

**ORDER
HEARD COUNTY BOARD OF HEALTH**

AN EMERGENCY ORDER OF THE HEARD COUNTY BOARD OF HEALTH DECLARING A LOCAL STATE OF EMERGENCY RELATED TO COVID-19, TO FURTHER PROHIBIT ALL NONESSENTIAL PUBLIC AND PRIVATE GATHERINGS, TO IMPOSE “STAY AT HOME” AND “SHELTER IN PLACE” REQUIREMENTS, AND FOR OTHER PURPOSES

WHEREAS, the State of Georgia has experienced an event of critical significance as a result of the Coronavirus (COVID-19) disease (“COVID-19”); and

WHEREAS, the number of confirmed cases and death from COVID-19 is escalating rapidly, internationally, nationally and locally; and

WHEREAS, widespread testing for COVID-19 is not yet available, and it is believed that community transmission of COVID-19 in the state has been substantial and continues to increase; and

WHEREAS, in the judgment of the Heard County Board of Health, as of the date of this Order, there exist emergency circumstances as a result of COVID-19 requiring Heard County, Georgia and the municipalities therein (collectively the “County”) to take additional extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of all the citizens of Heard County;

NOW, THEREFORE BE IT RESOLVED BY THE HEARD COUNTY BOARD OF HEALTH and it is hereby resolved by the authority of the same that:

IT IS HEREBY ORDERED as follows:

1. The intent of this Order is to ensure that the maximum number of people 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 as reasonably possible, comply with Social Distancing Requirements as defined in Section 6 below. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
2. All individuals currently living within the territorial limits of the County shall shelter at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, Essential Governmental

Functions, or to operate Essential Businesses, all as defined in Section 6.

3. All businesses with a facility in the County, except Essential Businesses as defined below in Section 6, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 6. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 6 below, including, but not limited to, when any customers are standing in line.

4. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 6. Nothing in this Order prohibits the gathering of members of a household or living unit.

5. This Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

6. Definitions and Exemptions.

a. For purposes of this Order, individuals may leave their residence only to perform "Essential Activities." But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care. "Essential Activities" shall be defined as the following:

i. To engage in activities or perform tasks essential to their health and safety, 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. To obtain necessary services or supplies for themselves and their family or household members, or to deliver 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. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, running, or bicycling.

- iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
- v. To care for a family member or pet in another household.
- b. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operations” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, 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.
- c. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, construction and all related activities, water, sewer, gas, electrical, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.
- d. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.
- e. For the purposes of this Order, covered businesses include any for-profit or nonprofit entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- f. For the purposes of this Order, “Essential Businesses” means:

- i. Healthcare Operations and Essential Infrastructure;
- ii. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale 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, including farming, livestock, and fishing;
- iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- v. Newspapers, and other media services;
- vi. Gas stations and auto-supply, auto-repair, and related facilities;
- vii. Banks and related financial institutions;
- viii. 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;
- ix. Businesses providing mailing and shipping services, including post office boxes;
- x. Laundromats, drycleaners, and laundry service providers;
- xi. 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 Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. 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;
- xii. Businesses that supply products needed for people to work from home;
- xiii. Businesses or manufacturers that supply other essential businesses with the support or supplies necessary to operate;
- xiv. Businesses that ship or deliver groceries, food, goods, or services directly to residences;

xv. Private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;

xvi. Home-based care for seniors, adults, or children;

xvii. Residential facilities including hotels, motels, shared rental units and similar facilities and shelters for seniors, adults, and children;

xviii. Professional services, such as legal, accounting services, real estate services, when necessary to assist in compliance with legally mandated activities;

xix. Unless otherwise preempted by state law, childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:

1. 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).

2. Children shall not change from one group to another.

3. 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.

4. Childcare providers shall remain solely with one group of children.

xxiii. Funeral homes, facilities, services operating under the following mandatory conditions:

1. Any indoor or covered facility or service shall not be open to the public and limited to employees only.

2. Funeral services are limited to graveside funeral services with 10 or fewer immediate family members.

g. For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined in this Section to the extent possible, while carrying out such operations:

- 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 to be able to continue to work remotely from their residences.
- h. For the purposes of this Order, “Essential Travel” includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section below.
 - i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, 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 the jurisdiction.
 - v. Travel required by law enforcement or court order.
 - vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.
- i. For purposes of this Order, residences include hotels, motels, shared rental units and similar facilities.
- j. For purposes of this Order, “Social Distancing Requirements” includes maintaining at least six-foot social distancing 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.

7. Enforcement and Remedies.

- a. Individuals: In recognition that the Heard County Board of Health, the local governments, and law enforcement do not have the personnel or resources to monitor and police distancing or gathering limitations or shelter in place requirements for all individuals currently living within the territorial limits of the County, all enforcement agencies are authorized to support compliance with this Order initially through information delivery and education of individuals regarding the imminent threat to public health posed by COVID-19. Any

continued violations shall be a misdemeanor as further provided for by O.C.G.A. § 31-5-8.

b. Covered Businesses: Any violations of this Order by covered businesses or owners of covered business shall be a misdemeanor as further provided for by O.C.G.A. § 31-5-8.

8. If any provision of this Order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

9. It is not the intent of this resolution to abrogate the terms of any county or municipal law, resolution, or ordinance of local application which authorize a governing body within the county to provide penalties for a violation of a valid rule and regulation of the county board of health.

10. This Order shall become effective following approval by the Heard County Board of Health at 12:01 a.m., on March 28, 2020, and will continue to be in effect until 11:59 p.m., on April 24, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Heard County Board of Health.

11. Copies of this Order shall promptly be: (1) made available to the Heard County Board of Commissioners, the governing authority of all the municipalities located in Heard County, the Heard County Sheriff, and all other local law enforcement agencies in Heard County; (2) posted on the Heard County Board of Health's website; and (3) provided to any member of the public requesting a copy of this Order.

IN WITNESS WHEREOF, this ORDER has been adopted by the Heard County Board of Health on the 25th day of March, 2020.

HEARD COUNTY BOARD OF HEALTH

By: 
Rodney Kay, Chairman

Attest: 
Clerk/Secretary