



Montgomery County Government

Jim Durrett
County Mayor

1 Millennium Plaza, Suite 205
P.O. Box 368
Clarksville, Tennessee 37041-0368

Phone: (931) 648-5787
Fax: (931) 553-5177
mayordurrett@mcgtn.net

Pursuant to the authority in TCA 58-4-104, 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. This declaration gives political subdivisions of government, both City and County, the ability to waive procedures relative to “performance of public works and taking whatever prudent action is necessary to ensure the health, safety and welfare of the community” and issued EMERGENCY ORDER #1.

Pursuant to those same statutes, I extend that Declaration and further so ORDER the same for an additional seven days (7) and amend or supplement the same with EMERGENCY ORDER #2 as follows.

EMERGENCY ORDER # 2

1. **In accordance with the provisions of Executive Order #17 of the Honorable Bill Lee, Governor**, the President's Coronavirus Guidelines for America and the guidance from the CDC, to limit the spread of COVID-19 so that normal life and activities may resume as soon as possible:
 - a. Persons in the Montgomery County, Tennessee shall not participate in social gatherings of ten (10) or more people. For purposes of this ORDER, social gatherings do not include the activities of blood collection/donation agencies like the Red Cross. **This provision taken directly from the Executive Order #17 with minor revisions specific to Montgomery County, Tennessee.**
 - b. Persons in the State of Tennessee shall not eat or drink onsite at restaurants, bars, or other similar food or drink establishments, and shall not visit gyms or fitness/exercise centers or substantially similar facilities. **This provision is taken directly from the Executive Order #17.**
 - c. Restaurants, bars, and similar food or drink establishments, including nightclubs, shall not be open to persons, except only to offer drive-through, pickup, carry-out, or delivery service for food or drink, and persons are highly encouraged to use such drive-through, pickup, carry-out, or delivery options to support such businesses during this emergency. **This provision is taken directly from the Executive Order #17.**
 - d. Movie theaters and performing arts theaters, arcades, gyms, indoor exercise and fitness facilities, yoga studios, dance studios, and bowling alley,

fitness/exercise centers or substantially similar facilities shall not be open to members or the public, although persons are highly encouraged to use any available electronic or virtual fitness options to support such businesses during this emergency. **This provision is taken directly from the Executive Order #17 with minor revisions specific to Montgomery County, Tennessee.**

- e. Persons in the State of Tennessee shall not visit nursing homes, retirement homes, or long-term care or assisted-living facilities, unless to provide essential assistance or to visit residents receiving imminent end-of-life care, provided such visits may be accomplished without unreasonable risk to other residents. Persons are highly encouraged to use available electronic or virtual communication to spend time with their family members, friends, loved ones, and other persons in those facilities. **This provision is taken directly from the Executive Order #17.**
- f. Persons and businesses should take particular care to protect the well-being of those populations especially vulnerable to COVID-19, including older adults and persons with compromised immune systems or serious chronic medical conditions, by, among other things, taking care to adhere to all precautions advised by the President and the CDC and refraining to the extent practicable from physical contact and association. Businesses should further consider implementing measures to protect our most vulnerable populations by, for example, offering delivery service or special opportunities for members of vulnerable populations to shop in retail establishments exclusive of the general population. **This provision is taken directly from the Executive Order #17.**
- g. This Order does not mandate sheltering in place and does not prohibit persons from visiting places necessary to maintain health and economic well-being, including grocery stores, gas stations, parks, and banks, among other places, so long as they observe the necessary precautions advised by the President and the CDC to reduce the spread of COVID-19. **This provision is taken directly from the Executive Order #17.**
- h. All critical infrastructure remains operational, and government entities and businesses will continue providing important and essential services. **This provision is taken directly from the Executive Order #17.**
- i. For offices, workplaces, and businesses that remain open, employees should work from home where feasible, and employees and their customers should

practice good hygiene and observe the necessary precautions advised by the President and the CDC to reduce the spread of COVID-19. **This provision is taken directly from the Executive Order #17.**

j. As to all facilities and businesses open to the public that are not precluded from operation or limited in allowing the public to be on the premises under Emergency Order # 1 or hereinabove, and in order to reduce the number of persons on the premises at any one time, those businesses' whose premises have a per person legal load capacity of 50 or less must take affirmative actions to limit and enforce a limit of the number of persons who can be within that premise to less than 10 at any given time; and those business whose premises have a per person legal load capacity of 51 or more must take affirmative actions to limit and enforce a limit of the number of persons who can be within that premise to less than one half (1/2) of the per person legal load capacity at any given time. **This provision is specific to Montgomery County only.**

k. Public Access to the interior common area or public space of all indoor or enclosed shopping malls in which at least part of the stores has interior entrances/exits shall be closed to in-person public access during the effective time period of this emergency order. **This provision is specific to Montgomery County only.**

