

EMERGENCY DECLARATION OF THE HART COUNTY BOARD OF COMMISSIONERS CONCERNING COVID-19

WHEREAS, on March 11, 2020, the World Health Organization declared coronavirus (now designated COVID-19) as a pandemic and encouraged all countries to take urgent and aggressive action; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency regarding COVID-19; and

WHEREAS, on March 14, 2020, Governor Brian Kemp declared a public health state of emergency regarding COVID-19; and signed a related Executive Declaration on March 23, 2020; and

WHEREAS, The number of COVID-19 cases in Georgia continues to rise, so much so as to warrant the Declaration of a State of Emergency pursuant to O.C.G.A. § 38-3-3(7); and

WHEREAS, The Georgia Department of Public Health has determined that COVID-19 is spreading throughout communities, requiring the implementation of certain restrictions to limit the spread; and

WHEREAS, The Centers for Disease Control and Prevention has determined that older adults and people of any age who have serious underlying medical conditions may be at higher risk for more serious complications from COVID-19; and

WHEREAS, Hart County, Georgia (hereinafter “Hart County”) has previously closed certain public parks, gyms and recreational facilities, and has limited access to county buildings and offices; and

WHEREAS, elected officials have encouraged elderly citizens to remain in their residences, businesses to allow employees to work remotely when possible, and citizens to maintain “social distance”, being a distance of six (6') feet from others, and to avoid large gatherings; and

WHEREAS, Hart County benefits from a strong and diversified local economy, and the economic stability and viability of our community depends on the ability of commerce to flow; many businesses have taken proactive measures to protect public health and protect their workers while innovatively providing essential goods and services to citizens. This Declaration is intended to “flatten the curve” of COVID-19, protect the health of the local workforce and ultimately minimize the long-term economic impact to businesses;

WHEREAS, state law authorizes the local Emergency Management Agency to take such action as may be deemed appropriate to “promote and secure the safety, protection and well-being of the inhabitants of Hart County, O.C.G.A. § 38-3-28(a); and

WHEREAS, the Chairman of the Hart County Commission in concert with the County Administrator and Director of the Hart County Emergency Management Association and Emergency Medical Service, have determined that extraordinary and immediate measures must be taken to respond quickly to prevent and slow down the spread of COVID-19.

NOW, THEREFORE it is hereby declared that a local state of emergency exists within Hart County, and shall continue until the conditions requiring this declaration are abated.

THEREFORE, IT IS DECLARED:

Article 1. Intent. The intent of this Declaration is to ensure that residents of the Hart County self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined herein (hereinafter “Social Distancing Requirements”). All provisions of this Declaration should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Declaration constitutes an imminent threat to public health.

1. This Declaration comes after the release of substantial guidance from the Centers for Disease Control and Prevention, the Georgia Department of Public Health, and other public health officials throughout the United States and around the world, including a variety of prior declarations to combat the spread and harms of COVID-19. Hart County will continue to assess the quickly evolving situation and may modify or extend this Declaration or issue additional Declarations, related to COVID-19.

2. This Declaration is issued based on scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of Hart County places it at risk for serious health complications, including death, from COVID-19. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the healthcare system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Declaration will help preserve critical and limited healthcare capacity in Hart County.

3. This Declaration also issued in light of the existence of known confirmed cases of COVID-19 in northeast Georgia, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This Declaration is necessary to slow the rate of spread and will be re-evaluated this Declaration as further data becomes available.

Article 2. Provisions.

1. All individuals currently living in Hart County should shelter at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times maintain social distancing of at least six (6') feet from any other person when they are outside their residence. All persons are strongly encouraged to leave their residences only for Essential Activities, to operate Essential Businesses, or to perform Essential Government Functions, all as defined herein.

2. All businesses with a physical presence in Hart County, except Essential Businesses, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined herein. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home) or at their place of work provided that Social Distancing Requirements are maintained and physical contact with the public is minimized. All Essential Businesses are encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements, including, but not limited to, when any customers are standing in line. Nonessential Businesses may continue operations as long as no more than 10 persons (including employees) are allowed inside at any one time and the Social Distancing Requirements are followed

3. All public and private gatherings of more than ten (10) persons occurring outside a residence are prohibited, except for as otherwise expressly permitted herein. Nothing in this Declaration prohibits the gathering of members of a residence.

