



NINTH AMENDED AND RESTATED ORDER 10 FROM THE INTERIM 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**

From: Dr. Gill C. Wright, III, Interim Chief Medical Director of Health

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 eight times to further protect public health.

Nashville, our state, and much of our nation continues to experience a significant burden from COVID-19 cases and hospitalizations. Epidemiologists and infectious disease experts agree that in the absence of strict social distancing and wearing cloth face coverings or masks, numbers could continue to increase, possibly to a significant extent with the emergence of more infectious strains of the virus. COVID-19 will continue to be a serious threat until a greater percentage of the population is vaccinated or more effective therapeutic treatments are available. 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 Eighth Amended and Restated Order 10 from the Interim Chief Medical Director issued on December 31, 2020, is being further amended and restated to protect public health.

Notwithstanding Section 4 in Sixth Amended and Restated Order 12 from the Interim Chief Medical Director issued on January 30, 2021, 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 is a food service establishment as defined in T.C.A. § 68-14-703(9) that holds a license issued by the Tennessee ABC, an on-premise beer permit, or allows the consumption of alcohol on premises may operate at up to 100 patrons per floor and 100 patrons outdoors, and the number of patrons on premises shall not exceed 50% of the maximum capacity authorized by Tennessee’s Building and Fire Code. Enclosed outdoors space shall be considered part of the building’s adjacent floor, and the patrons in such space included in calculating whether the establishment has exceeded the maximum number of patrons allowed on that floor. Establishments shall equally distribute patrons throughout the entire amount of outdoors or indoors 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 eight 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. All music or entertainment shall cease at 11:30 p.m. CST.
- 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.
 - No customer shall be allowed to enter the premises after 11:00 p.m. CST except to order or pick up take-out food or beverage. No order for food or beverage for on-premise consumption shall be allowed after 11:00 p.m. CST. All customers shall be off premises and the premise closed to the public between 12:00 a.m. CST and 5:00 a.m. CST.
 - The sale of alcohol is prohibited, except when sold for consumption on premises or for off-premises delivery. Customers shall not be allowed to remove from the premises alcoholic beverages sold for consumption on 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 12:00 a.m. CST, subject to any applicable federal, state, or local laws.
- 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 up to 24 hours per day, at up to 100 patrons per floor and 100 patrons outdoors, and the number of patrons on premises shall not exceed 50% of the maximum capacity authorized by Tennessee's Building and Fire Code. Enclosed outdoors space shall be considered part of the building's adjacent floor, and the patrons in such space included in calculating whether the establishment has exceeded the maximum number of patrons allowed on that floor. Establishments shall equally distribute patrons throughout the entire amount of outdoors or indoors 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 eight 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.
- 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 counter.
- 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.
- 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.
- 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.
- 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, subject to any applicable federal, state, or local laws.

- Bars that hold an on-premise beer permit but do not hold a license issued by the Tennessee ABC may operate at up to 100 patrons per floor and 100 patrons outdoors, and the number of patrons on premises shall not exceed 50% of the maximum capacity authorized by Tennessee’s Building and Fire Code. Enclosed outdoors space shall be considered part of the building’s adjacent floor, and the patrons in such space included in calculating whether the establishment has exceeded the maximum number of patrons allowed on that floor. Establishments shall equally distribute patrons throughout the entire amount of outdoors or indoors space and comply with the conditions listed in the second 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.

Upon becoming effective, this Order amends and restates Eighth Amended and Restated Order 10 from the Interim Chief Medical Director issued on December 31, 2020.