2. **The following are taken directly from Executive Order #17 of the Honorable Governor, Bill Lee and as Beer, but not alcoholic beverages are regulated in the unincorporated area, these are adopted as they relate to the sale of Beer.** As to Beer, the provisions of Tennessee Code Annotated, Title 57, and related rules and other state or local laws, orders, rules, or regulations are temporarily suspended to the extent necessary to allow restaurants and limited service restaurants, as defined in Tennessee Code Annotated, Section 57-4-102, and wine-only restaurants, as permitted by Tennessee Code Annotated, Section 57-4-101(c), to sell for take-out or delivery alcoholic beverages or beer, so long as the following conditions are met:

a. Any sale of an alcoholic beverage or beer is for consumption off the premises of the restaurant, limited service restaurant, or wine-only restaurant (collectively referred to hereafter as "restaurant") and is accompanied by the sale of food in the same order;

b. An alcoholic beverage or beer sold under this Paragraph 5 must be packaged in a container or bottle with a secure lid or cap and in a manner designed to prevent consumption without removal of the lid or cap, and customers shall not remove such lids or caps while operating a motor vehicle;

- c. Single servings of alcoholic beverages or beer and multi-serving bottles or containers of beer or wine normally sold by the restaurant may be sold under this Paragraph 5, but not bottles of spirits or liquor;
 - d. A restaurant selling alcoholic beverages or beer under this Paragraph 5 shall prominently post a warning in a manner reasonably calculated to provide notice to customers of open container laws, which must include the following language from Tennessee Code Annotated, Section 55-10-416: "No driver shall consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this state.";
 - e. An employee or contractor of a restaurant providing or delivering alcoholic beverages or beer to a customer under this Paragraph 5 shall not provide or deliver such beverages to any person under twenty-one (21) years of age and may not provide or deliver such beverages to a person who is visibly intoxicated. Any such employee providing or delivering alcoholic beverages or beer must visually inspect a valid government-issued document deemed acceptable to the restaurant that includes the photograph and birth date of the adult consumer attempting to make an alcoholic beverage purchase and confirms that the person is at least twenty-one (21) years of age;
 - f. A person delivering alcoholic beverages or beer under this Paragraph 5 must be at least twenty-one (21) years of age and must have a valid driver license; and
 - g. An alcoholic beverage or beer sold under this Paragraph 5 must be sold during current operating hours.
 - h. All Beer permits issued by Montgomery County for the unincorporated area authorize the sale of beer for the consumption on and off-site. The beer permits are limited now to only off-site consumption. Further, on-site consumption is not allowed. **This provision is specific to Montgomery County only.**
 - i. Any state or local law, order, rule, or regulation inconsistent with this Order is hereby suspended.
3. **In accordance with the provisions of Executive Order #16 of the Honorable Bill Lee, Governor**, the President's Coronavirus Guidelines for America and the guidance from the CDC, to limit the spread of COVID-19 so that normal life and activities may resume as soon as possible do hereby further order the following:

- a. As a reasonable measure to protect the safety and welfare of Tennesseans while ensuring that government business may continue in a manner that is open and accessible to the public, the provisions of Tennessee Code Annotated, Title 8, Chapter 44, Part 1, are hereby suspended for all Montgomery County, Tennessee (the governing body) public meetings as necessary to allow a governing body, as defined in Tennessee Code Annotated, Section 8-44-102, to meet and conduct its essential business by electronic means, rather than being required to gather a quorum of members physically present at the same location. In doing so, the governing body **will conduct that meeting electronically without any members of the General Public allowed, only the attending members of the commission, and staff directly related to the meeting will be in physical attendance as determined by the Chair**, to protect the health, safety, and welfare of Tennesseans considering the COVID-19 outbreak, subject to the following conditions:
 - b. The governing body meetings conducted by electronic means under this Order shall remain open and accessible to public attendance by electronic means, as follows: Montgomery County will make reasonable efforts to ensure that the public access to the meeting via electronic means is live access, but if the governing body cannot provide such live public access despite reasonable efforts, the governing body will make a clear audio or video recording of the meeting available to the public as soon as practicable following the meeting, and in no event more than two business days after the meeting; and
 - c. This Order does not in any way limit existing quorum, meeting notice, or voting requirements under law, and governing bodies will provide the public with clear notice of the meeting agenda and how the public can access the meeting electronically at a time and location reasonably accessible to all members of the public; and
 - d. All other provisions of Tennessee Code Annotated, Section 8-44-108(c), remain in effect; and
 - e. All such meetings shall be conducted in a manner consistent with Article I, Section 19 of the Tennessee Constitution. **This provision (3), and all subparts, is taken directly from the Executive Order #16 with the proper outline and notice of procedures for compliance.**
4. The Montgomery County Emergency Order #1 by Mayor Durrett, of March 17, 2020 is adopted herein and extended as the law may allow.
5. This Order is not applicable to those entities identified by their work as critical

infrastructure industry, as defined by the Department of Homeland Security, such as healthcare services and pharmaceutical and food supply.

6. This Order shall be effective and enforceable at 12:01 a.m., Central Daylight Time, on Wednesday, March 25, 2020, and shall remain in effect for seven days, at which time the same will be extended, amended or otherwise addressed.

It is so ORDERED, Mayor Jim Durrett, this the 23rd day of March 2020.

This Order shall be effective upon issuance.



A handwritten signature in blue ink, reading "Jim Durrett", is written over a horizontal line.

Jim Durrett, Montgomery County Mayor