

CIVIL EMERGENCY EXECUTIVE ORDER
REGARDING OPERATIONS OF CERTAIN CITY HALL, DEVELOPMENT RESOURCE
CENTER, ANNEX, AND LIBRARY OFFICES, CONTINUING THE DECLARATION OF A
PUBLIC EMERGENCY FOR THE HOUSING OF INDIVIDUALS DISPLACED BY THE FIRE AT
PATTEN TOWERS ON MARCH 28, 2021, AND URGING CITIZENS TO CONTINUE
FOLLOWING HEALTH GUIDELINES RECOGNIZED BY THE CENTERS FOR DISEASE
CONTROL (CDC) AND BY MAYOR TIM KELLY FOR FACILITIES CONTROLLED BY THE
CITY OF CHATTANOOGA
No. 2021-18

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 first 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, Former Mayor Berke initially declared a state of emergency for the City of Chattanooga, pursuant to Tennessee Code Annotated § 38-9-101 et seq. and § 58-2-101 et seq. and City of Chattanooga Charter, Article 2.1 in response to the COVID-19 pandemic and previously closed City business offices to the public on March 27, 2020 until July 6, 2020 in attempts to avoid the spread of disease to City employees and the public; and

WHEREAS, on February 27, 2020, Governor Lee issued Executive Order No. 77 which continues to limit the ability of local orders in Hamilton County and governs all subjects it referenced as to social distancing and specific business restrictions, except to the extent that the locally run county health department has issued differing local orders or measures regarding the opening, closure, or operation of businesses, organizations, or venues subject to the revisions and amendments contained in Executive Order No. 80 which remains in effect until May 31, 2021; and

WHEREAS, on March 30, 2021, Hamilton County Interim Health Officer, Fernando Urrego, MD, has issued Directive No. 6, which required all persons in Hamilton County to continue to wear a facial covering or mask which covers the mouth and nose at all times when indoors in all public and private buildings and when outdoors except under certain circumstances due to the rise in new COVID-19 cases and hospitalizations in this County through April 28, 2021 and that public health Directive has now expired, and Governor Lee has deleted the local authority for face covering other than on properties which are owned and controlled by municipal governments; and

WHEREAS, pursuant to the authority invested in the Mayor under Tennessee Code Annotated § 38-9-101, et seq. and 58-8-104 and 58-2-110 (3) and City of Chattanooga Code § 20-41, et. seq., the Mayor may still proclaim in writing the existence of a civil emergency, as defined therein for this political subdivision to appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for the health and safety of persons and property, including emergency assistance to the victims of any emergency and to seek cost reimbursement as provided in Section 58-8-11 or otherwise as provided by contract for responding parties; and

WHEREAS, on March 28, 2021 there was a fire emergency at Patten Towers which resulted in approximately 160 residents having to leave their place of residence without their medicine, clothes, phones and without shelter. The American Red Cross has provided some food and housing for the benefit of these residents who cannot return to their homes and these residents have suffered the loss of all access during the term of this emergency in our City which is continuing to require emergency assistance to the victims of this emergency; and

WHEREAS, as of April 29, 2021, the Hamilton County Health Department has most recently reported 44,219 confirmed and probable cases of COVID-19 in Hamilton County and 493 deaths and that community transmission may still be occurring; and

WHEREAS, as of May 6, 2021, there were at least 852,072 total COVID-19 cases and 12,245 total deaths from COVID-19 reported in the State of Tennessee; and

WHEREAS, this Order also considers medical information that the City has received from various sources, including the State of Tennessee Department of Health, the Centers for Disease Control (CDC), the Hamilton County Health Department, and best practices from Harvard University, Johns Hopkins University, Vanderbilt University, and the University of Tennessee System, as well as the City and County Mayors' COVID-19 Joint Task Force.