4. **Exceptions.** For purposes of this Declaration,

- (a) All first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are exempt from this Declaration. Further, nothing in this Declaration shall prohibit any individual from performing or accessing “**Essential Governmental Functions**”, as determined by the governmental entity performing those functions. Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements;
- (b) Individuals may leave their residence to perform “Essential Activities”;
- (c) Individuals may leave their residence to perform work at an “Essential Business”;
- (d) Individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure”;
- (e) Individuals may leave their residence to work for or obtain services at any “Healthcare Operations”; and,
- (f) Individuals may also leave their residence to carry out activities specifically permitted in this Declaration, including “Minimum Basic Operations”.

5. **Definitions.** For purposes of this Declaration,

- (a) **Business** means any commercial, mercantile, industrial, or professional endeavor engaged in, whether for-profit or non-profit, regardless of the nature of the service, the function they perform, or its corporate or entity structure, and private educational entities.
- (b) **Essential Activities** shall be defined as:
 - i. Activities or tasks essential to the health and safety of residents, or to the health and safety of their family or household members or partners or significant others (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.
 - ii. Obtaining necessary services or supplies for residents and their family or

household members, or delivering those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

- iii. Outdoor activity, such as, by way of example and without limitation, walking, hiking, running, or bicycling. However, individuals shall not engage in team sports and/or activities which result in the congregation of ten (10) or more persons. Individuals engaged in outdoor activities shall comply with Social Distancing Requirements.
- iv. Caring for a family member or pet in another household.

Those at high risk of severe illness from COVID-19 and people who are sick are urged to remain in their residence to the extent possible, except to seek medical care.

(c) **Essential Business** means:

- i. Healthcare Operations and Essential Infrastructure;
- ii. Grocery stores, farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale or donation of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other nongrocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
- iii. Food cultivation, farming, livestock, fishing and landscaping services;
- iv. Businesses that provide food, shelter, and social services, and other necessities of life;
- v. Newspapers, television, radio, and other media services;
- vi. Gas stations and auto-supply, auto-repair, and related facilities;
- vii. Banks and related financial institutions;
- viii. Hardware stores;
- ix. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
- x. Businesses providing mailing and shipping services, including post office boxes;
- xi. Unless otherwise ordered by the Hart County Board of Education, educational institutions-including private K-12 schools, colleges, and universities-for purposes of facilitating distance learning or performing essential functions, provided that Social Distancing Requirements are maintained, to the greatest extent possible;
- xii. Laundromats, drycleaners, and laundry service providers;

- xiii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Declaration. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;
- xiv. Businesses that supply products needed for people to work from home;
- xv. Businesses or manufacturers that supply other Essential Businesses with the support or supplies necessary to operate, including, building supply stores;
- xvi. Businesses that ship or deliver groceries, food, goods, or services directly to residences;
- xvii. Transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Declaration;
- xviii. Home-based care for seniors, adults, or children;
- xix. Residential facilities including hotels, motels, shared rental units and similar facilities and shelters for seniors, adults, and children;
- xx. Professional services, such as legal, accounting services, and real estate services;
- xxi. Childcare facilities, subject to the following provisions:
 - A. Childcare must be carried out in stable groups of 10 or fewer (“stable” means that the same 10 or fewer children are in the same group each day).
 - B. Children shall not change from one group to another.
 - C. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
 - D. Childcare providers shall remain solely with one group of children.
- xxii. All businesses which possess a license to sell alcoholic beverages for off-premises consumption, but only via drive-thru or in parking lots or at curb.
- xxiii. Manufacturing companies and other industries which apply for and are granted an exemption from the State of Georgia. These entities are automatically exempt from this Declaration for the first 48 hours to provide time to apply to the State for exemption.

Those businesses identified in subsections i, ii, vi, x, and xii and this section shall not permit its premises to become occupied by any more than fifty (50%) percent of its approved occupancy level and shall further encourage patrons to adhere to Social Distancing Requirements.

NOTE: The inclusion of a business in this definition of Essential Business does not mean that it must remain open. That is the choice of the essential business owner.

