



**FIFTH AMENDED AND RESTATED ORDER 10  
FROM THE CHIEF MEDICAL DIRECTOR  
PHASE THREE WITH MODIFICATIONS**

**Pursuant to the Declaration of Public Health Emergency adopted by  
the Board of Health for Nashville and Davidson County  
on March 15, 2020**

On August 8, 2020, the Chief Medical Director issued Order 10 implementing conditions applicable in certain geographic areas in Nashville. Since its issuance, Order 10 has been amended and restated four times to further protect public health.

Nashville's substantial and sustained effort reduced our new COVID-19 cases to a lower level than seen through much of the summer. Although the surge in numbers had fallen, Nashville recently has seen an increase in new cases. Epidemiologists and infectious disease experts agree that in the absence of strict social distancing and wearing cloth face coverings or masks, numbers would once again surge. COVID-19 will continue to be a serious threat until there is an effective vaccine or more effective therapeutic treatments. Experts estimate that we will not have a COVID-19 vaccine until 2021 at the earliest. For the foreseeable future, living with COVID-19 continues to be our new "normal."

Living with COVID-19 means finding ways for our city to return to work with COVID-19 still circulating. The Roadmap for Reopening Nashville (Roadmap) presented a framework for a four-phase reopening reflecting the state of the COVID-19 pandemic in Tennessee and distinctive needs in Nashville. The Roadmap with modifications provides ways for our city to continue to return to work with COVID-19 still circulating.

Though there have been improvements with compliance, Metropolitan Government employees, inspectors, and law enforcement officers continue to observe practices by citizens and visitors to Nashville that contribute to or cause violations of the Chief Medical Director's orders and Centers for Disease Control and Prevention (CDC)

guidance on wearing cloth face coverings, social distancing, hand hygiene, and cleaning and disinfecting surfaces.

Accordingly, the Fourth Amended and Restated Order 10 from the Chief Medical Director is being further amended and restated to protect public health.

Notwithstanding Section 4 in Amended and Restated Order 12 from the Chief Medical Director issued on November 1, 2020, the following conditions apply in the geographic areas in Nashville depicted on the maps attached hereto as Exhibit A, such areas covering Downtown and Midtown:

- No person while in or on a street, alley, sidewalk, parking lot, parking garage or other outdoors area generally open to the public, except a location where a special event permit is in place, shall: 1. consume beer, ale, wine or other alcoholic beverage; or 2. have in their possession beer, ale, wine or other alcoholic beverage in an open container. Notwithstanding any definition of “premises,” these prohibitions apply to all such areas in the Central Improvement District.
- An individual, entity or organization that holds a license as a Limited Service Restaurant (defined in T.C.A. § 57-4-102(22)) issued by the Tennessee ABC may operate at up to the number of patrons that may be properly socially distanced not to exceed 100 patrons per floor and 100 patrons outdoors. Such establishments shall equally distribute patrons throughout the entire amount of indoors space and comply with the conditions listed in the subsequent bullet point.
- An individual, entity, or organization whose primary business is food service (any food service establishment as defined in T.C.A. § 68-14-703(9)) except those subject to the provisions in the preceding paragraph may operate at up to the number of patrons that may be properly socially distanced not to exceed 100 patrons per floor and 100 patrons outdoors. Such establishments shall equally distribute patrons throughout the entire amount of space, and comply with the following conditions:
  - Adherence by employees and patrons to CDC guidance on hand sanitizing and social distancing. Tables or booths shall be arranged or closed to provide sufficient space between parties to comply with CDC guidance on social distancing, which may be accomplished through barriers or partitions between individuals or parties.