NOW, THEREFORE, I, TIM KELLY, MAYOR OF THE CITY OF CHATTANOOGA, by virtue of the powers vested in me, proclaim that a local public health civil emergency continues to exist in the City of Chattanooga, Tennessee based on COVID-19 community transmission, I hereby direct and order the following:

1. Local Governments are given limited authority concerning requirements for facial coverings pursuant to Governor Lee's Executive Order No. 80. All individuals currently living within the City are still strongly urged to continue limiting activity following the guidelines the CDC Guidance for Workplaces and Businesses which are found at <https://www.cdc.gov/coronavirus/2019-ncov/community/workplaces-businesses/index.html>. Our County has had reduced counts of positive cases of COVID-19 and related deaths within this community within the past week as a result of the continuing business limitations. **As a result of Directive No. 6 and Governor Lee's Executive Order No. 80 all persons in the City are still encouraged to wear a facial covering or mask which covers the mouth and nose at all times when indoors in all public and private buildings.** All individuals are urged to maintain social distancing of at least six feet from any other person when they are outside their residence following the guidelines the CDC Guidance for Workplaces and Businesses which are found at <https://www.cdc.gov/coronavirus/2019-ncov/community/workplaces-businesses/index.html>. All employers in this City are encouraged to allow remote work/telework if possible. All employers should provide that persons with COVID-19 or COVID-19 symptoms are required to stay at home, and that employers may not require or allow employees with COVID-19 to work.

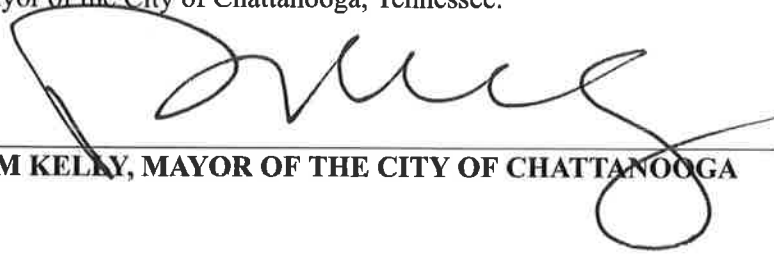
2. All previous restrictions which were contained in Mayor Berke's Executive Orders issued since March 13, 2020 relative to Travel Restrictions; Mass Gatherings Prohibited; Closure of Non-Essential Services Businesses; Essential Activities; Essential Services Businesses; Non-Essential Services Businesses; Essential Travel; Healthcare Operations; Essential Infrastructure; Essential Governmental Functions; Minimum Basic Operations; and Social Distancing Requirements; are repealed and suspended but all persons are encouraged to maintain at least six (6) feet of separation and urged to follow the CDC Guidance for Workplaces and Businesses which are found at <https://www.cdc.gov/coronavirus/2019-ncov/community/workplaces-businesses/index.html>.
3. Based on the County's report of positive cases and deaths within the past week, social and recreational gatherings should still maintain adequate social distancing in accord with CDC are urged to follow the CDC Guidance for Workplaces and Businesses which are found at <https://www.cdc.gov/coronavirus/2019-ncov/community/workplaces-businesses/index.html>. This Executive Order does not apply to places of worship, for which there are guidelines for safe operation of worship services and gatherings, though places of worship are urged to continue virtual or online services where possible. This Executive Order does not apply to weddings, funerals, and related events, but encourages the postponement of any large-gathering components of such events and all individuals are strongly urged to maintain adequate social distancing and wear mask when they attend any public events.
4. Nursing home and long-term care facility visitation shall provide a framework for safe, limited visitation and are urged to follow the CDC Guidance for Workplaces and Businesses which are found at <https://www.cdc.gov/coronavirus/2019-ncov/community/workplaces-businesses/index.html>. All senior centers shall continue to remain closed which are operated in the City of Chattanooga.
5. All limitations on festivals, fairs, parades, large parties or picnics, sporting events and activities, summer youth camps, and other types of social or recreational assemblies or gatherings shall continue to follow the Social distancing guidelines as set forth in specific attendance policies approved by the NCAA for such college sporting events. Participants are urged to wear face masks or facial coverings when there is any social contact within six (6) feet as recommended by the CDC.
6. Small Group, Non-contact Recreation Businesses shall remain reopened. This Order continues to urge limits on contact sports with a requirement or substantial likelihood of routine close contact. This does not apply to collegiate or professional sports conducted under the rules or guidelines of their respective governing bodies and does not prohibit training or otherwise practicing the elements of such sports that do not involve close contact with persons. UTC began Softball tournaments at Frost Stadium in February subject to maximum seating capacity and entrance requirements outlined in the UTC Softball Competition Protocol for Frost Stadium (revised 2/8/21). Social distancing in the stands at Frost Stadium requires fans to wear masks at all times and failure to adhere to mask policy will result in removal from Frost Stadium and revocation of pass list privileges for subsequent games as enforced by the Softball game administrator and UTC security assigned to Frost Stadium. Small-group, non-contact entertainment, recreational, and all other spectator sports and athletics gathering venues are urged to follow the CDC Guidance for Workplaces and Businesses which are found at <https://www.cdc.gov/coronavirus/2019-ncov/community/workplaces-businesses/index.html>.
7. All venues, businesses, and employers that have been allowed to reopen are urged to follow the CDC Guidance for Workplaces and Businesses which are found at <https://www.cdc.gov/coronavirus/2019-ncov/community/workplaces-businesses/index.html>.

