



**SECOND AMENDMENT TO DECLARATION OF STATE OF EMERGENCY IN THE CITY OF DURHAM
(STAY AT HOME ORDER)**

WHEREAS, the novel coronavirus disease-2019 (COVID-19) is a disease spreading across the globe causing flu-like symptoms, but with a significantly higher rate of death, particularly among those who are elderly or medically vulnerable; and

WHEREAS, COVID-19 is believed to have begun in Wuhan, China, in late 2019, the first case was detected in the United States on January 21, 2020, and the first case was confirmed in North Carolina on March 3, 2020; and

WHEREAS, on January 31, 2020, Health and Human Services Secretary, Alex M. Azar, II, declared COVID-19 to be a public health emergency in the United States; and

WHEREAS, on March 10, 2020, in order to address and mitigate the threat of COVID-19 to vulnerable populations and to slow the spread of COVID-19 in North Carolina, Governor Roy Cooper declared a state of emergency in North Carolina; and

WHEREAS, on March 13, 2020, President Trump declared the COVID-19 pandemic to be a national emergency; and

WHEREAS, The North Carolina General Assembly has adopted Article 1A of Chapter 166A of the General Statutes, entitled “North Carolina Emergency Management Act”, which sets forth the authority and responsibility of the Governor, State agencies, and local governments in prevention of, preparation for, response to, and recovery from natural or man-made emergencies; and

WHEREAS, G.S. §166A-19.22, which is part of the North Carolina Emergency Management Act, authorizes cities to declare a state of emergency under conditions and following procedures contained in G.S. §166A-19.22; and

WHEREAS, in the City of Durham, the powers to declare a state of emergency have been delegated to the undersigned as Mayor of the City in accordance with G.S. §166A-19.22(a), said delegation to be found in Chapter 22 of the Durham City Code; and

WHEREAS, in response to the COVID-19 pandemic, the undersigned issued a Declaration of State of Emergency in the City of Durham (“Declaration”) on March 13, 2020; and

WHEREAS, among other things the Declaration prohibited mass gatherings comprised of groups of 100 or more persons to be located in, or congregate indoors within, any room located in a facility that is City owned or co-owned with the County of Durham; and

WHEREAS, on March 19, 2020 the undersigned issued an Amendment to the Declaration of State of Emergency in the City of Durham (“Amendment”); and

WHEREAS, among other things the Amendment required gyms, fitness centers, health clubs, and theaters to cease operations on their premises effective 5:00 PM on Friday, March 20, 2020 with certain specific exceptions; and



WHEREAS, since execution of the Declaration and the Amendment, residents of the City of Durham have been tested for the COVID-19 virus. The City continues to see new cases of the virus every day, and Durham County Health Officials indicate that as of March 24, 2020, there are 74 cases that have been identified in the County of Durham with roughly 8% of those cases now attributable to community spread, and the vast majority of those cases actually located within the City's jurisdictional boundaries. Likewise, communities adjacent to the City of Durham, including the City of Raleigh and Wake County, are also experiencing increasing numbers of cases that constitute community transmission and likely further significant increases in transmission; and

WHEREAS, neither the restrictions imposed by the Declaration and Amendment, nor increasing recommended and mandatory restrictions imposed by the Governor and the President of the United States, have slowed the growth in the incidence of COVID-19 within the City of Durham, adjacent cities and counties, or in the State of North Carolina; and

WHEREAS, in areas battling COVID-19, there is a severe shortage of medical supplies for health care workers and basic equipment to help the public avoid transmitting the disease; and

WHEREAS, the undersigned has conferred with local health officials and operators of Duke University Medical Center, a major health care provider within the City of Durham, and confirmed that there is a critical need to slow the spread of COVID-19 within Durham in order to preserve precious supplies to treat those with COVID-19 and other serious illnesses and injuries; and

WHEREAS, many individuals who contract the virus display no symptoms or have mild symptoms which means they may not be aware they carry the virus. People without symptoms can transmit the disease and because evidence shows the disease is easily spread, mass gatherings can result in further transmissions of the virus; and

WHEREAS, it is essential to slow viral transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed; and

WHEREAS, as a result of this ongoing public health emergency, I have determined that if further action is not taken to slow the spread of COVID-19 within the City of Durham, there is an imminent threat of, or existing conditions have caused or will cause, widespread or severe damage, injury, or loss of life or property, and public safety authorities may be unable to maintain public order or afford adequate protection for lives or property;

WHEREAS, the undersigned has determined that the additional restrictions and prohibitions identified below are necessary to slow the rate of the spread of COVID-19 and are the least restrictive based upon the current evidence.