- Customers and guests shall follow Order 8 from the Chief Medical Director by wearing cloth face coverings or masks, except when seated and consuming food or beverage.
- Customers and guests shall remain seated, except when entering or exiting the premises, or walking to or from the restroom.
- No party of more than six people shall be allowed.
- Screen daily all employees with temperature and symptoms checks. An employee with symptoms or temperature of 100.4 degrees Fahrenheit or greater must leave the premises immediately.
- Post information about health precautions for patrons, employees and staff (such as maintaining proper social distancing while lining up for entry or checkout).
- Automate doors to the extent possible.
- Limit the number of people in an elevator to allow compliance with CDC guidance on social distancing.
- Provide hand sanitizer to the extent possible, including at all entrances.
- Advise employees to not come to work if they feel ill or have any symptom until the employee satisfies CDC guidance for release from isolation or quarantine.
- Social distancing must be maintained in kitchens and dining rooms.
- Bar counter areas may open to the public at 50% or less of seated counter capacity and in addition must follow CDC guidance on social distancing between parties. The bar may be used to prepare and service orders from patrons seated elsewhere. No customer is allowed to stand at the bar.
- An age-restricted venue should prohibit smoking throughout its premises due to COVID-19's effects on the human respiratory system and the impact smoking has on lung capacity and the body's ability to heal.
- Live music or entertainment is allowed, subject to the conditions set out in Exhibit B attached hereto.
- No self-serve food or condiment station shall be allowed. Water fountains and no-touch beverage filling stations are allowed.
- All surfaces shall be sanitized after each party's use.
- Use disposable, virtual or no-touch menus to the extent possible.

- Employees shall follow Order 8 from the Chief Medical Director by wearing cloth face coverings or masks when preparing food or beverage or physically interacting with the public or other employees.
  - Alcohol for on-premises consumption may be served only to seated customers.
  - No ancillary or participatory activities including, but not limited to, arcade games, pool, foosball, darts, axe throwing, amusement rides, laser tag, or similar activities shall be allowed.
  - All customers shall be off premises and the premise closed to the public between 11:00 p.m. CDT and 5:00 a.m. CDT.
  - Alcoholic beverages may be sold for consumption on premises, but customers shall not be allowed to remove those beverages from the premises. Services for the preparation of food or non-alcoholic beverages, receiving call-in orders, providing take-out, window, drive-through or curbside service, and off-premises delivery and sale of prepared food or non-alcoholic beverages, remain open and may continue to operate after 11:00 p.m. CDT, subject to any applicable federal, state, or local laws. The sale of alcohol is prohibited, except when sold for consumption on premises or for off-premises delivery.
- Bars that hold an on-premise beer permit but do not hold a license issued by the Tennessee ABC may operate at up to the number of patrons that may be properly socially distanced not to exceed 100 patrons per floor and 100 patrons outdoors. Such establishments shall equally distribute patrons throughout the entire amount of indoors space and comply with the conditions listed in the preceding bullet point.

Violations of this Order shall be subject to civil and criminal penalties.

If any provision, sentence, clause, phrase, or word, of this Order or any application of it to any individual, business, or circumstance is held to be invalid 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.

This Fifth Amended and Restated Order 10 from the Chief Medical Director is hereby issued and effective at 11:59 p.m. CST on November 1, 2020 and shall remain in effect through 11:59 p.m. CST on November 29, 2020, subject to extension.

