DECLARATION OF PUBLIC HEALTH EMERGENCY BY RUTHERFORD COUNTY MAYOR

October 28, 2020

WHEREAS, the President of the United States, the Governor of the State of Tennessee, and the Mayors of a number of municipalities in the State of Tennessee have made emergency declarations related to the COVID-19 pandemic, and have recognized it as a public health emergency; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) and Tennessee Department of Health (TDH) advise the use of cloth or other types of face coverings to slow the spread of COVID-19; and

WHEREAS, immediate action to slow the spread of COVID-19 in our communities is necessary in order to be able to safely allow governmental operations to continue, businesses to remain open, and schools to remain open for in-person learning; and

WHEREAS, widespread use of face coverings is believed to be effective in slowing the spread of COVID-19 by reducing the chances of symptomatic and asymptomatic people transmitting the virus to others, especially when used together with other protocols including 6-foot social distancing and hand hygiene; and

WHEREAS, on July 3, 2020, Governor Bill Lee signed Executive Order 54, strongly urging all persons to wear cloth face coverings or other similar coverings in public settings where being in close proximity to others is anticipated, and

WHEREAS, Governor Lee, through Executive Order 54, Executive Order 55, and Executive Order 63 delegated authority to county mayors in the 89 counties that do not have a locally-run health department (including Rutherford County) to issue orders requiring the wearing of face coverings within their jurisdictions, subject to certain limitations, for the purposes of slowing the spread of COVID-19; and

WHEREAS, Rutherford County implemented a mandate for face coverings in July, August, and part of September, 2020 after the numbers of positive COVID-19 cases in Rutherford County and surrounding counties significantly increased; and

WHEREAS, the number of positive COVID-19 cases in Rutherford County began to trend in a favorable direction, at which point the Rutherford County mandate was cancelled on September 22, 2020; and

WHEREAS, the number of positive COVID-19 cases in Rutherford County, as well as the number of COVID-19 related hospitalizations, has again increased significantly in the past thirty days; and

WHEREAS, widespread use of face coverings is a preferred alternative to the continued closure of schools and the closure of businesses in our community, which closures would likely become necessary if action is not taken; and

WHEREAS, after consultation with the Mayors of the various municipalities of Rutherford County and the School Superintendent for the school district within the County, the County Mayor finds that there is a general consensus that the wearing of cloth or other face coverings should again be required in certain circumstances, and that such a requirement should take effect as soon as possible;

NOW, THEREFORE, PURSUANT TO THE AUTHORITY DELEGATED BY EXECUTIVE ORDERS 54, 55 and 63, AND PURSUANT TO GOVERNOR LEE'S RECOGNITION OF A CONTINUING STATE OF EMERGENCY AND MAJOR DISASTER RELATED TO COVID-19, the Mayor of Rutherford County, Tennessee issues a renewed Declaration of Emergency related to the COVID-19 pandemic, and

IT IS ORDERED that cloth or other face coverings that cover the nose and mouth of a person to impede the spread of the virus during speaking, coughing, sneezing or other action, shall be required in Rutherford County, Tennessee, within all publicly-accessible areas of commercial business establishments; in public outdoor areas where social distancing of at least six feet cannot be maintained; and within the publicly-accessible areas of business offices where there is direct interaction with the public and social distancing of at least six feet cannot be maintained. A "commercial business establishment" means any establishment that sells goods or services, or a combination thereof, including but not limited to grocery stores, restaurants, lobbies and public spaces in hotels and other places of lodging, pharmacies, banks, bars, salons, retail stores, medical and dental offices, and entertainment and sports venues.

IT IS FURTHER ORDERED that this Order does not apply to:

1. Any person who is age 12 or younger, provided, however, that this exception does not apply to students on school property or at school events who are subject to a face covering mandate imposed by a local board of education. In those instances, the local board of education's mandate shall apply;

2. Any person who cannot safely wear a face covering because he/she has trouble breathing due to an underlying health condition or another bona fide medical or health-related reason for not wearing a face covering;

3. Anyone who is incapacitated or otherwise unable to remove a face covering without assistance;

4. Persons in a private residence;

5. Persons who are outdoors, unless the person cannot substantially maintain appropriate 6-foot social distancing from others outside of the person's household;

6. Persons while eating or drinking;

7. Persons in a place of worship or participating in activity attendant to worship (unless a face covering is required by the place of worship or other location where worship activity is occurring), although persons in places of worship or participating in activities attendant to worship are strongly encouraged to wear face coverings to slow the spread of COVID-19;

8. Persons within private motor vehicles, unless such vehicle is being used for public transportation or a vehicle for hire;

9. Persons working under conditions where appropriate social distancing of at least six feet from others outside the person's household is substantially maintained;

10. Persons present in government facilities or on government premises, who shall be subject to the rules and regulations of the governmental entity operating the facility or premises. Persons present in the public areas of all Rutherford County government facilities will wear cloth or other face coverings, subject to the age and health restrictions outlined herein, and subject to number 11, below. Other local governmental entities may issue their own directives regarding their facilities;

11. Persons in a voting site for the purpose of voting or administering an election; although such persons are strongly encouraged to wear face coverings to slow the spread of COVID-19;

12. Persons who are engaging in strenuous exercise and/or physical activity, provided, however, that such persons shall maintain 6-foot social distancing when not wearing a face covering;

13. Persons for whom wearing a face covering would pose a safety or security risk.

This local order constitutes an order promulgated pursuant to Tennessee Code Annotated, Title 58, Chapter 2, Part 1. While it is the hope and expectation that Rutherford County citizens will comply with this Order out of a sense of civic duty and respect for their fellow citizens, and attempts at education and communication are the preferred methods of obtaining compliance, state law provides for enforcement of this Order if necessary. Pursuant to Executive Orders 54, 55 and 63, and Tennessee Code Annotated § 58-2-120, violation of this Order shall constitute a Class A misdemeanor.

This Order shall become effective at 11:59 p.m. on Wednesday, October 28, 2020, and will remain in effect until further notice.

RUTHERFORD COUNTY, TENNESSEE

ATTEST:

Lisa Duke Crowell

LISA DUKE CROWELL, County Clerk

BY: Bill Ketron

BILL KETRON, County Mayor