

CITY OF EUFAULA, ALABAMA
EXECUTIVE ORDER OF THE MAYOR

Extending Public Safety Curfew

July 29, 2020

AUTHORITY:

By the authority vested in me by the laws of the State of Alabama and the City of Eufaula, and pursuant to the emergency powers vested in me as Mayor by the laws of Alabama and the ordinances and resolutions of the City of Eufaula, including without limitation, City Council Resolution 63-2020, and in order to promote the health, safety, and welfare of the citizens of Eufaula and mitigate the spread of the COVID-19 virus, I, Jack B. Tibbs, as Mayor, do hereby order and direct as follows:

SECTION 1. Barbour County previously has been designated to be at High Risk for COVID-19 by the Alabama Department of Public Health. In addition, the City of Eufaula's City Council has declared a local state of emergency due to the threat of the COVID-19 virus, and on July 29, 2020, Governor Kay Ivey issued her amended Safer at Home Order, which is set to remain in effect until August 31, 2020. To protect the public and minimize the spread of COVID-19, I find that it is presently in the best interest of the public to extend the public safety curfew initially ordered on July 6, 2020, extended on July 21, 2020, and presently set to expire on July 31, 2020, until 5:00 AM on August 31, 2020. Therefore, a public safety curfew is hereby imposed in the City of Eufaula and its police jurisdiction from hours of 10:00 PM until 5:00 AM each day, seven days per week, and shall continue in effect until 5:00 AM on August 31, 2020, unless sooner lifted due to improving local conditions with respect to COVID-19, which conditions shall be monitored and reviewed frequently while this Order is in effect.

- (a) Purpose. The purpose of this Order is to promote the health, safety, and welfare of the citizens of Eufaula and to mitigate the spread of infectious diseases by reducing the risk of exposure during a time of outbreak.
- (b) Scope. This curfew shall apply to all persons within the City of Eufaula. Subject to the exceptions set forth in paragraphs (d) and (e) of Section 1 and Section 2 of this Order, during the curfew, no person shall be in or remain in public places, and residents of the City of Eufaula shall remain in their places of residence, except as provided hereinbelow.
- (c) Travel. Subject to the exceptions set forth in paragraphs (d) and (e) of Section 1 and Section 2 of this Order, all travel, including, without limitation, travel by bicycle, scooter, motorcycle, or automobile is prohibited during the curfew hours. Notwithstanding the foregoing, returning to one's place of residence from outside the

City, traveling to one's place of residence located outside the City, and traveling through the City from one location outside the City to another location outside the City is permitted hereunder. In addition, Transportation in Interstate Commerce is not governed by this Order.

- (d) Work-Related Exceptions. This curfew shall not apply to persons performing work at their place of employment or traveling to or from their place of employment.
- (e) Non-Work Related Exceptions. Persons may lawfully leave their residence during the hours of curfew to engage in the following activities:
 - (1) Visiting a health or veterinary care professional, obtaining medical supplies or medication, obtaining grocery items (including, without limitation, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh or frozen meats, fish, and poultry, any other household consumer products and products necessary to maintain the safety and sanitation of residences and other buildings) for their household or to deliver to others.
 - (2) Providing care for minors, the elderly, dependents, persons with disabilities, or other vulnerable persons.
 - (3) Complying with an order of law enforcement or court or other legally mandated government purposes.
 - (4) Caring for a friend, family member, or pet in another household.

SECTION 2. These restrictions shall not prohibit or regulate the participation in or carrying on of any lawful business activity or prohibit or regulate the keeping open of places of business.

SECTION 3. Any state-wide order of the State Health Officer that is more restrictive or stringent than this Order shall take precedence over this Order.

SECTION 4. Failure to comply with this Order is punishable by a fine of up to \$500.00 and/or up to one hundred eighty (180) days in the municipal jail.

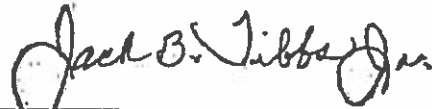
SECTION F. If any portion of this Order or any application of it to any person or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or applications of this Order.

IMPLEMENTATION:

All Departments of the City and their respective employees to whom this Executive Order applies shall forthwith implement the same in accordance with its terms and requirements. Nothing contained in this Order shall relieve a person from any requirement to obtain a license or other authorization in compliance with applicable laws and regulations. This Order is not intended to conflict with, supersede or contradict any lawful ordinance or resolution duly

enacted by the City Council. This Order does not create any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity by a party against the City, its departments, agencies, entities, officers, employees, or agents, or any other person.

So ordered on this the 29th day of July, 2020.

A handwritten signature in black ink that reads "Jack B. Tibbs" with a stylized flourish at the end.

Jack B. Tibbs
Mayor, City of Eufaula, Alabama