PROCLAMATION OF EMERGENCY RESTRICTIONS

by the Chairman of the Wake County Board of Commissioners

WHEREAS, COVID-19 is a respiratory disease that has resulted in serious illness or death by the SARS-Co-V-2 virus. This new strain of coronavirus, previously unidentified in humans which can spread from person to person; 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 ("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 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 North Carolina Department of Health and Human Services ("NCDHHS") has 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 Operation 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, Wake County Public Health has confirmed multiple instances of community spread of COVID-19 in the county; 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 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, via Proclamation, imposed additional prohibitions on March 23, 2020 to slow the spread of COVID-19; and

WHEREAS, the City of Durham and Towns of Angier and Clayton consented to incorporation of the State of Emergency on March 20, 2020 for their municipal jurisdictions within Wake County; and

WHEREAS, in consultation with public health professionals and based upon guidance from the CDC, additional actions must be taken immediately to ensure optimal mitigation of COVID-19 and that residents in Wake County remain safe and secure; and

WHEREAS, the spread of the disease poses a threat to life, property and the economy in the County and its municipalities due to illness-related absenteeism, particularly among public safety personnel, healthcare personnel, and persons engaged in activities and businesses critical to the economy and infrastructure of the County and its municipalities; and

WHEREAS, local and state officials 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 Public Health Director has confirmed a public health threat due to the confirmed spread of COVID-19 and there is evidence of increasing occurrence of COVID-19 within the County and throughout the state, and the scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed, and one proven way to slow the transmission is to limit interactions among people to the greatest extent practicable; and

WHEREAS, by reducing the spread of the COVID-19 virus, this Proclamation helps preserve critical and limited healthcare capacity in the County; and

WHEREAS, the intent of this Proclamation is to ensure that the maximum number of people possible are kept well, while enabling essential services to continue, and to slow the spread of COVID-19 to the maximum extent possible.

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 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, as well as within the corporate limits of the Towns of Angier and Clayton and the City of Durham, that lie within the borders of Wake County.

I further proclaim that the ordinances set forth below, which are contained in Title VII, Chapter 70 of the Wake County Code of 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 the City of Raleigh, Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell and Zebulon, within the corporate limits of those municipalities, as well as the corporate limits of the Towns of Angier and Clayton and the City of Durham, that lie within the borders of Wake County, 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 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.

I hereby impose the following restrictions and prohibitions for the welfare and safety of the residents of Wake County, including, by the request and consent of their respective Mayors, the residents of the City of Raleigh, 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, as well as within the corporate limits of the Towns of Angier and Clayton and the City of Durham, that lie within the borders of Wake County:

1. Movement or travel of persons in Wake County on and about public places including streets, roadways, and property shall be restricted except for the purposes of Essential Activities. This shall mean that each Wake County resident remains in his/her/their household or residential living unit except as required or permitted for Essential Activities. For the purpose of this Proclamation, Essential Activities shall mean those activities or tasks essential to the support, health, safety and welfare of Wake County residents, including:

    a. Engaging in activities or performing tasks essential to their health and safety, or to the health and safety of their family or household members

(including, but not limited to, household pets and other animals that are housed at the household or residential unit where they reside), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home; or

b. Obtaining necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences; or

c. Obtaining takeout food or beverages from restaurants, other food, beverage or dining establishments, or food courts, pursuant to Section 10 of this Proclamation; or

d. Obtaining goods or services from essential retail businesses, as described in Section 10 of this Proclamation; or

e. Seeking medical attention, essential social services, or assistance from law enforcement or emergency services; or

f. Visiting family or other individuals needing assistance with whom the resident has a close personal relationship, such as those for whom the individual is a caretaker or partner; or

g. Reporting to, or performing, their job, pursuant to Section 10 of this Proclamation; or

h. Walking, running, operating a wheelchair, hiking, golfing, walking household pets, recreating in a public park, or engaging in outdoor activities with immediate family members, caretakers, household members, or partners while following best social distancing practices with other individuals, including staying six feet apart; or

i. Caring for a family member or household pet in another household; or

j. Traveling to return to a place of residence from outside the County; or

k. Traveling to return to their place of residence outside the County; or

l. Traveling at the direction of law enforcement or other authorized government official as described in North Carolina Gen. Stat. 166A, including the transport of children pursuant to a custody agreement.

2. Individuals experiencing homelessness are exempt from this Section but are strongly urged to obtain shelter. Governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to use COVID-19 risk mitigation practices in their operation).

3. Additionally, for purposes of this Proclamation, individuals may leave their residence to work for or obtain services at any "Healthcare Operations" as described in Section 10 of this Proclamation.