NOW THEREFORE BE IT FURTHER ORDAINED THAT, the following outlines a "Stay at Home" Order, which is to ensure that the maximum number of people self-isolate in their



places of residence to the maximum extent feasible, while enabling essential services to continue to slow the spread of COVID-19 to the maximum extent possible.

Section 1. The previously ordered Declaration of State of Emergency in the City of Durham on March 13, 2020 and the Amendment to the Declaration of State of Emergency in the City of Durham on March 19, 2020, will continue in full force and effect.

Section 2. The emergency area for the City's original Declaration of State of Emergency, the Amendment, and this Second Amendment shall be within the corporate limits of the City of Durham, with the exception of those portions of the City of Durham that are located in a county other than the County of Durham.

Section 3. North Carolina General Statute 166A-19.31 and Chapter 22 of the Durham City Code allows the City of Durham to enact a variety of restrictions and prohibitions as this evolving situation warrants. In accordance therewith, I order the following in addition to the restrictions in Executive Order 120 signed by Governor Cooper on March 23, 2020, which is incorporated by reference herein:

- A. **STAY AT HOME.** Except as allowed in this order, all individuals in the City of Durham are prohibited from (i) being or traveling upon any street, alley, or roadway or upon public property, or (ii) participating or carrying on any business activity, or keeping open places of business or entertainment and any other place of public assembly.

Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location.

Individuals experiencing homelessness are exempt from this directive, but are strongly urged to obtain shelter, and 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 in their operation COVID-19 risk mitigation practices recommended by the U.S. Centers for Disease Control and Prevention (CDC)).

For the purposes of this Order, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.

- B. **PROHIBITED ACTIVITIES.** All public and private gatherings of more than ten (10) people are prohibited, except for the limited purposes permitted by this Order. Nothing herein prohibits the gathering of members of a singular household or singular residence.



Individuals who choose to engage in public or private gatherings of up to ten (10) people shall at all times observe Social Distancing Requirements as defined below. Any group, contact sport, team sport, or other physical activity where social distancing cannot be maintained at all times is prohibited.

All businesses and operations in the emergency area of the City of Durham, except “Essential Businesses and Operations” as defined below, are to cease all activities. This requirement applies irrespective of the nature of the service or function performed by the business or organization and without regard to the organization’s corporate or entity structure. Businesses and Operations that are not deemed Essential will be allowed to conduct “Minimum Basic Operations,” as defined below.

All places of public amusement where people may gather, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, children’s play centers, public or private playgrounds, driving ranges, skate parks, recreation centers, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, and country clubs or social clubs shall be closed to the public.

This Order supersedes the restrictions on mass gatherings outlined in the Declaration, which prohibited gatherings of 100 people or more on City-owned property only, and significantly expands the restrictions imposed in the Amendment, beyond gyms, fitness centers, health clubs, and theaters to a wide array of entertainment venues and public amusements.

C. **ESSENTIAL ACTIVITIES.** The following Essential Activities are excluded from the “Stay at Home” provisions of Section 3(A) above:

1. *Health and Safety.* To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or persons who are unable or should not leave their home (including, but not limited to, pets), such as, by way of example only and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional.
2. *Necessary Supplies and Services.* To obtain necessary services or supplies for themselves and their family or household members or persons who are unable or should not leave their home, or to deliver those services or supplies to others,



such as, by way of example only and without limitation, groceries and food, household consumer products, supplies they need to work from home, automobile supplies (including dealers, parts, supplies, repair and maintenance), and products necessary to maintain the safety, sanitation, and essential operation of residences.