8. This Order continues to permit take-out alcohol sales by restaurants and limited-service restaurants and licensed temporary off-premises beer sales and deliveries as allowed by current legislation to be approved by Governor Lee. This Order shall continue to require all beer and alcohol sales to comply with the terms of any new alcohol sales legislation which is signed by Governor Lee until July 2023.
9. **All YFD Centers operated by the City shall remain closed until further Order of the Mayor (except for specific YFD Learning). Chattanooga Public Libraries, other than the Avondale YFD, shall reopen for limited lobby, stack, passport, and notary services and curbside pickup requests until further Order of the Mayor. Public use of the computers and access to the Library buildings shall be allowed in limited areas. Family Justice Center offices and City Headstart locations shall remain open until further Order of the Mayor. Face masks will continue to be required in all City buildings.**
10. **This Executive Order provides for normal designated City business office hours for City Hall, Development Resource Center, and Annex offices from 8:00 AM until 4:30 PM as set forth in Chattanooga Code Section 2-3 until further Orders are issued. Such business offices shall continue to provide access to city staff and the public, subject to the requirements for face masks or facial coverings and social distancing, unless otherwise designated in the interest of public health and safety for our employees.** During the period that these city business offices are open, designated staff of these offices will be available in shifts to provide services and to serve the public in a manner which safely provides for the public health and safety of all city employees. Please review the City website at www.chattanooga.gov for any changing departmental communications during this period of this Order. This Order shall be effective upon execution and shall remain in effect until withdrawn.
11. Nothing in Governor Lee's Executive Order No. 77 or Executive Order No. 80 affects or limits local orders that do not contravene or limit the application of the provisions of that Order, such as orders or measures in which a local governmental entity acts in a proprietary capacity-for example, with respect to the opening or closure of governmental buildings, employee measures, or government operations which will continue to be reviewed by this office in this health crisis. **All City employees and persons entering any City Buildings are required to wear face masks or facial coverings until further Order of the Mayor. All YFD Centers operated by the City shall continue to be allowed to have limited access for YFD programming, subject to the requirements for face masks and social distancing in City buildings. The Avondale YFD Center, shall remain closed (except for limited curbside pickup requests until further Order of the Mayor). Public use of the computers and access to the downtown Library buildings is limited for the safety of city employees and the public. The First Floor of City Hall and the First Floor of the City Annex shall be open for all Citizens to pay City property taxes and/or enroll in the City tax relief, tax freeze, and/or United Way Water Quality Fee assistance if they qualify for such programs. Face masks will continue to be required in all City buildings.**
12. This Order continues to provide for all City owned parks, trails, city playgrounds, and other public spaces, including the Chattanooga Zoo, all Golf Courses within the City limits, all pet grooming businesses, drive-through car washes, and child care centers within the City limits to remain open. City-owned ballfields may continue to be used after participants provide signed waivers and releases approved by the Office of the City Attorney for all recreational ballfields for fall recreational use subject to necessary guidelines by the Department of Youth and Family Development and/or Public Works. City-owned Outdoor recreation facilities may continue to be used after participants provide signed waivers and releases approved by the Office of the City Attorney for all recreational dog parks, tennis courts, and skate parks for fall recreational use subject to necessary guidelines by the

