issued Executive Order No. 23, amending and strengthening Executive Order 22, by requiring all Tennesseans to stay at home, except when engaging in Essential Activities and Essential Services, as defined in Executive Order No. 22; and

WHEREAS, on March 21, 2020, I, Shane McFarland, the Mayor of the City of Murfreesboro, acting in accordance with state law, issued an order declaring a local state of emergency in order to facilitate the containment of COVID-19 and subsequently expanded the scope of that order and extended it for additional seven-day periods on March 28, 2020, and April 3, 2020.

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 further order as follows:

Section 1. Local State of Emergency Continues to Exist Within the City. The local state of emergency, first declared on March 21, 2020, is hereby extended through 11:59 p.m. on April 14, 2020, pursuant to the authority granted in Tenn. Code Ann. § 58-8-104. The intent of this four-day extension is to have the local state of emergency align with and run concurrent with the Safer-at-Home Order issued by Governor Bill Lee on April 2, 2020.

Section 2. Adoption and Incorporation of March 28, 2020 Order of the Mayor, as amended. All the provisions of the March 28, 2020 Order of the Mayor, as amended on April 3, 2020, are adopted and incorporated herein, including specifically the adoption and incorporation of Executive Order No. 22 of the Governor, Sections 1 through 11, as amended by Executive Order No. 23. In accordance therewith, all persons in Murfreesboro are required to stay at home except when they are engaged in "Essential Activity" or "Essential Services" as defined in Executive Order No. 22.

Section 3. Delivery of Beer by Breweries, Restaurants, and Taverns Holding a City-Issued Beer Permit. The provisions of the Murfreesboro City Code, Chapter 4, Articles 1 and 4, are temporarily suspended to the extent necessary to allow breweries, restaurants and taverns holding a manufacturer beer permit, an on-premises retail beer permit, or a combined retail beer permit issued by the City to sell beer within the City limits via curbside, take-out or delivery service, so long as the following conditions are met:

- a. Any sale of beer is for consumption off of the premises of the brewery, restaurant, or tavern, and in the case of sale by a restaurant or tavern, is accompanied by the sale of food in the same order;

b. Beer sold under this Section 3 must be packaged in a container or bottle with a secure lid or cap and in a manner designed to prevent consumption without removal of the lid or cap, and customers shall not remove such lids or caps while operating a motor vehicle;

c. Single servings of beer and multi-serving bottles or containers of beer normally sold by the brewery, restaurant, or tavern may be sold under this Section 3;

d. A brewery, restaurant, or tavern selling beer under this Section 3 shall prominently post a warning in a manner reasonably calculated to provide notice to customers of open container laws, which must include the following language from Tennessee Code Annotated, Section 55-10-416: "No driver shall consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this state.";

e. An employee or contractor of a brewery, restaurant, or tavern providing or delivering beer to a customer under this Section 3 shall not provide or deliver such beverages to any person under twenty-one (21) years of age and may not provide or deliver such beverages to a person who is visibly intoxicated. Any such employee providing or delivering beer must visually inspect a valid government-issued document deemed acceptable to the restaurant that includes the photograph and birth date of the adult consumer attempting to make an alcoholic beverage purchase and confirms that the person is at least twenty-one (21) years of age;

f. A person delivering beer under this Section 3 must be at least twenty-one (21) years of age and must have a valid driver license; and

g. Beer sold under this Section 3 must be sold during the permit-holder's current operating hours.

Sales permitted under this Section 3 and not otherwise permitted by state or local law shall cease upon the expiration of the local state of emergency.

Section 4. 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 5. Notice. Notice of this Order will be promptly communicated to all members of the City Council.

Section 6. Effectiveness. This Order is effective as of 5:00 p.m., Central Daylight Time, on Friday, April 10, 2020, and shall remain in effect until 11:59 p.m., Central Daylight Time, on Tuesday, April 14, 2020, at which time this Order and

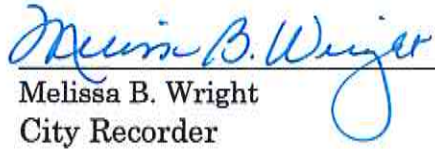
declaration of emergency shall cease and be of no further force and effect, unless sooner terminated, or extended, by written amendment hereof. In accordance with state law, this Order may be incrementally extended for additional seven-day periods as deemed necessary.

ISSUED AND ORDERED, this 10th 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.*




Shane McFarland, Mayor

ATTEST:



Melissa B. Wright
City Recorder

APPROVED AS TO FORM:



Adam Tucker
City Attorney