



## **DECLARATION TO ADDRESS STATE OF EMERGENCY PURSUANT TO N.C.G.S. 166A-31**

**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; and

**WHEREAS**, the Centers for Disease Control and Prevention has warned of the high public health threat posed by COVID-19 globally and in the United States; and

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

**WHEREAS**, on March 10, 2020, the Governor of the State of North Carolina 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**, on March 13, 2020, 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 ("March 13, 2020 Proclamation of State of Emergency") based on the public health threat posed by COVID-19; and

**WHEREAS**, COVID-19 variants, including and especially the Delta variant, continue to spread throughout the United States, North Carolina, and Wake County; and

**WHEREAS**, the Delta variant has been classified as a "variant of concern" by the CDC due to it being far more contagious and is now the dominant form of COVID-19 in our State; and

**WHEREAS**, while vaccinated persons are far less likely to contract COVID-19, the Delta variant is highly infectious, has infected even vaccinated persons, and can be transmitted from both vaccinated and unvaccinated people to others as determined by the Centers for Disease Control and Prevention (CDC); and

**WHEREAS**, over the past month, the positive rate of infections in Wake County has increased significantly, and the number of cases-- including among those under the age of 18--is rising. The rate of positive infections in the State of North Carolina is 14%; and



**WHEREAS**, hospitalizations due to COVID-19 have increased substantially in Wake County and are similar to the nationwide and statewide upward trend for hospitalizations; and

**WHEREAS**, there is no currently approved vaccine for children under the age of 12; and

**WHEREAS**, the Centers for Disease Control and Prevention and the North Carolina Department of Health and Human Services have issued guidance calling for all people in areas where there is High or Substantial viral spread, including those who are vaccinated, to wear masks in public indoor spaces when they are around people they do not live with, in order to reduce the spread of COVID-19; and

**WHEREAS**, prompt action to slow the spread of COVID-19, taken in cooperation with the public, is highly likely to slow the spread of COVID-19, prevent the healthcare system from being overwhelmed, inhibit the further mutation of the virus, protect children and vulnerable persons from illness, prevent the need for further restrictions in the future, and protect public health and safety; and

**WHEREAS**, Wake County is joined in this Declaration by the Towns of Garner, Knightdale, Morrisville, Rolesville, and Zebulon ("Joining Municipalities") pursuant to their municipal powers as set forth in N.C. Gen. Stat. 166A-31.

**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, and Chapter 70 of the Wake County Ordinance, I, Matt Calabria, Chair of the Wake County Board of Commissioners, do hereby proclaim that a **STATE OF EMERGENCY** continues to exist within the County of Wake and declare the following:

1. **Application.** This Declaration shall apply within the jurisdictional limits of Wake County and any facilities or buildings owned or managed by Wake County government. This Declaration shall also apply within the territorial limits of the following municipalities upon their assent to this Declaration: Towns of Garner, Knightdale, Morrisville, Rolesville, and Zebulon. For avoidance of doubt, this Declaration shall have no application to indoor public places located within the municipal territorial limits of any municipalities that are not named above or any facilities owned or operated by other units of government, including the Federal, State, municipal governments, or administrative units. The requirements set out in this Declaration apply to all people at least five (5) years old, unless an exception applies. These requirements are recommended for all people over the age of two (2) years old.
2. **Requirements for Face Coverings in all indoor public places, including public transportation facilities and public vehicles regardless of vaccination**

**status.**

- a. Individuals, regardless of vaccination status, must wear Face Coverings when indoors in all businesses, establishments, public places, and public transportation facilities and vehicles. By way of example only, this includes, but is not limited to, grocery stores, pharmacies, business offices, retail establishments, restaurants, bars, gyms, and fitness centers.
- b. All businesses, establishments, and public places must require that all persons wear Face Coverings when indoors on their premises.
- c. Exceptions. Face Coverings are not required to be worn by someone who:
  - i. Should not wear a Face Covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the Face Covering without assistance);
  - ii. Is a child under two (2) years of age;
  - iii. Is a child under five (5) years of age and his/her parent, guardian, or responsible person has been unable to safely place or maintain a face covering safely on the child's face;
  - iv. Is actively eating or drinking;
  - v. Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
  - vi. Is giving a speech, performance, or broadcast to an audience, where they maintain a distance of at least 10 feet from the audience;
  - vii. Is at home or is in a personal vehicle;
  - viii. Is temporarily removing their Face Covering to secure government, medical, or dental services or for identification purposes;
  - ix. Would be at increased risk as a result of wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;

- x. Has found that their Face Covering is impeding visibility to operate equipment or a vehicle;
  - xi. Is swimming; or
  - xii. Is being photographed by a professional photographer; or
  - xiii. Is alone in an enclosed space, such as a room, office, or vehicle.
- d. Worship, religious, and spiritual gatherings, funeral ceremonies, and wedding ceremonies are exempt from all the requirements of this Section 2.
  - e. Any person who declines to wear a Face Covering or have a child wear a face covering for the reasons identified in section 2.c. above shall not be required to produce documentation or proof of a condition.
  - f. Every person should be truthful and should only cite these exceptions when they actually apply so that they do not put other people at risk of serious illness and death.
  - g. Children under two (2) years of age should not wear a Face Covering.
  - h. Businesses are encouraged to accommodate exceptions if someone states that an exception applies by choosing to offer curbside service, provide home delivery, or use some other reasonable measure to deliver goods or services that are regularly received indoors.
  - i. "Face Covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears and fits snugly against the side of a person's face. A Face Covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a Face Covering has two (2) or more layers. A Face Covering may be factory-made, sewn by hand, or improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels. These Face Coverings are not necessarily intended for use by healthcare providers in the care of patients.

3. This Declaration shall not be interpreted or applied to conflict with any existing federal, state, or local law or either the federal or North Carolina constitutions.

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



5. This Declaration shall become effective at 7:00 AM on Friday, August 20, 2021 and shall continue in effect until the earlier of:

- a. November 1, 2021 at 7:00 AM, or
- b. The execution of a subsequent Declaration, or a modification or rescission of this Declaration, by the Wake County Board of Commissioners. This Declaration will be regularly reviewed and evaluated for continued necessity and efficacy, and it may be rescinded, amended, and/or extended based on the impact of the COVID-19 pandemic, existing data, the trending percent positive rate of COVID-19 in Wake County, the level of community spread of the virus, and recommendations by Federal, State, and local public health authorities.

6. All persons in Wake County are encouraged to practice social distancing, to wear masks in private or residential settings when they are in contact with people who are not members of their own household, and to become fully vaccinated unless instructed otherwise by a qualified medical professional. These practices have been proven to save lives by reducing the spread and the impact of the COVID-19 virus.

7. The STATE OF EMERGENCY remains in effect until a subsequent Declaration by the Wake County Board of Commissioners rescinding or amending the same.

**PROCLAIMED** this the 18th day of August 2021.



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Matt Calabria, Chair  
Wake County Board of Commissioners