Department of Youth and Family Development and/or Public Works and/or Open Spaces. **All persons using these facilities are strongly urged to follow** the CDC Guidance for Workplaces and Businesses which are found at <https://www.cdc.gov/coronavirus/2019-ncov/community/workplaces-businesses/index.html> **and are encourages to use related masks or facial coverings inside any City buildings which may assist the containment or management of the spread of COVID-19, and may permit to a greater degree, or restrict to a greater degree, the opening, closure, or operation of businesses, organizations, or venues in Hamilton County.** This Order shall continue to encourage social distancing by maintaining six (6) feet or more of separation in the use of City parks, playgrounds, trails, Walnut Street Bridge and other public spaces until further orders are entered.

13. Employees of the City shall follow all current and future directives and orders issued by the Mayor of Chattanooga that are specifically directed at them during any period of emergency. The Mayor recognized that the Families First Coronavirus Relief Act expires on 12/31/20. By virtue of this Executive Order, City employees will continue to receive 100% of employee time off for COVID related absences as determined by HR for up to 80 hours of missed time from work; and also 2/3rds of their employee time off for family related COVID illness or quarantine time after 80 hours as part of this Executive Order which continues during this period of emergency.
14. This Order, continues to request the continued assistance of any for-profit or non-profit agencies, for the displaced residents of Patten Towers who have been staying at three different hotels during this period of emergency which may assist in the cost of places to stay for the health and safety of persons and property while the residents are in need of assistance for food and shelter during this period of emergency.
15. This Order proclaims that a Civil Emergency as defined in Tenn. Code Ann. §§ 38-9-101 et. seq. continues to exist for these residents of our city following this loss of housing for more than 160 individuals and a copy of this proclamation shall be filed with the City Council Clerk as required by Tenn. Code Ann. § 38-9-102 which shall continue in effect until rescinded in writing but not to exceed fifteen (15) days so that City employees may take prudent actions to attempt to ensure the health, safety, and welfare of these 160 displaced residents within the authority provided within Tenn. Code Ann. § 58-2-110 (3) which includes the appropriation and expenditure of public funds for temporary housing until reimbursement is provided as authorized by law.
16. The Chattanooga Police Department, Land Development Office, and Fire Marshal are authorized to enforce this Order if requested by Hamilton County Health Department officials.
17. 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.
18. This Order shall be effective at 12:01 AM on Saturday, May 8, 2020, and shall remain in effect until withdrawn or extended pursuant to Tennessee law.
19. PURSUANT TO TENN. CODE ANN. § 58-2-110 (3) the duration of this Executive Order is limited to seven (7) days initially and may be extended, as necessary, in additional seven-day increments. It is my intent that local businesses should remain in compliance with in accord with Governor Lee's Executive Order No. 77 and Executive Order No. 80 as authorized under Tennessee law within the City of Chattanooga. To the extent that this Order conflicts with any prior Orders by my office this Order shall control.

Issued this 7th day of May, 2021, pursuant to Tenn. Code Ann. §§ 38-9-101, et seq. and 58-8-104 and 58-2-110 (3) by the Mayor of the City of Chattanooga, Tennessee.

A handwritten signature in black ink, appearing to read "Tim Kelly", written over a horizontal line.

TIM KELLY, MAYOR OF THE CITY OF CHATTANOOGA