

State of Alabama)
City of Tuscaloosa)

EXECUTIVE ORDER OF THE MAYOR

To: All Departments, Incident Commander

Number: **2020-007**

Date: March 26, 2020

Regarding: 24 hour Public Safety Curfew
 (A20-0435)

Authority:

By the authority vested in me by the applicable provisions of the laws of the State of Alabama, including but not limited to Ala. Code §11-44B-7 (1975), pursuant to which the Mayor of the City as the Chief Executive Officer has the general supervision and control of all other officers and the affairs of the City, and pursuant to the emergency powers vested in me as Mayor by Alabama State Law and the ordinances and resolutions of the City of Tuscaloosa, and including without limitation Ala. Code §11-45-1, Ala. Code §31-9-10, and §9-11 of the Code of Tuscaloosa, the Proclamation of Existence of a Local Disaster And Emergency issued by me on March 13, 2020, and the resolution of the Tuscaloosa City Council adopted on March 17, 2020, and as otherwise provided by law, I, Walter Maddox, as Mayor do hereby order and direct as follows:

The purpose of this Order is to promote the health, safety, and welfare of the citizens of Tuscaloosa and mitigating the spread of infectious diseases by reducing the risk of exposure during a time of outbreak.

SECTION 1. It is hereby Ordered that a 24 hour public safety curfew, is hereby imposed in the City of Tuscaloosa and police jurisdiction, effective as of 10:00 p.m. on Sunday, March 28, 2020. This curfew shall continue in effect until 12:00 am (midnight) April 11, 2020, unless it is determined that the emergency conditions no longer exist prior to that date but may be extended if the duration of the emergency conditions continue beyond that date.

- (a) All nonessential businesses and services shall be closed. Attached to this Order is a list of all such nonessential business and services.

(b) All businesses not on the attached list for closure, including pharmacies, grocery stores, gas stations, electronic stores and services for telecommunications, hardware, office supplies, building supplies, and financial institutions must operate under the following conditions:

1. These businesses must practice social distancing of 6 or more feet and institute sanitations plans in accordance with CDC guidelines.
2. All restaurants, bars, breweries, or similar establishments shall not permit on-premises consumption of food or drink. Such establishments may continue to offer food and drink for take-out or delivery provided the social distancing protocols including maintain a consistent six-foot distance between persons are followed, and provided measures are taken to prevent the spread of COVID-19 on containers of food and other items transferred between food servers and customers. Such establishments are not to allow their lobbies to be open to public access and may only operate on a curbside or drive thru basis.

(c) This curfew shall apply to all persons within the City of Tuscaloosa. During such curfew, all persons shall not be or remain in public places and, if residents of the City of Tuscaloosa, shall remain in their places of residence, except as further provided in subsection (f) of this Order.

This curfew shall not apply to:

- (1) Public safety or emergency service activities, including but not limited to law enforcement, fire and rescue services, and emergency management agencies.
- (2) First responders, crisis intervention workers, public health workers, emergency management personnel, emergency dispatchers, law enforcement personnel, and related contractors.
- (3) Persons employed by or contracted to utilities, cable, and telecommunications companies and engaged in activities necessary to maintain or restore utility, cable, and telecommunications services.
- (4) Persons providing fire, police, sanitation, security, emergency and hospital services, food delivery services and other deliveries of merchandise or mail.
- (5) Persons seeking essential services or commodities; persons who are vulnerable to the most serious effects of the COVID-19 disease must remain at home, unless seeking medical treatment.
- (6) Persons supplying or restocking businesses in order to provide essential services or products, i.e. home improvement, groceries, fuel delivery locations, pharmacies or other retailers offering emergency supplies, transportation of fuels, movement of equipment and personnel for the provision of humanitarian support, and movement of equipment necessary for the protection of critical infrastructure or public safety.
- (7) Credentialed members of the media and such support staff necessary to assure their continued operation.
- (8) Persons employed by the federal, state, county or city government or their agencies working within the course and scope of their public service employment. Such employees shall follow any current or future directives regarding performance of their duties, including working from home, issued by their respective employers.

- (9) Employer-operated childcare centers for the exclusive benefit of essential employees located in the immediate vicinity or on the premises of state and local governments, first responders (including EMS and fire services), law enforcement, hospitals, nursing homes, long term care facilities, and end stage renal disease treatment clinics.
- (10) Licensed childcare centers that contract to provide services exclusively to the above-named employers, or that provide services exclusively to children of essential employees of the above-named employers, provided those childcare centers are able to maintain a consistent six-foot distance between children.
- (11) Persons experiencing homelessness within the City.

(d) All public and private gatherings of twenty-five (25) or more persons, or of any size where a consistent distance of at least six feet cannot be maintained, are prohibited, except as to those exempted activities further provided in this Order.

(e) Subject to the exceptions further provided in subsection (f) of this Order, all travel, including, without limitation, travel by scooter, motorcycle, or automobile is prohibited. Transportation in Interstate Commerce is not governed by this Order.