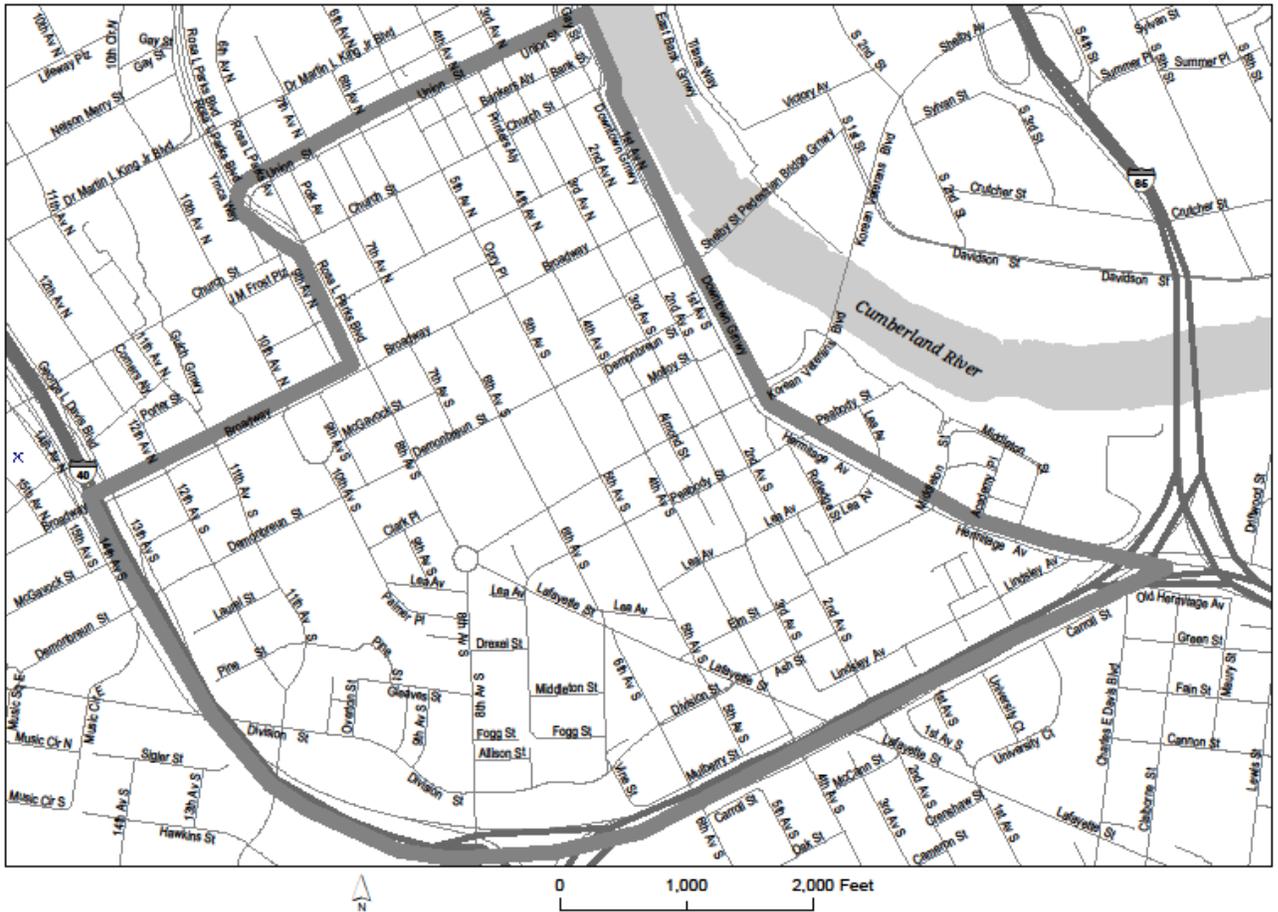
This Ninth Amended and Restated Order 10 from the Interim Chief Medical Director is hereby issued and effective at 11:59 p.m. CST on January 31, 2021 and shall remain in effect until it is rescinded, superseded, or amended.