- (d) **Essential Infrastructure** shall include, but is not limited to, public works

construction, construction and all related activities, water, sewer, electrical, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems, provided that they carry out those services or that work in compliance with the Social Distancing Requirements, to the extent possible.

- (e) **Essential Travel** includes travel for any of the following purposes:
- i. Any travel related to the provision of or access to Essential Activities, Essential Businesses, Essential Governmental Functions, or Minimum Basic Operations.
 - ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
 - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
 - iv. Travel to return to a place of residence from outside Hart County.
 - v. Travel required by law enforcement or court declaration.
 - vi. Travel as required for non-residents to return to their place of residence outside Hart County.

Individuals engaged in any Essential Travel are expected to comply with Social Distancing Requirements, to the greatest extent feasible.

- (f) **Healthcare Operations** shall include clinics, dentists, pharmacies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. Healthcare Operations also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. Healthcare Operations does not include fitness and exercise gyms and similar facilities.
- (g) **Minimum Basic Operations** shall be defined to include:
- i. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- (h) **Residence** includes single-family dwellings, duplexes, apartments, dormitories, hotels, motels, shared rental units and similar facilities.
- (i) **Social Distancing Requirements** means maintaining a minimum distance of six (6') feet from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible 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 modifications of interpersonal contact are necessary to combat the spread of COVID-19.

Article 3. Individuals who have been tested for COVID-19. Any individual who has tested positive for COVID-19 or has been released from a hospital or other healthcare facility, pending the

results of a test for the virus, is required to remain in his or her home, for the duration of this Declaration, or until he or she receives confirmation that the results of the test were negative. Individuals subject to this provision of this Declaration are, however, authorized to travel to and from appointments with healthcare professionals.

Article 4. Enforcement and Remedies.

1. The County Administrator of Hart County (hereinafter “County Administrator”) is directed to utilize available resources, including the public access channel, newspapers, television, and social media to educate citizens of Hart County regarding the imminent threat to public health posed by COVID-19.
2. It is acknowledged that Hart County does not have the personnel or resources to constantly monitor and police distancing or gathering limitations or shelter in place requirements for all individuals currently living within Hart County. The Hart County Sheriff’s Department is authorized to cite individuals and businesses deemed to be in violation with any provision of this Declaration.
3. Any violation of this Declaration, whether by individuals or businesses, shall be subject to the general penalty provisions outlined in Section 1-13 of the Code of Ordinances of the Code of Hart County, Georgia.
4. Agents of the Hart County Board of Health are also authorized to cite individuals and businesses deemed to be in violation with any provision of this Declaration, or to take such other actions deemed necessary (such as suspending various permits issued by the state or local Board of Health).

Article 5. Effective Date. This Declaration shall become effective at 12:00 noon on March 25, 2020 and will continue to be in effect until 11:59 p.m. on April 6, 2020, or until it is extended, rescinded, superseded, or amended in writing.

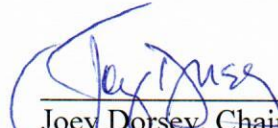
Article 6. Copies of this Declaration shall promptly be: (1) made available at Hart County Administration Offices; (2) posted on the Hart County websites; and (3) provided to any member of the public requesting a copy of this Declaration.

Article 7. Severability.

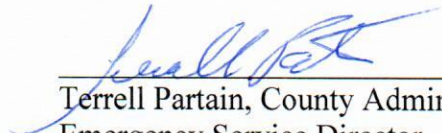
1. It is hereby declared that all sections, paragraphs, sentences, clauses, and phrases of this Declaration are and were, upon their enactment, believed to be fully valid, enforceable, and constitutional. It is further declared to be the intention of that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Declaration is severable from every other section, paragraph, sentence, clause or phrase of this Declaration. It is hereby further declared to be the intention of that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Declaration is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Declaration.
2. In the event that any phrase, clause, sentence, paragraph or section of this Declaration shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Declaration and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Declaration shall remain valid, constitutional, enforceable, and of full force and effect.

IT IS SO DECLARED AND ORDAINED, this 24th day of March, 2020.

HART COUNTY, GEORGIA



Joey Dorsey, Chairman
Hart County Board of Commission



Terrell Partain, County Administrator and
Emergency Service Director