(f) Exceptions. People may lawfully leave their residence while this Order is in effect only to engage in the following activities:

- (i) Essential Activities. To engage in certain essential activities, including, without limitation, visiting a health or veterinary care professional, obtaining medical supplies or medication, obtaining grocery items (including, without limitation, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh or frozen meats, fish, and poultry, any other household consumer products and products necessary to maintain the safety and sanitation of residences and other buildings) for their household or to deliver to others, or for legally mandated government purposes. Additionally, any travel for the following purposes is not prohibited by this Order: (a) providing care for minors, the elderly, dependents, persons with disabilities, or other vulnerable persons; (b) returning to one's place of residence from outside the City; (c) travelling to one's place of residence located outside the City; (d) travelling through the City from one location outside the City to another location outside the City; (e) compliance with an order of law enforcement or court shall be exempt from this Order; (f) travelling to or from a place of business which provides essential services by owners and employees of such business; or (g) legally mandated government purposes. Persons engaging in these essential activities shall maintain reasonable social distancing practices. This includes maintaining a distance of at least six-feet away from others, frequently washing hands with soap and water for at least twenty seconds or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands. These essential activities are subject to change and are not limited to the activities listed in this subsection. Individuals must use reasonable judgement as it relates to the many, and various circumstances during this time. At the very least, businesses that have not been

declared nonessential by this Order, as applicable, that remain open must implement consistent social distancing practices of six feet between persons to avoid the spread of COVID-19.

- (ii) **Outdoor Activities.** To engage in outdoor activity and recreation, provided that the recreational activity does not involve physical contact with other persons and individuals comply with social distancing requirements, including, without limitation, walking, hiking, running, cycling; use of scooters, roller skates, skateboards, or other personal mobility devices. Indoor and outdoor playgrounds for children, except those located within childcare centers, shall be closed for all purposes. All public parks, public docks, and ramps to all city owned lakes are hereby closed. Any persons engaging in outdoor activity shall maintain a six foot from any other persons.
- (iii) **Work in Support of Essential Activities.** To perform work providing essential products and services or to otherwise carry out activities specifically permitted in this Order.
- (iv) To care for or support a friend, family member, or pet in another household.
- (v) Provision of essential goods and services. This includes those businesses and activities deemed essential by this Order.
- (vii) Providing any services, goods, or work necessary to build, operate, maintain or manufacture essential infrastructure, including without limitation construction of commercial, office and institutional buildings, residential buildings and housing; airport operations, food supply, concessions, and construction; port operations and construction; water, sewer, gas, electrical, oil extraction and refining; roads and highways, public transportation and rail; solid waste collection and removal; flood control and watershed protection; internet and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services); and manufacturing and distribution companies deemed essential to the supply chains of the industries referenced in this Paragraph, provided that they carry out those services and that work in compliance with social distancing practices as prescribed by the Centers for Disease Control and Prevention and the State of Alabama Health Officer, to the extent possible.

(g) The City shall work with governmental and nongovernmental partners to provide emergency shelter, to the extent possible, to unhoused persons in the City. Providers shall make all efforts to provide protection from the spread of COVID-19.

(h) The City of Tuscaloosa shall have the ability to inspect any public premise open under the provisions of the Order to assure compliance.

(i) Any business closed based upon this Order may appeal such closure to Incident Commander or his designee by filing a written request for appeal with the City Clerk.

SECTION 2. To the extent that this Order is in conflict with other executive orders, this Order shall supersede the others until this Order is amended or repealed.

SECTION 3. In the event the State Health Officer implements a state-wide order that is more restrictive or stringent, then the order of the State Health Officer order shall take precedence.

SECTION 4. Failure to comply with this Order is punishable by a fine of up to \$500.00 and/or up to one hundred eighty (180) days in the municipal jail.

SECTION 5. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or applications of this Order.

Implementation:

All Departments of the City and their respective employees to whom this Executive Order applies shall forthwith implement the same in accordance with its terms and requirements. Nothing contained in this Order shall relieve a person from any requirement to obtain a license or other authorization in compliance with applicable laws and regulations. This Order is not intended to conflict with, supersede or contradict any lawful ordinance or resolution duly enacted by the City Council. This Order does not create any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity by a party against the City, its departments, agencies, entities, officers, employees, or agents, or any other person.

So Ordered from City Hall on this the 26th day of March, 2020.



Walter Maddox
Mayor, City of Tuscaloosa

Non-Essential Services To Be Closed 3/28/2020

- Entertainment;
 - o night clubs
 - o bowling alleys
 - o arcades
 - o racetracks
 - o indoor children's play places
 - o pool halls
 - o adult gaming and entertainment venues
- Recreation facilities and activities:
 - o gyms and fitness centers
 - o swimming pools and spas, excluding licensed physical therapy services
 - o yoga, barre and spin facilities
 - o spectator sports
 - o team sports involving personal contact closer than six feet;
 - o shared sporting apparatus and equipment, and playground equipment
- Barber shops, hair salons, waxing salons, and threading salons
- Retail stores:
 - o Furniture & Home Furnishing Stores
 - o Clothing, Shoe & Clothing Accessories Stores
 - o Jewelry, Luggage, and Leather Goods Stores
 - o Department Stores
 - o Sporting Goods
 - o Hobby, Book, & Music Stores
 - o Florists
- Nail salons and spas
- Concert venues and auditoriums
- Theaters
- Tourist attractions (including museums, planetariums, parades)
- Body art facilities and tattoo services
- Tanning salons
- Massage therapy establishments and services
- Museums, Historical sites, and Galleries
- Performing Arts centers/events/rehearsals
- Social clubs
- Fraternity and Sorority meetings and events
- Proms, Formals and other similar events