4. For purposes of this Proclamation, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure," as described in Section 10 of this Proclamation and as identified by the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) as work performed by the Essential Critical Infrastructure Workforce, provided that they carry out those services or that work in compliance with social distancing requirements as defined in Section 12 of this Proclamation to the extent possible.

5. For purposes of this Proclamation, any individual performing or accessing "Essential Governmental Functions" is exempt. Essential Government Functions shall mean all services provided by the Government or Government contractors and needed to ensure the continuing operation of Government agencies, whether federal, state, or local, to provide for the support, health, safety and welfare of the public, including ABC stores under the purview of the North Carolina Alcoholic Beverage Control Commission. All Essential Governmental Functions shall be performed in compliance with social distancing requirements as defined in Section 12 of this Proclamation to the extent possible. All first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel are categorically exempt from this Proclamation.

6. People with medical conditions, regardless of age, that put them at higher risk of serious complications should they get COVID-19, other than health care workers and other essential providers, should avoid leaving their homes to the extent possible except as necessary to seek medical care.

7. All public and private gatherings of any number of people, including non-Wake County residents, occurring outside a single household or residential unit are prohibited, except for the purposes expressly permitted in Section 1 of this Proclamation. Nothing in this Proclamation prohibits the gathering of members of a household or residential unit.

8. Individuals who must travel pursuant to this Proclamation that use public transportation should do so only if they have no other feasible choice. Individuals who ride public transportation should abide by social distancing practices, including making all efforts to stand or sit six feet away from other riders and frequently use sanitizing products. Nothing shall be construed to limit access public transportation for Essential Activities. When in public, individuals must practice social distancing and stay six feet apart whenever practicable, excluding immediate family members, caretakers, household members, or partners.

9. All facilities, services, operations and businesses not providing services identified as Essential Activities, Essential Government Functions, or Critical Infrastructure are closed.

10. Facilities, services, operations and businesses, listed in this section below are excluded from this closing directive and may remain open, provided that they adhere to social distancing practices set forth in Section 12 of this Proclamation. All retail businesses providing services identified as Essential Activities must, wherever practicable, provide pickup services outside or adjacent to their stores for goods ordered in advance online or by phone. Additionally, online and telephonic delivery services are permitted for any retail business not exempted below, to the extent the business is authorized to operate an online or telephonic delivery service under existing law.

    a. CISA Critical Infrastructure Workers as identified in the March 19, 2020, the U.S. Department of Homeland Security, Cybersecurity Infrastructure & Security Agency (CISA), *Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response*. All workers and professions identified in the CISA Memorandum are exempt;

    b. Healthcare Operations including hospitals, clinics, dentists, pharmacies, licensed health care professionals, pharmaceutical and biotechnology companies, physical therapy businesses, medical supply manufacturers, distributors, and retailers, and other healthcare facilities, healthcare suppliers and supply chain providers, home healthcare service providers, mental and behavioral healthcare providers, medical researchers, laboratories engaging in testing or assessments related to human health, or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms, massage and bodywork therapy, spas, salons and similar facilities;

    c. Commercial and residential construction professions and trades, including but not limited to contractors, engineers, architects, surveyors, suppliers

and manufacturers, repairs and renovation specialists, provided social distancing practices are used as outlined in Section 12. Additionally, essential infrastructure construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services);

d. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;

e. Food cultivation, including farming, livestock, and fishing;

f. Businesses, non-profits, and organizations that provide food, shelter, goods, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;

g. Facilities, services, operations and retail businesses capable of utilizing a workforce working solely remotely (telework);

h. Newspapers, television, radio, and other media services;

i. Gas stations and transportation related businesses, including auto-supply shops, auto-repair shops, auto sales, bike shops, and equipment for such businesses;

j. Banks, insurance, and related financial institutions;

k. Hardware and supply stores;

l. Plumbers, electricians, heating and air conditioning specialists, exterminators, custodial, towing services and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and exempt businesses;

m. Landscapers, lawn maintenance, foresters, and related professions that are able to conduct their business outside and without public interaction;

n. Businesses providing mailing and shipping services, including post office boxes;

o. Educational institutions—including public and private K-12 schools, colleges, and universities—**for purposes of facilitating distance learning or performing essential functions**, provided that social distancing of six-feet per person is maintained to the greatest extent possible;

p. Faith organizations and institutions for the purpose of providing online distribution, audio or visual broadcasting of services providing only minimal staff, required for said broadcast or distribution, are present and implement social distancing practices in accordance with Section 12 of this Proclamation;

q. Laundromats, dry cleaners, and laundry service providers;

