

PREAMBLE

Pursuant to the authority in TCA 58-8-104, I, Montgomery County Mayor Jim Durrett, declared a State of Local Emergency on the 17th day of March 2020, granting to the County Mayor certain powers as allowed under TCA 58-2-110. Since that time multiple Emergency Executive Orders have been issued by me through the present.

On July 3, 2020, Governor Bill Lee issued Executive Order #54 regarding the use of Face Masks and a grant of that authority to the 89 counties that do not have a locally run health department, which includes Montgomery County, to issue further Orders regarding the use of face masks.

I personally urge all persons to consider the benefit of undertaking a practice of all CDC recommended precautions, as well as the mandates of this ORDER, to prevent the further advancement of this extremely contagious and deadly virus. It has been damaging to our physical and mental health, our economy and our long-established way of life. All our measures were taken only to execute the continued performance of public works and taking whatever prudent action was necessary to ensure the health, safety and welfare of the community. I appreciate the support of all citizens and acknowledge the hardships all have suffered in accepting these measures to protect us all.

EMERGENCY EXECUTIVE ORDER # 18

A Declaration of a State of Emergency is made and may be extended as allowed by law.

SECTION 1

1. **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 Montgomery 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.

2. There shall be no requirement that a face covering be worn:
 - i. Within one's residence or automobile, unless transporting others for hire;
 - ii. By a child twelve (12) years of age or younger;
 - iii. By someone who has trouble breathing due to an underlying health condition or another bona fide medical or health-related reason for not wearing a face covering;
 - iv. By someone who is incapacitated or otherwise unable to remove the cloth face covering without assistance;
 - v. While eating or drinking;
 - vi. While outdoors, unless the person cannot substantially maintain appropriate social distancing from others outside of the person's household;
 - vii. While working under conditions where appropriate social distancing from others outside of the person's household is substantially maintained;
 - viii. In situations in which wearing a face covering poses a safety or security risk;
 - ix. While in a house of worship unless required by that house of worship, but wearing a face covering in such locations is strongly encouraged; or
 - x. While in a voting site for the purpose of voting or administering an election, but wearing a face covering in such locations is strongly encouraged.
3. All other persons are urged and encouraged, but not ORDERED, to wear face coverings in public places under these same guidelines above in numbers 1 and 2 (i through x) and practice all other CDC directives.
4. Effect of Order. This is a local order promulgated under the authority delegated by this Order constitutes an order, rule, or regulation promulgated pursuant to Tennessee Code Annotated, Title 58, Chapter 2, Part 1, for purposes of Tennessee Code Annotated, Section 58-2-120.
5. Provisions 1 through 4 above shall be extended until September 8, 2020 at 12:01 am.

SECTION 2

6. Beginning on September 8, 2020 at 12:01 am Masks shall be worn in all Montgomery County Public Businesses and Government Facilities as follows:

7. In accordance with CDC guidance, owners and persons employed in the operation of all public businesses, County government, and City government facilities are ORDERED to wear face coverings while conducting business. All persons entering County and City government facilities are required to wear face coverings. Such cloth face coverings can be created from household items or made at home from common materials at low cost. Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or anyone who is incapacitated or otherwise unable to remove the mask without assistance. Surgical masks and N-95 respirators should be reserved for health care workers and first responders.
8. There shall be no requirement that a face covering be worn:
 - i. Within one's residence or automobile, unless transporting others for hire;
 - ii. By a child twelve (12) years of age or younger;
 - iii. By someone who has trouble breathing due to an underlying health condition or another bona fide medical or health-related reason for not wearing a face covering;
 - iv. By someone who is incapacitated or otherwise unable to remove the cloth face covering without assistance;
 - v. While eating or drinking;
 - vi. While outdoors, unless the person cannot substantially maintain appropriate social distancing from others outside of the person's household;
 - vii. While working under conditions where appropriate social distancing from others outside of the person's household is substantially maintained;
 - viii. In situations in which wearing a face covering poses a safety or security risk;
 - ix. While in a house of worship unless required by that house of worship, but wearing a face covering in such locations is strongly encouraged; or
 - x. While in a voting site for the purpose of voting or administering an election, but wearing a face covering in such locations is strongly encouraged.
9. All other persons are urged and encouraged, but not ORDERED, to wear face coverings in public places under these same guidelines above in number 7 and 8 (i through x) and practice all other CDC directives.
10. Effect of Order. This is a local order promulgated under the authority delegated by this Order constitutes an order, rule, or regulation promulgated pursuant to Tennessee Code Annotated, Title 58, Chapter 2, Part 1, for purposes of Tennessee Code Annotated, Section 58-2-120.

SECTION 3

11. This ORDER adopts all rules regarding the use of face masks established by the Clarksville Montgomery County School system for use in all schools within the District.

SECTION 4

12. The rules in SECTION 4 apply to all provisions of this ORDER.
13. Severability. If any provision of this Order or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Order which can be given effect without the invalid provision or application, and to that end the provisions of this Order are declared to be severable.
14. The mandates in this ORDER cannot and do not modify amend, supplant, invalidate or void any existing ORDERS of the Governor of the State of Tennessee and the Tennessee Supreme Court.
15. Term and effective date. Unless provisions herein expire and lapse earlier, this Order shall be effective at 12:01 am September 8th, 2020 and shall remain in effect for 7 days as allowed by law until 12:01 am, on September 15, 2020 when it may be extended.
16. This Order shall be effective upon issuance to protect and ensue the health, safety, and welfare of the Community.

It is so ORDERED, Mayor Jim Durrett, Montgomery County, Tennessee, this the 4th day of September 2020.

Jim Durrett, Montgomery County Mayor