

State of Alabama)
City of Tuscaloosa)

EXECUTIVE ORDER OF THE MAYOR

To: All Departments, Incident Commander

Number: **2020-015**

Date: April 28, 2020

Regarding: Adoption of Safer at Home Order and Reopen Tuscaloosa Plan with
 Triggering Criteria
 (CityLaw File No. A20-0536)

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 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, 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 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:

SECTION I: ADOPTION OF THE “SAFER AT HOME” ORDER

On April 28, 2020, State Health Officer Scott Harris, M.D., issued a “Safer at Home” order applicable to the State of Alabama. The State Health Officer’s order is due to expire by its own terms on May 15, 2020, at 5:00 p.m., unless extended or relaxed by further order of the State Health Officer. The purpose of this Section I of this Executive Order is to adopt and promulgate the requirements

of the State Health Officer's order as an official order of the City of Tuscaloosa, and to ensure that the social distancing measures and other requirements of that order can be continued within the City of Tuscaloosa and the police jurisdiction, to the extent necessary, upon the expiration or modification of the State Health Officer's Order. Therefore, effective immediately, it is hereby ordered that the following Public Safety Curfew order be implemented within the City of Tuscaloosa and the police jurisdiction:

1. Recommendations for individuals. Effective April 30, 2020, at 5:00 P.M., all individuals—and especially vulnerable persons—are encouraged to exercise personal responsibility in slowing the spread of COVID-19 by:

- a. Minimizing travel outside the home, especially if sick;
- b. Wearing face coverings around people from other households when it is necessary to leave the home;
- c. Washing hands frequently with soap and water or hand sanitizer, especially after touching frequently used items or surfaces;
- d. Refraining from touching one's face;
- e. Sneezing or coughing into a tissue, or the inside of one's elbow; and
- f. Disinfecting frequently used items and surfaces as much as possible.

“Vulnerable persons” means individuals 65 years and older or individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy.

2. Non-work related gatherings. Effective March 28, 2020, at 5:00 P.M., all non-work related gatherings of 10 persons or more, or non-work related gatherings of any size that cannot maintain a consistent six-foot distance between persons from different households, are prohibited. But “drive-in” gatherings of any size are permitted if the participants adhere to the following rules:

- a. All participants shall remain in their vehicles for the entirety of the event;
- b. The participants in each vehicle must all share the same household; and

- c. Participants shall not come within six feet of participants in other vehicles.

For purposes of this paragraph, “non-work related gathering” includes church services, weddings, funeral services, social gatherings, concerts, festivals, sporting events, and similar events.

3. Protections for employees. Effective April 30, 2020, at 5:00 P.M., and unless otherwise permitted or required by this order, all employers shall take reasonable steps, where practicable as work duties permit, to protect their employees by:

- a. avoiding gatherings of 10 employees or more;
- b. maintaining six feet of separation between employees;
- c. regularly disinfecting frequently used items and surfaces;
- d. encouraging handwashing;
- e. preventing employees who are sick from coming into contact with other persons;
- f. facilitating remote working arrangements; and
- g. minimizing employee travel.

4. Protections for customers, etc. Effective April 30, 2020, at 5:00 P.M., and unless otherwise permitted or required by this order, the operator of any business, government office, or other establishment open to the public shall take reasonable steps, where practicable, to protect their customers, constituents, or other guests by:

- a. avoiding gatherings of 10 or more such persons;
- b. maintaining six feet of separation between such persons (except for those persons who share the same household); and
- c. regularly disinfecting frequently used items and surfaces.

5. Retailers. Effective April 30, 2020, at 5:00 P.M., all retail stores shall comply with Alabama Department of Public Health guidelines/orders and operate in accordance with phase one of the “Reopen Tuscaloosa Plan” set out below.

6. Higher-risk businesses and activities. Effective March 28, 2020, at 5:00 P.M., and notwithstanding any other provision of this order, the following businesses, venues, and activities shall be closed to non-employees or not take place:

a. **Entertainment venues** as follows:

- (i) Night clubs
- (ii) Bowling alleys
- (iii) Arcades
- (iv) Concert venues
- (v) Theaters, auditoriums, and performing arts centers
- (vi) Tourist attractions (including museums and planetariums)
- (vii) Racetracks
- (viii) Indoor children's play areas
- (ix) Venues operated by social clubs

b. **Athletic facilities and activities** as follows:

- (i) Fitness centers and commercial gyms
- (ii) Spas
- (iii) Yoga, barre, and spin facilities
- (iv) Sports that involve interaction with another person of closer than 6 feet
- (v) Activities that require use of shared sporting apparatus and equipment
- (vi) Activities on commercial or public playground equipment

c. **Close-contact service providers** as follows:

- (i) Barber shops
- (ii) Hair salons (other than hair restoration centers)
- (iii) Waxing salons
- (iv) Threading salons
- (v) Nail salons and spas
- (vi) Body art facilities and tattoo services
- (vii) Massage therapy establishments and services (other than for medically prescribed services)

7. Restaurants and similar establishments. Effective March 19, 2020, at 5:00 P.M., all restaurants, bars, breweries, or similar establishments shall not permit on-premises consumption of food or drink.