3. *Outdoor Activity.* To engage in outdoor activity, such as, by way of example, walking, hiking, running, golfing, biking, and playing tennis. Individuals may go to public parks, open outdoor recreation areas, and utilize public right of way; provided, however, that individuals comply with the Social Distancing Requirements defined below; and provided further, that public and private playgrounds may increase spread of COVID-19, and therefore shall be closed.
 4. *Permitted Business Functions.* To perform work as permitted herein.
 5. *To Take Care of Others.* To care for a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed by this Order. This includes attending weddings and funerals, so long as such events comply with the other restrictions in this Order.
- D. SOCIAL DISTANCING REQUIREMENTS. Any person who needs to leave their place of residence, shall at all times reasonably comply with the CDC recommendation to maintain at least a six-foot distance between themselves and any other individual, except as reasonably necessary to perform Essential Activities.
- E. LIMITATIONS ON BUSINESS OPERATIONS. All businesses and operations in the emergency area of the City of Durham, except “Essential Businesses and Operations” as defined below, are to cease all activities. This requirement applies irrespective of the nature of the service or function performed by the business or organization and without regard to the organization’s corporate or entity structure. Businesses and Operations that are not deemed Essential will be allowed to conduct “Minimum Basic Operations,” as defined below.
1. *Working from Home.* Businesses may continue any operations consisting exclusively of employees or contractors performing activities at their own residences.
 2. *Essential Businesses and Operations.* The following businesses, activities, and functions are not prohibited from operating and are encouraged to operate and



remain open to the public, provided that they enforce, to the extent reasonably possible, Social Distancing Requirements and meet any other requirements in this Order.

- a. **CISA List.** On March 19, 2020, the U.S. Department of Homeland Security, Cybersecurity Infrastructure & Security Agency (CISA), issued a *Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response*. The definition of Essential Businesses in this Order includes all the workers identified in that Memorandum.
- b. **Businesses that sell, produce, or distribute groceries, medicine, or essential household goods.** Grocery stores, farms, farmers' markets, farm and produce stands, food banks, convenience stores, and other businesses, whether retail or wholesale, engaged in the sale, production, or distribution of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other essential household consumer product or food necessary to maintaining the safety, sanitation, and essential operation of residences or businesses permitted to operate and ordered herein.
- c. **Human Services Operations.** For purposes of this Order, individuals may leave their residence to work for a Human Services Operation or to obtain the services of a Human Services Operation that cannot be accessed by remotely. Before leaving home to obtain such Human Services, individuals in need should first seek to access these services by telephone or through digital or other online access, and all Human Services Operations are strongly urged to make such services available by telephone, online, and/or digital access as a first option for clients.

Human Services Operations include, but is not limited to: long-term care facilities; residential settings and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, child care, vocational services, rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, and social



services, and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals.

Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

- d. **Healthcare and public health operations.** Hospitals, medical clinics, dental and eye care clinics, urgent care facilities, and other healthcare providers, to the extent their services cannot be provided virtually, which is the strongly preferred alternative. Before leaving home to obtain access to healthcare and public health services, individuals in need should first seek to access these services by telephone or through digital or other online access, and all Healthcare and Public Health Operations are strongly urged to make such services available by telephone, online, and/or digital access as a first option for clients.

To avoid any impact on delivery of healthcare, this term shall be broadly defined, but shall not include fitness and exercise gyms, spas, salons, barber shops, tattoo parlors, and similar facilities, and further it shall not include any prohibited business or activity covered by any order of the Governor or other entity having jurisdiction over the City of Durham.

- e. **Media and first amendment protected speech.** Newspapers, television, radio, and other media services. Also expressly permitted are services, counseling, pastoral care, and other activities provided by religious organizations to the members of their faith community where such services or activities are made available by telephone, online, and/or digital access.
- f. **Gas stations and businesses needed for transportation.** Gas stations and auto-supply, automotive, farm equipment, and construction equipment repair and related facilities. Bicycle sales and repair shops and related facilities are, likewise, deemed Essential and are encouraged to remain operational for curbside pick-up and drop-off and delivery services only.
- g. **Financial and insurance institutions.** Banks, insurance companies, and financial institutions, where such services cannot be provided online or digitally, which is the preferred alternative, and provided said institutions



observe and implement social distancing practices in the provision of in-person services. Individuals should only leave their homes for financial or insurance services if the need to access such services is of a critical or emergency nature. Financial service providers are strongly urged to make web-based or digital services available as a first option for clients.

