



## FIRST AMENDMENT TO PROCLAMATION OF EMERGENCY RESTRICTIONS

by the Chairman of the Wake County Board of Commissioners

**WHEREAS**, COVID-19 is a respiratory disease that can result in serious illness or death by the SARS-Co-V-2 virus. This is a new strain of coronavirus previously unidentified in humans which can spread from person to person; and

**WHEREAS**, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 319 of the Public Health Service Act; and

**WHEREAS**, the World Health Organization (WHO) declared COVID-19 as a Public Health Pandemic of International Concern on March 11, 2020. The United States Centers for Disease Control and Prevention (CDC) has reported the high public health threat posed by COVID-19, both globally and to the United States, and has deemed it necessary to prohibit or restrict travel to areas designated by the CDC; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak as a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories and the District of Columbia pursuant to the Robert T. Stafford Relief and Emergency Assistance Act (Stafford Act); and

**WHEREAS**, on March 25, 2020, the President of the United States, pursuant to the Stafford Act, approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina, and

**WHEREAS**, the North Carolina Department of Health and Human Services ("NCDHHS") confirmed multiple instances of community spread of COVID-19 in this state; and

**WHEREAS**, the State of North Carolina has activated the North Carolina Emergency Operations Center and State Emergency Response Team to manage the public health crisis; and

**WHEREAS**, the Governor of the State of North Carolina has declared a State of Emergency as defined by N.C. Gen. Stat. 166A-19.3(6) and 166A-19.3(19) for the State of North Carolina based on the public health emergency posed by COVID-19; and

**WHEREAS**, the Wake County Emergency Operations Center has been activated; and

**WHEREAS**, the County of Wake, with consent of incorporation by the City of Raleigh and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell and Zebulon, declared a State of Emergency on March 13, 2020; and

**WHEREAS**, the City of Durham, and Towns of Angier and Clayton have also declared a State of Emergency and have municipal jurisdiction within portions of Wake County; and

**WHEREAS**, on March 26, 2020, the County of Wake, with consent of incorporation by the Cities of Raleigh and Durham and the Towns of Angier, Apex, Cary, Clayton, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell and Zebulon, enacted additional restrictions under a Proclamation of Emergency Restrictions ("Proclamation"); and

**WHEREAS**, in consultation with health care professionals and based upon guidance from the CDC and NCDHHS, those restrictions have demonstrated effectiveness; and

**WHEREAS**, sustainment of certain restrictions is needed to suppress the spread of COVID-19, understanding the negative impact on the local economy; and

**WHEREAS**, the spread of the disease continues to pose a threat to the health and safety of residents, as well as the healthcare workers and first responders on the frontlines of the response effort; and

**WHEREAS**, local and state health departments must use all preventative and mitigation measures, which will require access to available services, personnel, equipment, and facilities to respond to COVID-19; and

**WHEREAS**, the Wake County Emergency Operations Plan directs personnel to address the ordered priorities of Life, Property, Environment and Economy;

**NOW, THEREFORE**, pursuant to the authority contained in Article 1A of N.C. Gen. Stat. Chapter 166A, Article 36A of N.C. Gen. Stat. Chapter 14, Title VII, Chapter 70 of the Wake County Code of Ordinances, I, Gregory Ford, Chairman of the Wake County Board of Commissioners, do hereby proclaim that a **STATE OF EMERGENCY** continues within the County of Wake and by request of the mayors or their appointed representatives of the City of Raleigh and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell and Zebulon, within the corporate limits of those municipalities.

I further proclaim that the ordinances set forth below, which are contained in Title VII, Chapter 70 of the Wake County Ordinances, are necessary in order to maintain an acceptable level of public order, services, and protection of lives, safety and property during this emergency, and that the same shall be in effect within the County of Wake

and by request of the chief elected officials of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Raleigh, Rolesville, Wake Forest, Wendell and Zebulon; within the corporate limits of those municipalities; and for the portions of the Towns of Angier, Clayton and the City of Durham incorporated within the borders of Wake County and by consent of the Mayors of Towns of Angier, Clayton and the City of Durham, until this Proclamation expires or is rescinded. I hereby order all county employees and all other emergency management personnel subject to my control to cooperate in the enforcement and implementation of the emergency management ordinances set forth below.

I further proclaim that the Emergency Operations Plan adopted by the County of Wake, and all applicable mutual assistance compacts and agreements are in effect and shall remain in effect until this First Amendment to Proclamation of Emergency Restrictions ("Amended Proclamation") expires or is rescinded. All emergency management personnel subject to my control are hereby ordered to cooperate in the implementation of the provisions of the County's Emergency Management Plan and all applicable mutual assistance compacts and agreements, and to furnish assistance thereunder.

I hereby delegate to the Wake County Manager, and/or his designee, all power and authority granted to me and required of me by Chapter 166A and Article 36A of Chapter 14 of the North Carolina General Statutes, and by Title VII, Chapter 70 of the Wake County Code of Ordinances, for the purpose of implementing the referenced Emergency Operations Plan, and to take such further action as is necessary to promote and secure the safety and protection of those dwelling in the County.