- a. Such establishments may continue to offer food for take-out or delivery provided the social distancing protocols, including

maintaining a consistent six-foot distance between persons, are followed.

- b. Such establishments are strongly encouraged to offer online ordering and curbside pickup of food.
- c. Hospital food service areas are excluded from this order provided they have their own social distancing plan.

SECTION II: RELIGIOUS ORGANIZATIONS, SCHOOLS, AND MEDICAL FACILITIES

This Order does not regulate the activities of the following categories of institutions and individuals. These institutions and individuals shall continue to follow and comply with the applicable orders of the Governor, the Alabama Department of Public Health, and other appropriate State agencies:

- 1. Religious entities, including religious and faith-based facilities, entities, and groups;
- 2. Health-care providers and caregivers, including physicians, dentists, mental health workers, nurses, chiropractors, physical therapists, veterinarians, hospitals/clinics, medical practices, research and laboratory operations, hospice, health care facilities, clinical staff, nursing homes, residential health care facilities, adult day care centers, blood banks, congregate-care facilities, assisted living facilities, elder care, medical wholesale and distribution, home health workers and aides, medical supply and equipment manufacturers and providers, medical waste disposal, hazardous waste disposal, other ancillary healthcare services;
- 3. Education providers, public and private K-12 schools, colleges and universities or other educational institutions and daycare facilities.

SECTION III: REOPEN TUSCALOOSA PLAN

The City of Tuscaloosa's early action to stop the spread of COVID-19 has had the positive effect of flattening the curve. While the threat has not passed, it is essential that when the time is right for businesses to reopen we do so in a medically advisable fashion. The City of Tuscaloosa hereby adopts the following Reopen Tuscaloosa Phased plan. As the medical evidence supports a relaxation of

COVID-19 related curfew restrictions, the City of Tuscaloosa will implement the following phased process by subsequent Executive Order:

Phase 1

Effective May 1, 2020 with the implementation of Phase 1, businesses previously deemed essential by Executive Order or Order of ADPH may continue operations. Restaurants may continue curbside and delivery operations. Any other establishment operating under a prior Executive Order or Order of ADPH may continue operations.

In addition, **retail stores** may resume operating with a capacity of 50% of the posted capacity, per the fire marshal or normal capacity as established by applicable fire codes, and are encouraged to operate by appointment and encouraged to require customers and employees to wear face coverings.

Phase 2

Upon activation of Phase 2, all business operations included in Phase 1 may continue operations.

In addition, **restaurants** may resume dining room service and on-premises dining, at 50% of capacity. Tables shall be limited to parties of not more than six people, and tables should be positioned so that parties are more than six feet apart. Physical barriers may be placed between booths in lieu of the required six feet spacing. No standing service or bar service shall be allowed.

Bars and establishments with a lounge license may operate table service only under the same conditions as restaurants above.

Close personal services such as barbershops, and hair and nail salon may begin operating on an appointment-only basis. No customer shall be allowed to wait in the store. Employees shall wear a face covering at all time while performing services that do not allow six feet of separation. If service is provided to multiple clients by multiple employees at one time (such as a barbershop), a separation of six feet must be maintained between clients.

Phase 3

Upon activation of Phase 3, all business operations included in Phase 1 and Phase 2 may continue to operations.

All businesses including entertainment venues and fitness facilities may operate at 50% of capacity. Any equipment used by customers, members, or clients should be placed to allow six feet of separation, and procedures to maintain proper social distancing should be implemented in all facilities.

Businesses with operations spanning multiple phases, such as hotels and country clubs, may operate the portions of their operations allowed under the current phase. For example, a retail store with dining facilities could operate the retail portion in Phase 1, but not allow on-premises dining until Phase 2.

SECTION IV: REOPEN TUSCALOOSA TRIGGERS

The above-adopted phases will only be implemented as medical evidence demonstrates that it is safe to do so. The decision to activate any phase of plan will be made only after collaboration with all relevant stakeholders, including DCH Regional Medical Center, based on a variety of relevant criteria, including, but not limited to: number of total positive COVID-19 inpatients, new COVID-19 patients by day, acute med-surge availability, emergency department and ICU bed availability, ventilator availability, staff availability, the availability of personal protection equipment, and the availability of COVID-19 tests.

Step back

Should medical evidence indicate the necessity, the Mayor may, by further Executive Order, step back in phase, or reinstitute the full 24 hour public safety curfew.

SECTION V: EFFECTIVE TIME AND PRIORITY

This Order shall remain in full force and effect through June 12, 2020.

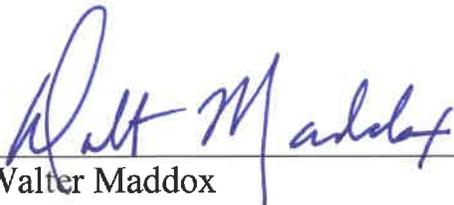
This Order supersedes and preempts all executive orders previously issued regarding COVID-19 curfew orders.

In the event the State Health Officer implements a statewide order that is more restrictive or stringent, then the order of the State Health Officer order shall take precedence.

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 the date first written above.

A handwritten signature in blue ink, appearing to read "Walter Maddox", is written over a horizontal line.

Walter Maddox
Mayor, City of Tuscaloosa