



EXECUTIVE ORDER No. 23

By: Mayor Larry Waters

Declaration of Face Covering Requirement

WHEREAS, importantly, Sevier County and the cities of Sevierville, Pigeon Forge, Gatlinburg, and Pittman Center have consistently urged, at the recommendation of the State of Tennessee and the Centers for Disease Control, the wearing of a face covering by Sevier Countians and visitors to the Great Smoky Mountains to mitigate the spread of COVID-19; and,

WHEREAS, mitigating the spread of COVID-19 ensures the health and safety of residents, employees, and visitors which in turn prevents the State of Tennessee and the Tennessee Department of Health from taking more drastic and disruptive measures for our economy including the closure of businesses; and

WHEREAS, Sevier County has seen an increase in COVID-19 cases amongst Sevier County residents since the reopening of our local economy in May 2020; and,

WHEREAS, due to the number of rising cases and the potential strain on the health system of Sevier County and the region of East Tennessee, it is possible the State of Tennessee and/or the Tennessee Department of Health may order business restrictions or closures within Sevier County, and local leaders intend to ensure that step is not needed nor taken by the state; and,

WHEREAS, in addition to the overall health threat to our residents, employees, and visitors and the potential business restrictions and/or closures, local officials are concerned that the state may consider further restrictions on school openings and overall school schedule; and,

WHEREAS, opinions from the Tennessee Attorney General in addition to the opinion of the county attorney and other state associations, and further confirmed by Executive Order 54, held that the authority to mandate facial coverings was with the State of Tennessee; and,

WHEREAS, Governor Bill Lee of Tennessee issued Executive Order 54 on July 3, 2020, permitting certain county mayors, including Sevier County's, to issue local face covering requirements through August 3, 2020; and,

WHEREAS, Mayor Larry Waters has consulted with government leaders across the county including Mayor Robbie Fox of Sevierville, Mayor David Wear of Pigeon Forge, Mayor Mike Werner of Gatlinburg, Mayor Jerry Huskey of Pittman Center, city managers of each incorporated city, emergency management and law enforcement agencies, tourism and economic officials, and regional health officials to discuss the now new option of requiring face coverings in Sevier County; and,

WHEREAS, those officials from each entity agree that to best protect our residents, employees, and visitors from the spread of COVID-19 and keep our economy open in light of the increasing cases within Sevier County, and following the Governor's recent Executive Order 54, an order requiring the use of face masks should be issued with the intent to increase face covering usage and slow the spread of COVID-19; and,

WHEREAS, the Commissioner of Health and the Tennessee Department of Health endorses an order requiring the wearing of masks within Sevier County; and,

WHEREAS, with authority to issue such a face covering requirement delegated to the County Mayor in most counties in the State of Tennessee by Governor Lee's Executive Order 54 and not the Tennessee Department of Health which has the original authority per Tennessee Code Annotated to manage the response to a pandemic, the need for the Tennessee Department of Health to inform Mayor Waters and the other local officials making this decision of pertinent information on the status of the pandemic and the effectiveness of such an order on the spread of COVID-19 is paramount; and

WHEREAS, Title 58 of Tennessee Code Annotated, specifically §58-2-110, authorizes the mayor of a political subdivision to declare a local state of emergency by executive order, which is currently in effect for Sevier County and such declaration coincides with Governor Lee's state of emergency and authority as permitted in Title 58 of Tennessee Code Annotated.

NOW, THEREFORE, I, Sevier County Mayor Larry Waters in consultation with Mayor Robbie Fox of Sevierville, Mayor David Wear of Pigeon Forge, Mayor Mike Werner of Gatlinburg, and Mayor Jerry Huskey of Pittman Center, pursuant to Governor Lee's request, to protect the health and safety of residents, employees, and visitors, and to mitigate the possibility of the state placing further restrictions and/or closures on businesses, declare that face coverings shall be mandatory within Sevier County, including all city incorporated areas, beginning 12:01 AM on Friday, July 10 through 11:59 PM Monday, August 3, except under the following conditions:

- Within one's residence or motor vehicles (unless transporting others for hire, carpooling, etc.), hotel and motel rooms while rented to and solely occupied by guests registered to the room, overnight rentals while rented to and solely occupied by guests registered to the rental;
- By a child twelve (12) years of age or younger;
- 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;
- By someone who is incapacitated or otherwise unable to remove the face covering without assistance;
- By someone with conditions or disabilities that prevent them from wearing a face covering;
- While actively eating or drinking;
- While outdoors. Persons outdoors are encouraged to follow Tennessee Pledge and maintain social distancing;
- While participating in indoor athletic events or indoor exercising, as permitted by the Tennessee Pledge and orders from the Governor, while maintaining proper social distancing where possible;
- While working at location of employment under conditions where appropriate social distancing or protection from others (others is defined as outside of the person's household) is substantially maintained;
- In situations in which wearing a face covering poses a safety or security risk;
- While in a house of worship unless required by that house of worship, but wearing a face covering in such locations is strongly encouraged (for more information on worship, we encourage churches to follow the Tennessee Pledge);
- The Sevier County School System is exempt from this order as it will formulate its own reopening guidelines.
- Private businesses may implement stricter guidelines (for example, requiring face coverings outdoors on private property, etc.).

IT IS FURTHER ORDERED that the Tennessee Department of Health is required to continue to monitor the outbreak within Sevier County and provide detailed weekly updates on the effectiveness of this face



covering requirement to the County Mayor and local governments. This is due to the authority of such a decision given to the County Mayor by Executive Order 54 while the Tennessee Department of Health via the Regional/Local Health Department has the primary responsibility of managing a pandemic. This information to be provided by the Tennessee Department of Health will include metrics and measurements to determine whether this face covering order is effective. Full authority per Executive Order 54 is given to the County Mayor to implement and extend/rescind this order as seen fit; however, it is the intent of the County Mayor, in consultation with the city mayors and officials, to evaluate in conjunction with the Tennessee Department of Health throughout the order. If the County Mayor, along with the mayors and officials from the respective cities within Sevier County, deem the order not effective in slowing the spread of COVID-19 via information from the Tennessee Department of Health, this order can be rescinded earlier than the August 3 expiration date. This order may be extended by the County Mayor in consultation with the city mayors and officials if deemed effective via information by the Tennessee Department of Health and following further executive orders by Governor Lee.

IT IS FURTHER ORDERED that the County Mayor requests businesses and any indoor establishments to clearly place proper signage consistent with this regulation.

IT IS FURTHER ORDERED that law enforcement shall use reasonable care to address willful failure to follow this order and violators of this order in conjunction with Governor Lee's Executive Order 54 may be subject to penalties as allowed by law. However, given the intent of this order is to increase the wearing of face coverings to protect the health of residents, employees, and visitors and to ensure the state does not take further measures to disrupt our local businesses and economy, the County Mayor requests first time offenders of this order be given a warning and educated on the purpose of such order.

SO ORDERED this 7th day of July 2020.

Honorable Larry Waters
Mayor, Sevier County