r. Restaurants and other facilities that prepare and serve food, **but only for delivery or carry out.** Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Proclamation on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;

s. Businesses that supply products needed for people to work from home;

t. Businesses that supply other exempt businesses with the support or supplies necessary to operate;

u. Businesses that ship or deliver groceries, food, goods or services directly to residences;

v. Airport workers, airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities defined in Section1 of this Proclamation and other purposes expressly authorized in this Proclamation;

w. Home-based care for seniors, adults, or children;

x. Residential facilities which includes hotels, motels, apartment complexes, shared rental units, dormitories and shelters for seniors, adults, and children;

y. Professional services, such as legal services; accounting services; process servers; insurance services; and notary services, when necessary to assist in compliance with legally mandated activities;

z. Professional real estate services, such as realtors, appraisers, notary services, title insurers, inspectors;

aa. Funeral homes, providers of mortuary services, crematoriums, and cemeteries, as well as individuals or entities engaged in the proper recovery, burial, or disposal of human remains;

bb. Essential Governmental Functions;

cc. Government contractors (including any entities that do business with government entities) that are not otherwise excepted from the restrictions of this Proclamation, to the extent that their work is necessary to conduct or complete their work for government entities;

dd. Any entities to the extent that they employ workers identified by the U.S. Department of Homeland Security, Cybersecurity Infrastructure & Security Agency (CISA) as part of the Essential Critical Infrastructure Workforce;

ee. Childcare facilities providing services that enable employees exempted from the provisions of this Proclamation of Emergency Restrictions to work as permitted. To the extent possible, childcare facilities must operate under the following conditions:

    i. Childcare must be carried out in stable groups in a space allowing, at a minimum, 56 square feet per person ("stable" means that the same persons of children and staff are in the same group each day);

    ii. children shall not change from one group to another;

    iii. if more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other; and

    iv. childcare providers shall remain solely with one group of children.

ff. Services engaged in the business of testing for, cleaning up, managing, or disposing of hazardous materials or substances; and

gg. Any business or entities identified as essential by the federal government or the State of North Carolina.

11. For the purposes of this Proclamation, business operators may perform "Minimum Basic Operations", detailed below, provided owners, operators and employees comply with social distancing practices, to the extent possible, while carrying out such operations:

    a. Minimum Basic Operations are the least necessary activities to maintain:

        i. the value of the business's inventory;

        ii. preserve the condition of the business's physical plant and equipment;

        iii. ensure security, process payroll and employee benefits;

        iv. or for related functions; and

        v. activities to facilitate employees of the business being able to continue to work remotely from their residences or alternate work location.

12. For purposes of this Proclamation, social distancing practices shall include, to the extent possible:

    a. Maintaining at least six-foot social distancing from other individuals;

    b. Washing hands with soap and water (especially if hands are soiled) for at least twenty seconds as frequently as possible or using hand sanitizer;

    c. Covering coughs or sneezes (into the sleeve, elbow or tissue, not hands);

    d. Regularly cleaning high-touch surfaces; and

    e. Not shaking hands.

13. In accordance with N.C. Executive Order 120, visitation at skilled nursing facilities, adult care homes, family care homes, mental health group homes and intermediate care facilities for individuals with intellectual disabilities is prohibited, except as permitted in Section 1.

14. Nothing in this Proclamation shall be construed to limit, prohibit, or restrict in any way the provision of health care, medical services or emergency services to members of the public.

15. Nothing in this Proclamation shall be construed to limit, prohibit, or restrict in any way access to essential services for low-income residents, including but not limited to food banks.

16. Nothing in this Proclamation shall be construed to limit, prohibit, or restrict in any way the operations of newspapers, television, radio, and other media services.

17. Nothing in this Proclamation shall be construed to limit, prohibit, or restrict in any way the operations of law enforcement agencies.

18. Nothing in this Proclamation shall be construed to limit, prohibit, or restrict in any way the operations of the state or federal government, or the movement of state or federal officials in Wake County while acting in their official capacity.

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

This Proclamation dated March 26, 2020 supersedes, and to the extent not in conflict with, incorporates the prior declarations issued March 13, 2020 and March 22, 2020, and shall become effective upon endorsement. Restrictions imposed under this Proclamation are effective as of 5:00 p.m. on March 27, 2020. This Proclamation shall continue until April 16, 2020, but will be regularly reviewed and evaluated and may be terminated, amended, extended or rescinded accordingly pursuant to N.C. Gen Stat. 166A-19.31(e).

PROCLAIMED this the 26th day of March 2020.

Gregory D. Ford, Chairman
Wake County Board of Commissioners