



**EXECUTIVE ORDER DECLARING A LOCAL STATE
OF EMERGENCY IN CARTER COUNTY, TENNESSEE
AND
SAFER AT HOME DIRECTIVE AND CLOSURE
OF NON-ESSENTIAL BUSINESSES AND SERVICES
BY
CARTER COUNTY MAYOR RUSSELL BARNETT**

MARCH 30, 2020

WHEREAS, this Executive Order to Declare a Local State of Emergency is made by the Mayor of Carter County, Tennessee, for the protection of the public health, safety, and welfare; and

WHEREAS, the Coronavirus Disease (COVID-19) is a communicable respiratory disease, presents with similar symptoms to those of influenza, and can lead to serious illness or death; and

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

WHEREAS, on January 21, 2020, the Tennessee Department of Health designated COVID-19 as a reportable disease in Tennessee; and

WHEREAS, on January 30, 2020, the World Health Organization declared a public health emergency of internal concern related to the COVID-19; 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 of the State of Tennessee issued an Executive Order declaring a state of emergency 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 22, 2020, the Governor of the State of Tennessee issued an Executive Order temporarily suspending select state laws and limited social gatherings, dine-in services, gym use, exposure to nursing homes and retirement homes, and adjusting state law regarding the sale of alcoholic beverages in restaurants; and

WHEREAS, the number of persons testing positive for COVID-19 is on the increase in Tennessee, and specifically throughout the Northeast Tennessee region; and

WHEREAS, on March 28, 2020, the first confirmed case of COVID-19 was reported in Carter County, Tennessee, and it has been determined in neighboring jurisdictions throughout the region; and

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

WHEREAS, in consideration of the COVID-19 pandemic and the health, safety, and welfare of residents of Carter County, it is in the public interest that a Local State of Emergency be declared by the Mayor of Carter County, Tennessee, pursuant to authority of Tenn. Code Ann. § 58-8-104, Tenn. Code Ann. § 58-2-110(3)(A), and such other authority granted by law vested in the Mayor of Carter County, Tennessee, for the protection of the public health, safety, and welfare.

NOW, THEREFORE, I, Russell Barnett, Mayor of Carter County, Tennessee, by virtue of the power and authority vested in me, do hereby issue this Executive Order and direct the following:

1. A Local State of Emergency is hereby declared for the area within the unincorporated limits of Carter County, Tennessee.

2. This Local State of Emergency shall commence on April 1, 2020, at 12:01 a.m. and shall continue in effect until April 7, 2020, at 11:59 p.m., or until rescinded, but shall be limited to seven (7) days unless it is necessary to extend it by subsequent Executive Order for additional seven (7) day increments as permitted by law.

3. As authorized by Tenn. Code Ann. § 52-2-110(3)(A), Carter County Government may take certain actions, including, but not limited to, the following:

a) As necessary, appropriate and expend funds; make contracts; obtain and distribute materials and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies;

b) As necessary, appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers;

c) If deemed necessary and in addition to the primary emergency operations center, establish one or more secondary emergency operations centers to provide continuity of government and direction and control of emergency operations; and

d) Request state or federal assistance or, as needed, invoke emergency-related mutual-aid assistance in the event of an emergency affecting another political subdivision.

FURTHER, all agencies, departments, and divisions of Carter County Government shall discharge their responsibilities as deemed necessary for the protection of the public health, safety and welfare consistent with the provisions of this Declaration of a Local State of Emergency.

FURTHER, as the County Mayor of Carter County, Tennessee, I, Russell Barnett, may exercise the authority given me under Title 58 of the Tennessee Code to preserve the public safety and render all required and available assistance vital to the security, well-being, and health of the citizens of this County.

FINALLY, I, Russell Barnett, Mayor of Carter County, Tennessee, by virtue of the authority vested in me following the Declaration of the Local State of Emergency as detailed above, and in the interest of public health, safety and welfare, do hereby **DIRECT AND ORDER** as follows:

1. Safer at Home. All individuals currently living within the unincorporated limits of Carter County are required to stay at their place of residence unless engaged in Essential Activities as outlined in this Order. 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 as possible, maintain social distancing of at least 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 governmental and other entities 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.
2. Travel Restrictions. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and travel for Essential Activities as defined in this Order, is prohibited. People must travel only for purposes of performing Essential Activities or to go to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People utilizing any form of public transit must comply with Social Distancing Requirements as defined in this Order, to the greatest extent feasible. This Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

3. Mass Gatherings Prohibited. All public and private gatherings of more than ten 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.
4. Closure of Non-Essential Business. All businesses with a facility in the County, except for Essential Businesses as defined in this Order, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in this Order. For clarity, non-essential businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residence (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in this Order, including by maintaining 6 feet social distancing for both employees and members of the public, including, but not limited to, when customers are standing in line.
5. Essential Activities. For the purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities”:
 - a. To engage in activities or perform tasks essential to their health and safety, or 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.
 - b. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others.
 - c. To engage in outdoor activity, provided the individuals comply with the Social Distancing Requirements as defined in this Order, such as, by way of example and without limitation, walking and hiking, dog walking, or running.
 - d. 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 at non-essential businesses.
 - e. To perform payroll and other critical administrative functions for any business, including businesses not defined as essential.
 - f. 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 even if an “Essential Activity” may justify leaving their residence.