- h. **Hardware and supply stores.** Hardware stores and businesses that sell electrical, plumbing, and heating material.
- i. **Critical trades.** Building and Construction Trades, and other related trades, including but not limited to, plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses and Operations. Any of the aforesaid Critical Trades services provided in person shall observe Social Distancing Requirements.
- j. **Mail, post, shipping, logistics, delivery, and pick-up services.** Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, goods, vehicles or services to end users or through commercial channels.
- k. **Educational institutions.** Public and private preK-12 schools, colleges and universities for purposes of facilitating distance learning, performing critical research, or performing essential functions, provided that social distancing of six-feet per person is maintained to the extent possible. This is consistent with and does not amend or supersede other Orders regarding school closures.
- l. **Laundry services.** Laundromats, dry cleaners, industrial laundry services, and laundry service providers.
- m. **Restaurants for consumption off-premises.** Restaurants and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Schools and other entities that typically provide food services to students or members of the public



may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway 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 due to the virus's propensity to physically impact surfaces and personal property. This is consistent with and does not amend or supersede other Orders regarding the closure of restaurants.

- n. **Services and supplies for Essential Businesses, Essential Government Services, or Minimal Basic Operations.** Businesses that sell, manufacture, or supply support or materials needed to enable Essential Businesses, Essential Government Services, or Minimum Basic Operations, as such terms are defined herein.
- o. **Transportation.** Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for Essential Activities and other purposes expressly authorized in this Order.
- p. **Home-based care and services.** For adults, seniors, children, and/or people with disabilities, substance abuse, and/or mental illness, including caregivers and service providers, who may travel to a home to provide care and other in-home services, such as meal delivery.
- q. **Residential facilities or shelters.** For adults, seniors, children, pets, disabled persons, substance abuse, and/or mental illness.
- r. **Professional services.** Professional services, such as legal services, accounting services, insurance services, real estate services (restricted to appraisal and title services), notary services, payroll and employee benefit services, when necessary to assist in compliance with legally mandated activities, for the functioning and operation of critical infrastructure sector services, or where failure to provide such services during the time of this Order would result in significant prejudice. Any of the aforesaid professional services provided in person shall observe Social Distancing Requirements.



- s. **Childcare facilities.** For specific employees exempted by this Order, as well as Childcare facilities providing services that enable first responders, healthcare workers, public health, HHS staff and others responding to COVID-19.
 - t. **Hotels and motels.** Hotels and motels, to the extent used for lodging and delivery or carry-out food services.
 - u. **Funeral services.** Funeral, mortuary, cremation, burial, cemetery, and related services.
3. *Outdoor Businesses or Services.* Until otherwise ordered, those businesses that operate primarily outdoors or in structures under construction (e.g., construction related contractors, lawn maintenance, equipment repair or maintenance, etc.), and that consistently practice Social Distancing Requirements, are permitted to operate as if they were an Essential Business.
4. *Alternate Offering of Non-Essential Goods and Services.* Any business providing non-essential goods and services may continue to operate, provided they do so by delivery, mail order, or virtual/web service only, with no in-store customer traffic, and provided further they otherwise comply with this Order, any order from the President or federal government, any order from the Governor or state government, and any other order from any local government having proper jurisdiction within the City of Durham. This provision is to be read in harmony with any other applicable orders, and shall not permit any business to operate that is otherwise prohibited by another lawful order from another government entity having proper jurisdiction in the City of Durham.
5. *Minimum Basic Operations for All Businesses.* Provided they comply with Social Distancing Requirements, any business may have staff present to perform the following Minimum Basic Operations, which includes performing:
- a. Minimum activity needed to maintain value of business inventory, ensure security, process payroll and benefits, or for related functions;
 - b. Minimum activity to perform any function permitted by this Order; or
 - c. Minimum activity needed to facilitate employees working from home.



- F. **ESSENTIAL GOVERNMENT SERVICES.** Federal, state, and local governments (including law enforcement authorities, public school systems, housing authorities, and transportation authorities) shall continue services classified as “essential” by the respective unit of government.
- G. **TRAVEL.**
1. All travel, including, but not limited to, travel by automobile, motorcycle, scooter, train, plane, or public transit, except Essential Travel and Essential Activities as defined herein or otherwise defined in this Order, is prohibited. People riding on public transit must comply with Social Distancing Requirements to the greatest extent feasible. This Order allows travel into or out of the City of Durham to maintain Essential Businesses and Operations and Minimum Basic Operations.
 2. Essential Travel. For purposes of this Order, “Essential Travel” includes travel for any of the following purposes:
 - a. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses and Operations, or Minimum Basic Operations.
 - b. Travel to care for elderly, minors, dependents, persons with disabilities, other vulnerable persons, or pets.
 - c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
 - d. Travel to return to a place of residence from outside the City of Durham.
 - e. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.
 - f. Travel required for non-residents to return to their place of residence outside the City of Durham. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel.
- H. **NURSING HOMES, LONG TERM CARE FACILITIES, AND ASSISTED LIVING FACILITIES (OPERATED PURSUANT TO N.C.G.S. CHAPTER 131E, ARTICLE 6)**



