



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

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. That declaration gave political subdivisions of Tennessee State Government, Montgomery County, the ability to waive procedures relative to “performance of public works and taking whatever prudent action necessary to ensure the health, safety and welfare of the community”. I then issued eight EMERGENCY ORDERS. On April 24, 2020, the Governor of the State of Tennessee issued his EXECUTIVE ORDER # 29. That ORDER declared “This Order shall supersede and Preempt any emergency order, health order, or other order issued by a local official or local governmental entity addressing or otherwise related to COVID-19”. Based upon that Order, I allowed all my EMERGENCY ORDERS to expire.

Now, 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.

Pursuant to those same originally named statutes, and the Governor’s Executive Order #54, I declare a state of emergency and further so ORDER.

I personally urge all persons to consider the benefit of undertaking a practice of all CDC recommended precautions, as well as 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 of 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.

“I” take these steps so that “we” can best assure ourselves of protecting each other; enhancing the likelihood and speed with which we can all return to fellowship, sports, families, friends, open our schools, teach our children and care for our fellow man as we did before this pandemic began. “We” can take these precautions and expedite the return to the way of life we have grown to enjoy and protect those among us that are most at risk from the virus.


EMERGENCY ORDER # 9

1. A Declaration of a State of Emergency is made and may be extended as allowed by law.
2. In accordance with CDC guidance, owners and persons employed in the operation of all public businesses are ORDERED to wear face coverings while conducting business. 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.
3. 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.
4. All other persons are urged and encouraged, but not ORDERED, to wear face coverings in public places under these same guidelines above sections 2 and 3 (i through x) and practice all other CDC directives.
5. 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.

6. 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.
7. 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.
8. Term and effective date. This Order shall be effective at 12:01 am July 8, 2020 and shall remain in effect for 7 days as allowed by law until 12:00 p.m., Central Daylight Time, on July 15, 2020 when it may be extended.
9. 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 6th day of July 2020.





Jim Durrett, Montgomery County Mayor