6. Essential Business. For the purpose of this Order, “Essential Business” means:
 - a. Healthcare Operations and Essential Infrastructure as defined in this Order.
 - b. 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 maintain the safety, sanitation, and essential operation of residences.

- c. Food cultivation, including farming, livestock, and fishing.
- d. Businesses that provide food, shelter, and social services, and other necessities of life for the economically disadvantaged or otherwise needy individuals.
- e. Newspapers, television, radio, and other media services.
- f. Gas stations and auto supply, auto repair, and related facilities.
- g. Banks and related financial institutions.
- h. Hardware stores, home and business repair, construction (commercial and residential), and facilities design businesses.
- i. Insurance businesses and services.
- j. 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 Business.
- k. Businesses providing mailing, shipping and logistic services, including post office boxes.
- l. Laundromats, dry cleaners, and laundry service providers.
- m. Electronic, cell phone, and internet retail businesses.
- n. 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 or direct delivery to residences. Schools and other entities that provide food services under this exemption shall not permit the food to be consumed at the site where it is provided (unless delivered directly to a residence), or at any other public gathering site.
- o. 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.
- p. 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.
- q. 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.
- r. 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.
- s. Home-based care for seniors, adults, or children, people with developmental disabilities, intellectual disabilities, substances use disorders, and/or mental illnesses.

- t. Residential facilities and shelters for seniors, adults, children, people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness.
 - u. Legal and judicial services.
 - v. Professional services, such as accounting services, when necessary to assist in compliance with legally mandated activities.
 - w. Childcare and daycare facilities, prioritizing services to employees of businesses exempted in this Order to work as permitted. Daycare and childcare facilities must use Social Distancing and COVID-19 risk mitigation practices in their operations, and shall have no more than ten (10) people in a room.
 - x. Hotels and motels, to the extent used for lodging and delivery or carry-out food services.
 - y. Funeral homes, crematoriums, mortuary, and burial services.
 - z. Private waste removal and recycling services.
 - aa. Blood donor operations.
 - bb. All other critical infrastructure businesses not otherwise listed but identified in the U.S. Department of Homeland Security's Memorandum of Identification of Essential Critical Infrastructure Workers during COVID-19 Response issued on March 19, 2020.
 - cc. Any other business or service that the Mayor determines is essential for the safety and public health of the County.
7. Essential Travel. For the purposes of this Order, "Essential Travel" includes travel for any of the following purposes:
- a. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
 - b. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
 - c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, or for other related services.
 - d. Travel return to a place of residence from outside the jurisdiction.
 - e. Travel required by law enforcement or court order.
 - f. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.
8. Healthcare Operations. For purposes of this Order, individuals may leave their residence to work for or obtain 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, as broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.

9. 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 Social Distancing Requirements as defined in this Order, to the extent possible.
10. Essential Governmental Functions. For the purpose of this Order, all individuals living or working within Carter County who are first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement personnel, as well as those performing services for or on behalf of local, state, and federal governmental agencies 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 governmental agencies and provide for the health, safety, and welfare of the public as determined by the Mayor of Carter County, even if not explicitly described herein. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Order, to the extent possible. Employees of Carter County shall follow all current and future directives and orders issued by the Mayor that are specifically directed to County employees.
11. Minimum Basic Operations. For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined in this Order, to the extent possible, while carrying out such operations:
 - a. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.
 - b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
 - c. The minimum necessary activities to facilitate deliveries, curbside pickup, or door side pickup.
12. Social Distancing Requirements. All business and activities, including those that are designated as Essential under this Order, are required to practice Social Distancing. For the purposes of this Order, “Social Distancing Requirements” refers to the CDC issued guidelines for COVID-19 prevention measures, which includes: screening of employees for symptoms, excluding sick employees from work, maintaining at least six feet of distance from other individuals, washing hands with soap and water for at least twenty (20) seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes

into the sleeve, tissue, or elbow (not hands); avoid touching your eyes, nose or mouth with unwashed hands, regularly cleaning high-touch surfaces, and not shaking hands.

13. For the purposes of this Order, covered businesses include any for-profit or educational entities, regardless of the nature of the service, the function it performs, or its corporate or entity structure.
14. County parks shall remain open, but Social Distancing Requirements shall be observed.
15. The Carter County Sheriff's Office and certain other appropriate County officials as designated by the Mayor are authorized to enforce this order and close those businesses within the unincorporated boundaries of Carter County found to be operating in violation of this Order.
16. 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 shall be modified to the extent necessary for enforceability.
17. This Order will be effective at 12:01 a.m., Eastern Daylight time, on April 1, 2020, and shall remain in effect until 11:59 p.m., Eastern Daylight time, on April 7, 2020, unless it is necessary by subsequent Executive Order to extend the same for additional seven (7) day increments as permitted by law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the County of Carter, Tennessee, to be affixed this the 30th day of March, 2020.



Russell Barnett

Carter County, Tennessee Mayor