For the welfare and safety of the residents of Wake County, including, by the request and consent of their respective Mayors, the residents of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Raleigh, Rolesville, Wake Forest, Wendell and Zebulon; and, for the portions of the Towns of Angier, Clayton and the City of Durham incorporated within the borders of Wake County and by consent of the Mayors of Towns of Angier, Clayton and the City of Durham, **I further proclaim that the restrictions and prohibitions enacted in the March 26, 2020 Proclamation of Emergency Restrictions remain in full force and effect, and are incorporated herein, except to the extent they are repealed or amended as set forth below:**

1. **Business Delivery & Curbside Pickup:** All businesses (including those businesses identified as Essential Activities, Essential Government Functions, Critical Infrastructure, or otherwise exempted under Section 10 of the March 26, 2020 Proclamation, as well as any other retail businesses) are permitted to conduct online and telephonic sales with delivery or curbside pickup, provided they comply with all of the following conditions:
  - a) All employees who are unable to remain six (6) feet from other employees

and/or customers are provided with cloth face masks to be worn at all times during operational hours and are educated on the proper use of such face masks;

- b) Employers instruct employees to stay home if they have signs or symptoms of COVID-19 including a fever or respiratory symptoms;
- c) Customers shall not be permitted to enter any business that does not provide services identified as Essential Activities, Essential Government Functions, or Critical Infrastructure, or that is not otherwise exempted under Section 10 of the Proclamation; and
- d) Employers arrange for basic health screenings at the beginning of every employee's shift, which shall include:
  - i) Taking the temperature of each employee (no greater than 100.4);
  - ii) Discussion about any shortness of breath, coughing, or sore throat; and
  - iii) Discussion about any respiratory issues.

If an employee is exhibiting any of the above listed symptoms, the employer should provide the employee with a face mask and require them to leave the workplace. Any employee with COVID-19 symptoms should be encouraged to call their primary care provider or the local health department.

2. **Funeral Services**: Funeral and memorial services may be held, provided attendance is limited to twenty-five (25) persons and the social distancing requirements set forth in Section 12 of the March 26, 2020 Proclamation are strictly followed. Travel to and from funeral services is hereby permitted, provided the vehicle occupants, other than the driver (if employed by the funeral home) who shall take all possible precautions, are from a single household or residential unit as required by Section 7 of the Proclamation.

3. **Faith Institutions and Organizations**: In addition to the provision of online distribution, audio or visual broadcasting of services with minimal staff and social distancing requirements authorized under the March 26, 2020 Proclamation, faith organizations and institutions are hereby permitted to hold drive-in services, provided that such services adhere to the following requirements:

- a) All members not actively engaged in presenting the service must remain in their vehicles;
- b) There must be at least six (6) feet of separation between the sides of vehicles (i.e. leaving an empty parking space in between each vehicle) and these distances must be clearly marked with signage, tape or other means;

- c) There must be at least six (6) feet of separation between presenters and six (6) feet of separation between presenters and vehicles;
- d) Only members of a single household or residential unit are permitted in each vehicle;
- e) For the purpose of this section, vehicle shall be defined as automobile, truck, or minivan with an enclosed passenger compartment. No buses, commercial van, motorcycles, or other motorized vehicles are permitted;
- f) Vehicle occupancy is limited to the number of seating spaces equipped with seatbelts; and
- g) No seating in truck beds or on vehicle exteriors is permitted.

The following contact activities are strictly prohibited: handing out literature during the service, distributing communion elements, and personal collection of tithes/offerings.

Travel to and from faith organization and institutions for attendance at drive-in services is permitted, provided the vehicle occupants are from a single household or residential unit as required by Section 7 of the Proclamation.

**4. Section 10(gg) of the March 26, 2020 Proclamation is hereby stricken and replaced with the following:**

Any business or entity shall be deemed exempt from the closing directives and permitted to remain open if the business can demonstrate that either of the following have deemed the business essential: 1) the federal government, via inclusion of the profession or its workers in the U.S. Department of Homeland Security's Cybersecurity, Infrastructure & Security Agency's (CISA) *Memorandum of Identification of Critical Infrastructure Workers During COVID-19 Response*; or 2) the State of North Carolina, via identification of the business as essential by the North Carolina Department of Revenue or other department or agency of the State of North Carolina.

I direct that copies of this Amended Proclamation be disseminated to the media for publication and broadcast, and that a copy be posted at the Wake County Courthouse and other public buildings as appropriate.

This Amended Proclamation dated April 15, 2020 supersedes and to the extent not in conflict incorporates the prior declarations issued March 13, 2020 and March 26, 2020 and shall become effective as of 5:00 p.m. on April 16, 2020. This Amended Proclamation shall continue until April 30, 2020 unless terminated, amended or rescinded earlier pursuant to N.C. Gen Stat. 166A-19.31(e).

**PROCLAIMED** this the 15<sup>th</sup> day of April 2020.

  
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Gregory D. Ford, Chairman  
Wake County Board of Commissioners