



CITY OF MOUNTAIN BROOK

OFFICE OF THE MAYOR

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STEWART H. WELCH, III
MAYOR

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MEMO to Mountain Brook Retailers

Just about everything concerning COVID19 is fast moving and changing. While the City of Mtn. Brook has been under the Directive issued by the Jefferson County Department of Health, as of 5:00 p.m. today, all municipalities must follow the Directive of the Alabama Health Department (in conjunction with Governor Kay Ivey).

The great news is that this new directive does allow retailers to provide curbside deliveries as long as they comply with the social distancing guidelines (six feet of separation). See the attached Alabama Health Department FAQs. Please understand this does not allow sidewalk displays, etc. and allows only store-to-customer curbside delivery. I will further presume that store-to-home drop off service is also permitted (aka 'Amazon style' deliveries).

Excerpt from Alabama Health Department website (FAQs):

3. May retail stores ordered to close offer delivery or curbside services?

Yes. The order requires certain categories of retail "stores" to be "closed to non-employees." This language requires the closure of the store building to customers but would not preclude delivery or curbside services if the store complies with the order's other provisions, such as the social- distancing rules.

<http://www.alabamapublichealth.gov/infectiousdiseases/assets/cov-safer-at-home-faq.pdf>

A handwritten signature in black ink, appearing to read "Stewart Welch III".

Stewart H. Welch, III
Mayor

“Safer at Home” Statewide Public Health Order Frequently Asked Questions

1. May businesses or venues not specifically listed for closure continue their normal operations? For example, are hardware stores or home improvement stores required to close to non-employees? What about veterinary clinics? Dry cleaners? Car dealerships? Etc.

Businesses or venues not specifically listed in the order for closure may continue their normal operations, subject to the laws and regulations they must ordinarily follow as well as the other parts of the order. In short, if a business or venue is not on the list, it's not closed.

2. Must businesses or venues that may remain open limit the number of customers inside at one time?

It depends. The order's social-distancing rule, in paragraph 1, prohibits "non-work related gatherings" of 10 persons or more or non-work related gatherings of any size that cannot maintain a consistent 6-foot distance between persons. So the question is whether the customers are "gathering." In a large, uncrowded grocery store, for example, where customers may easily walk past one another, it is unlikely that any "gathering" is taking place even if many more than 10 people are inside. On the other hand, a group of 10 people congregating in a confined space over an extended length of time would be more likely to constitute a gathering.

3. May retail stores ordered to close offer delivery or curbside services?

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4. What about "big box" stores? In other words, must a retail store close if it has some characteristics of a store listed for closure but is not generally considered to fall within one of the specific listed categories?

Remember, if a store is not on the list, it's not closed.

So a "big box" store would not be closed—though it still must comply with the order's other provisions.

5. What do I do if I cannot tell whether my store or venue must close? For example, is a mattress store a "furniture" or "home-furnishings store"? Is a sewing-machine store a "craft" store? Is a drive-in theater a "theater"?

Remember, if a store is not on the list, it's not closed. But in cases that are truly difficult to answer, a store owner should contact local law enforcement for guidance. The Attorney General has cautioned law enforcement that "the unprecedented nature of this pandemic and the government's evolving response seem to demand some restraint related to criminal enforcement of this order," and local law enforcement can obtain guidance from appropriate state authorities in truly difficult cases.

6. May sporting goods stores and other retail stores that sell firearms and ammunition remain open to customers inside the store?

The order specifically lists "sporting goods stores" for closure, so a sporting goods store must close even if it sells firearms and ammunition. Gun shops, on the other hand, are not specifically listed; thus, they may remain open.

7. If playgrounds are closed, are parks still open otherwise? Is it still okay to exercise outside?

Yes, parks are still open, and it is still okay to exercise outside. Just do not gather with more than 10 people or with any number of people if you cannot maintain a consistent 6 feet of separation.

8. Can physical therapists and chiropractors continue to provide therapy services to patients under the order?

Yes. Physical therapists and chiropractors are medical providers subject to the rule. But, like other providers of dental, medical, or surgical procedures, they may provide services that are necessary to treat an emergency medical condition, or are necessary for a patient to avoid serious harm from an underlying condition or disease, or are a necessary part of a patient's ongoing and active treatment.