Date: 1/30/2021


Gill C. Wright, III, MD, FAAFP, MMM
Interim Chief Medical Director

Downtown / The Gulch

Exhibit A



Midtown (Demonbreun / Elliston / Division)

Exhibit A

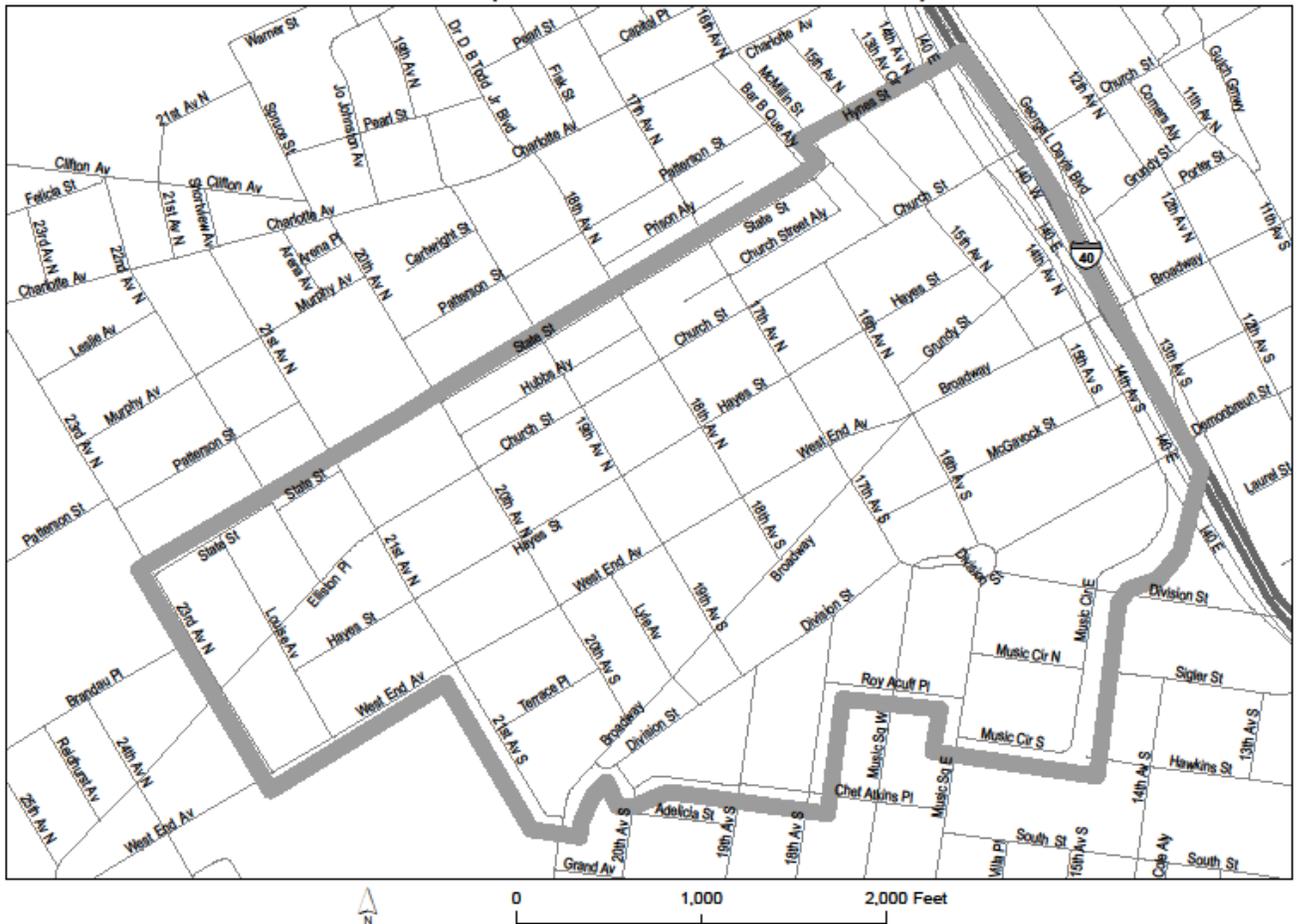


EXHIBIT B

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 Interim 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.