

Email Message from the Tennessee Municipal League

5/14/2020

Clarification on Recreational Facilities

Begin forwarded message from Governor Lee's office:

We have received many questions on parks and pools and wanted to send an email to everyone so we could answer your questions with consistency. I understand how confusing some of this can be right now, and I appreciate that you are working incredibly hard to make good decisions for your community. I've attached Executive Order Nos. 30 and 35 to this email for reference.

Paragraph 2 of Executive Order No. 30 currently prohibits social/recreational gatherings of ten (10) or more persons. This prohibition applies in every county. To explain how Paragraph 2 applies, having a social or recreational gathering that includes a group of 10 or more is obviously prohibited, but this provision does not prohibit multiple, separate groups of less than 10 persons from gathering separately in a park, pool area, bowling alley, or other venue, so long as operation of the venue is not likely to result in those separate groups being in such close proximity to one another that they effectively result in a large gathering.

Consistent with such social distancing requirements, Paragraph 11, as amended in Executive Order No. 35, allows some recreational venues to reopen, provided that operation in the normal course is likely to result in persons being in groups of less than 10 persons, and not coming in close proximity to other groups of less than 10 persons. Certain venues are not able to comply with such conditions, and so included in Paragraph 11.a. is a list of venues that are required to remain closed for the time being. *However, no other venues are automatically and categorically required to be closed.*

Thus, if a venue is **not covered by** Paragraph 11.a. of EO35, then it *may* theoretically open, but *whether* it opens ultimately depends on whether that particular venue is able to operate in compliance with gathering and social distancing requirements. Specifically, an owner/operator of a pool, park, basketball court, baseball field, or playground—which could be a county, city, or a private entity—should keep such areas closed if the circumstances and operation of that particular venue would lead to persons gathering in groups of 10 or more, or if separate groups of less than 10 would be in close proximity to other groups of less than 10. To this end, in the case of government property, Paragraph 13.d. of Executive Order No. 30 grants authority to local governments to control the opening and closure of their own facilities and operations.

Of course, none of this requires that any venue open, and an owner/operator can and should always use good judgment and keep a venue closed if it cannot be operated safely for some other reason—for example, if ingress/egress or other operational challenges would in your judgment generate unsafe levels of incidental close contact.

To assist with efforts to keep your communities safe, Governor Lee has asked his Economic Recovery Group to evaluate additional potential guidance, including perhaps specifically addressing the safe operation of pools and youth sports. No date for release has been identified yet, and we will keep you updated on those efforts.

Many thanks,

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Relevant Executive Orders
[Executive Order 35](#)
[Executive Order 30](#)