1. Owners, administrators, operators, staff, contractors, and volunteers of nursing homes, long term care and assisted living facilities are prohibited from allowing residents, customers, clients, or visitors from assembly in spaces that do not permit appropriate social distancing which consists of separation of 6 feet or more between each individual.
2. Owners, administrators, operators, staff, contractors, and volunteers of nursing homes, long term care and assisted living facilities are prohibited from allowing a person to enter the facility and visit a resident unless each of the following criteria are met: (1) the visitor is an adult, (2) the resident has not already had a visitor that day; and (3) the visit takes place in the resident's room. This prohibition does not apply to end of life situations.
3. No person is allowed to visit a resident of a nursing home, long term care or assisted living facility unless the visitor has been screened prior to entry for signs and symptoms of COVID-19 including the following: fever of 100.4 or higher, cough, or difficulty breathing, contact in past 14 days with a person who has a confirmed diagnosis of COVID-19 or who is under investigation for COVID-19. All visitors may be required to take precautionary measures including, but not limited to, social distancing or wearing personal protective equipment.
4. No person is allowed to visit a resident of a nursing home, long term care or an assisted living facility unless the visitor shows identification, signs into a visitor's log that includes the date and time in and time out, and provides their name and contact information, including phone number and email if available.
5. Operators and staff of nursing homes, long term care and assisted living facilities are prohibited from destroying each day's visitor log for a period of 30 days from that day.
6. Owners, administrators and operators shall ensure adequate staffing to manage all occupants of the facility to include lifting and moving uninjured occupants.

Section 4. I hereby further encourage all residents, visitors, businesses, and establishments within the emergency area of the City of Durham to follow any and all directives and recommendations set forth by the United States Federal Government and its designated agencies, the North Carolina Governor's office, the North Carolina Department of Health and Human Services, the Durham County Department of Public Health, and any other



government agency having proper jurisdiction to address this emergency within the City of Durham.

Section 5. I hereby order all City of Durham sworn law enforcement officers, emergency response personnel, and all other Durham employees subject to our control to cooperate in the enforcement and implementation of the provisions of this Second Amendment (Stay at Home Order), the Declaration of State of Emergency in the City of Durham of March 13, 2020, the Amendment to said Declaration of March 19, 2020, all applicable local ordinances, state, and federal laws, and the City of Durham Emergency Operations Plan.

Section 6. I hereby order that the prohibitions and restrictions imposed by the Declaration of State of Emergency in the City of Durham of March 13, 2020 and the Amendment to said Declaration of March 19, 2020, which were previously set to expire at 12 PM o'clock on March 28, 2020, shall instead continue and remain in effect through April 30, 2020, will be regularly reviewed and evaluated for their necessity and efficacy, and may be revised, amended, and/or extended based upon the impact of the COVID-19 pandemic, existing evidence, and recommendations by federal, state and local public health authorities.

Section 7. A copy of this Second Amendment to Declaration of State of Emergency in the City of Durham shall be provided to the City's Clerk. Reports of the substance of its prohibitions and restrictions shall be sent immediately to the mass communications media serving the City. As soon as practicable, the full text of this Second Amendment shall be distributed to the mass communications media serving the City.

Section 8. This document is signed when the undersigned is within the corporate limits of the City.



Section 9. This Second Amendment to Declaration of State of Emergency in the City of Durham shall take effect on Wednesday, March 25, 2020, at 6:00 p.m., and shall remain in effect through April 30, 2020. This Second Amendment will be regularly reviewed and evaluated for its necessity and efficacy, and it may be revised, amended, and/or extended based upon the impact of the COVID-19 pandemic, existing evidence, and recommendations by federal, state and local public health authorities.

Signed at this date and time: _____, 2020, at _____ o'clock.
(included AM or PM)

Stephen M. Schewel, Mayor of the City of Durham

Note: Noon is 12:00 PM. Midnight is 12:00 AM