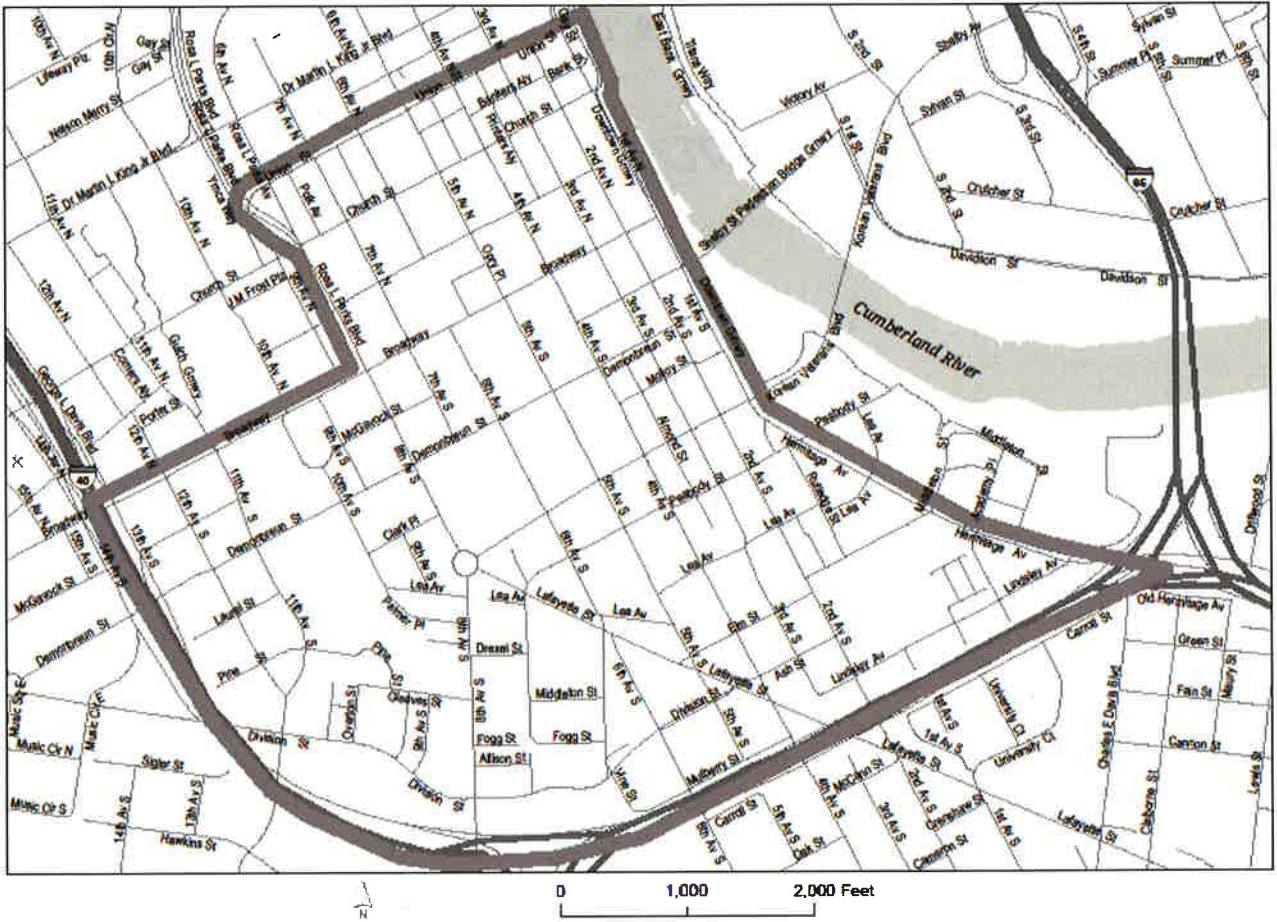
Date: October 30, 2020



Michael C Caldwell MD MPH  
Chief Medical Director of Health

Downtown / The Gulch

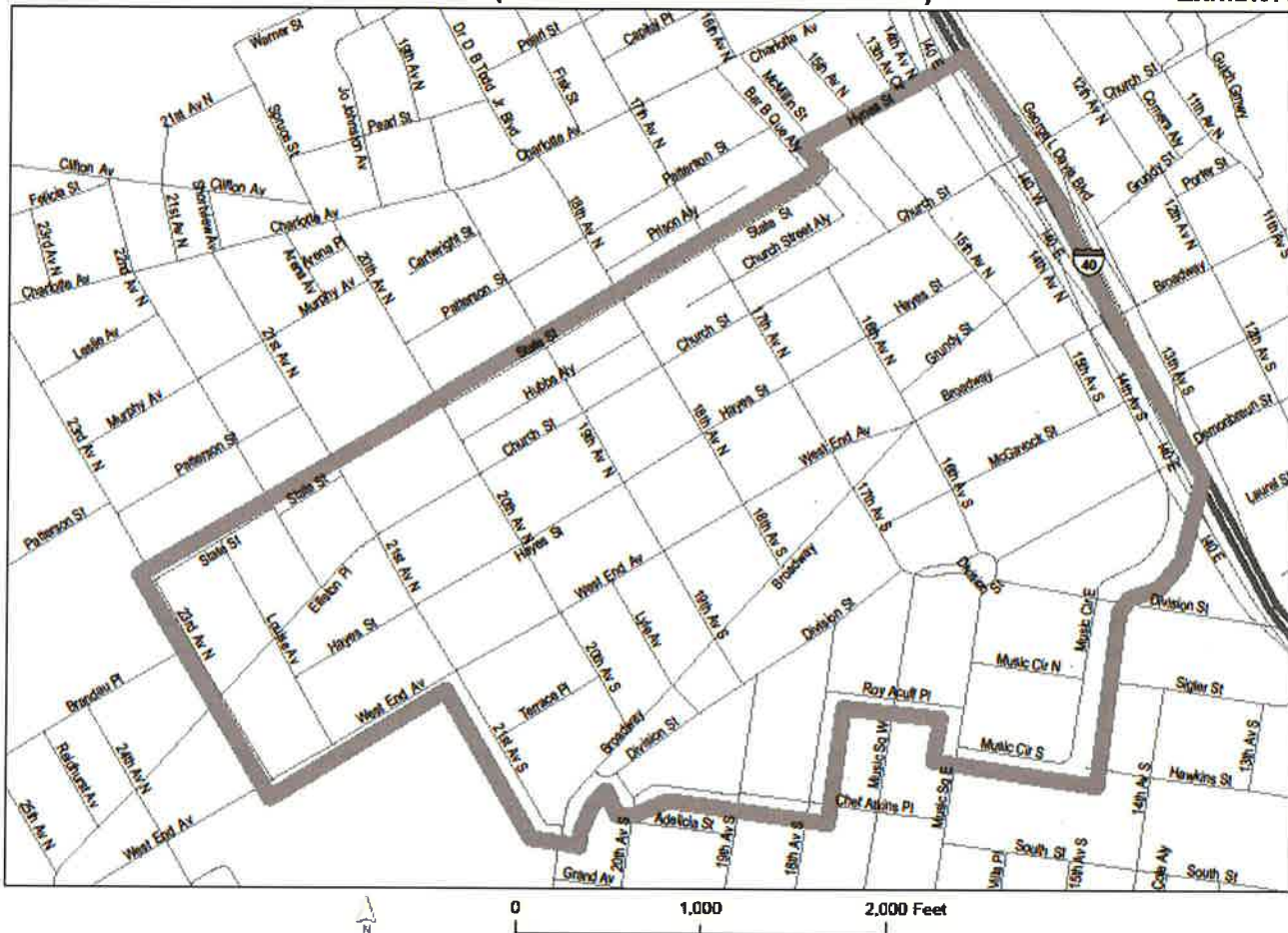
Exhibit A





Midtown (Demonbreun / Elliston / Division)

Exhibit A



## EXHIBIT B

IN CONJUNCTION WITH METRO'S CURRENT GUIDELINES, THE FOLLOWING STEPS WILL BE IMPLEMENTED TO ENSURE THE SAFETY OF THE PUBLIC, HOSPITALITY WORKERS, AND MUSICIANS:

- 1) All live musicians/entertainers will operate under the same guidelines as the property/venue's staff. Temperatures will be checked upon arrival & they will be screened with the same questions about wellness, COVID symptoms & potential exposure. Anyone with a temperature of 100.4 or higher, or anyone with COVID symptoms, will be asked to leave the property and instructed to follow the existing recommendations for testing and self-isolating.
- 2) Management will request periodic testing of musicians to ensure they are ahead of any infection risks.
- 3) Venues/properties will continue to operate at reduced capacity (per Chief Medical Director's orders). Seating and distancing guidelines must be adhered to.
- 4) Venues/properties will ensure all musicians are staged a safe distance from guests/tables defined as a minimum of 15 feet between performers and patrons.
- 5) Musicians will not be permitted on stage until the prior musicians have exited the stage and the venue has had the opportunity to sanitize.
- 6) The venue/property will fully sanitize the stage between acts: cables and stools must be sanitized.
- 7) No equipment may be shared between performers; each musician is responsible for bringing their own equipment (microphones, mic stands, amplifiers, drumsticks, etc.).
- 8) Social distancing protocols should be observed among performers (can be accomplished with barriers and other techniques).
- 9) No dance floors permitted. When possible, tables will be placed on dance floors or the dance floor area will be cordoned off to deter gathering.
- 10) Staff shall maintain a minimum distance of 6 feet from patrons, except when placing an item on the patron's table. Music volume should not exceed a level that would prohibit staff from maintaining the minimum 6 feet distance while interacting with patrons.