

EXECUTIVE ORDER 2020-02
March 24, 2020

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory disease that appears to occur through respiratory transmission, presents with similar symptoms to those of influenza, and can lead to serious illness or death, particularly in the case of older adults and persons with serious chronic medical conditions; and

WHEREAS, the Centers for Disease Control and Prevention has recommended that all states and territories implement aggressive measures to slow and contain transmission of COVID-19 in the United States; and

WHEREAS, on January 30, 2020, the World Health Organization declared a public health emergency of international concern related to COVID-19; and

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

WHEREAS, on March 4, 2020, the first case of COVID-19 in the State of Tennessee was identified, and several additional confirmed or presumptively positive cases of COVID-19 have since been identified in Tennessee; and

WHEREAS, on March 5, 2020, the first case of COVID-19 in Williamson County was identified; and

WHEREAS, the spread and identification of additional cases of COVID-19 in Tennessee, and specifically Franklin, is likely to continue, and therefore, taking proactive steps to prevent a substantial risk to public health and safety is paramount; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on March 12, 2020, pursuant to the authority granted by Tenn. Code Ann. § 58-2-107, the Governor of Tennessee, Bill Lee, issued Executive Order No. 14, declaring a state of emergency to facilitate the response to COVID-19; and

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

WHEREAS, on March 20, 2020, Franklin Mayor Dr. Ken Moore issued an Executive Order declaring a local state of emergency and civil emergency; 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, as of March 23, 2020, COVID-19 has spread throughout the world, including 43,667 cases within the United States, 615 cases state-wide and 53 cases within Williamson County; 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 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, 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, the declaration of a local state of emergency may entitle the City to cost reimbursement as provided in Tenn. Code Ann. § 58-8-11; and

WHEREAS, the Title 1, Chapter 5 of the Franklin Municipal Code provides for Emergency Management upon the declaration of emergency by the Mayor; and

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

NOW, THEREFORE, I, Dr. Ken Moore, Mayor of the City of Franklin, by virtue of the power and authority vested in me by the City Charter, and other applicable law, including specifically Tenn. Code Ann. § 38-9-101 *et seq.*, Tenn. Code Ann. § 58-2-110, and 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. Stay at Home. All individuals currently living within the City are required to stay at their place of residence unless engaged in Essential Activities or Essential Travel as outlined in this Order by 12:01 am March 25, 2020. 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 physical distancing of at least six (6) 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 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.

Section 2. Mass Gatherings Prohibited. All public and private gatherings of more than ten (10) 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.

Section 3. Closure of Non-Essential Businesses. All businesses with a facility in the City, except Essential Businesses as defined in this Order, are required to cease all activities at facilities located within the City 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 Physical Distancing Requirements as defined in this Order, including by maintaining six-foot physical distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.

Section 4. 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 Physical 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.

Section 5. Essential Businesses. For the purposes of this Order, "Essential Businesses" means:

- i. Healthcare Operations and Essential Infrastructure as defined 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, with 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. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
- xxii. Childcare and daycare facilities, prioritizing services to employees of businesses exempted in this Order to work as permitted. Daycare and childcare facilities must use Physical Distancing and COVID-19 risk mitigation practices in their operations, and urged to have no more than ten people in the facility;
- xxiii. Hotels and motels, to the extent used for lodging and delivery or carry-out food services;
- xxiv. Funeral homes, crematoriums, mortuary and burial services;
- xxv. Private waste removal and recycling services;
- xxvi. Blood donor operations;
- xxvii. 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
- xxviii. Any other business or service that the Mayor determines is essential for the safety and public health of the City.

Section 6. 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 City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel.

Section 7. Healthcare Operations. For purposes of this Order and pursuant to Governor Lee's Executive Order 18 issued on March 23, 2020, individuals may leave their residence to work for or obtain essential or emergency 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. Elective and non-emergency procedures, check-ups, and well-visits shall be rescheduled pursuant to Governor Lee's Executive Order 18.

Section 8. 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 Physical Distancing Requirements as defined this Order, to the extent possible.

Section 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 and local, state and federal agencies located within City 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 City of Franklin, even if not explicitly described herein. All Essential Governmental Functions shall be performed in compliance with Physical Distancing Requirements as defined this Order, to the extent possible. Employees of the City of Franklin shall follow all current and future directives and orders issued by the Mayor of the City of Franklin that are specifically directed to City employees.

Section 10. Minimum Basic Operations. For the purposes of this Order, "Minimum Basic Operations" include the following, provided that employees comply with Physical 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.

Section 11. Physical Distancing Requirements. All businesses and activities, including those that are designated as Essential under this Order, are required to practice Physical Distancing. For purposes of this order Physical 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 physical 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.

Section 12. 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.

Section 13. City parks shall remain open, but Physical Distancing Requirements shall be observed.

Section 14. The Building Official, the Franklin Police Department and the Franklin Fire Marshall are authorized by this Order to enforce and close those businesses in violation of this Civil Emergency Order in our City until this Order is withdrawn. Pursuant to Tenn. Code § 38-9-101 et seq. and Franklin Municipal Code § 11-805 any person violating this Order is declared guilty of a misdemeanor.

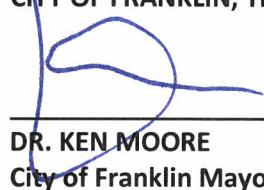
Section 15. A determination that any provision of this Order is invalid will not affect the enforceability of any other provision of this Order. The remaining provisions shall remain in full force and effect. Any invalid provision will be modified to the extent necessary for enforceability.

Section 16. Notice of this Declaration will be promptly communicated to all members of the Board of Mayor and Aldermen.

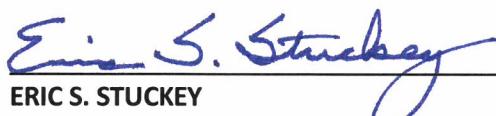
Section 17. This Declaration is valid and effective immediately for a period not to exceed seven days and may be incrementally extended for additional seven-day periods as deemed necessary.

Issued and ordered this 24th 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.

CITY OF FRANKLIN, TENNESSEE


DR. KEN MOORE
City of Franklin Mayor

ATTEST:



ERIC S. STUCKEY
City Administrator/City Recorder