

*Penny Rich, Chair
Renee Price, Vice-Chair
Jamezetta Bedford
Mark Dorosin
Sally Greene
Mark Marcoplos
Earl McKee*

**Orange County Board of Commissioners
Post Office Box 8181
200 South Cameron Street
Hillsborough, North Carolina, 27278**



DECLARATION OF AN ORANGE COUNTY STATE OF EMERGENCY TO ORDER THE PUBLIC TO STAY AT HOME IN ORDER TO SLOW THE FURTHER SPREAD OF COVID-19

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, the first COVID-19 case 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, Orange County and the Towns of Carrboro, Chapel Hill, and Hillsborough declared states of emergency; 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 Orange County, the powers to declare a state of emergency have been delegated to the Chair of the Board of Commissioners in accordance with G.S. §166A-19.22(a), and in Article II of Chapter 14 of the Orange County Code of General Ordinances; and

WHEREAS, since execution of the March 13, 2020 Declaration of a State of Emergency and over the week prior to the execution of this March 25, 2020 Declaration of a State of Emergency (“Declaration”) the number of individuals testing positive for COVID-19 has continued to increase in Orange County from 0 confirmed cases on March 18th to 13 confirmed cases on March 25th; and

WHEREAS, since execution of these proclamations, the neighboring City of Durham continues to confirm new cases of the virus every day, and Durham County Health Officials indicate that as of March 24, 2020, there are 70 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, that Wake County has indicated it has 67 cases, that Chatham County has 6 confirmed cases, Alamance County has 2 confirmed cases, and Person County has indicated 1 confirmed case; and

WHEREAS, there is substantial travel between Orange County and the above-referenced communities that could lead to increased COVID-19 cases in Orange County; and

WHEREAS, neither the restrictions imposed by the Declaration, 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 Orange county, 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 Public Health Director of Orange County has determined it is essential to slow the community spread of COVID-19, that a Stay at Home order is critical to and will aid in slowing community spread, that such an order will provide relief to UNC Hospitals by limiting a surge in COVID-19 cases and reducing the number of new cases requiring treatment and hospitalization, that such an order will further protect the public health and welfare, and that such an order is both reasonable and necessary to remediate these critical issues; and

WHEREAS, the Emergency Services Director of Orange County has determined that the healthcare system in Orange County could be overwhelmed, that the greater the number of possible COVID-19 cases the greater the need for personal protective equipment, of which there is a shortage throughout the nation, that the risk of exposure to first responders, medical providers, law enforcement officers increases with the risk of community spread of COVID-19, and that a Stay at Home order is both reasonable and necessary to remediate these critical issues; 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, as a result of this ongoing public health emergency, if further action is not taken to slow the spread of COVID-19 within Orange County, 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; and

WHEREAS, in addition to consulting with the Public Health Director, the Emergency Services Director, and the Sheriff of Orange County the undersigned has consulted with the Mayors of Carrboro, Chapel Hill, and Hillsborough (hereafter the “Towns”) and been informed that the Mayors are in support of this order to Stay at Home and intend to adopt same to be applicable within the jurisdictions of each Town.

NOW THEREFORE IT IS DECLARED THAT, the above recitals are incorporated herein and 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 Orange County on March 13, 2020 will continue in full force and effect.

Section 2. The emergency area for this Declaration is the territorial area of Orange County including the Towns situated within Orange County.

Section 3. North Carolina General Statute 166A-19.31 and Article II of Chapter 14 of the Orange County Code of General Ordinances authorizes Orange County to enact a variety of restrictions and prohibitions as this evolving situation warrants. In accordance therewith, in addition to the restrictions in Governor Cooper’s Executive Orders 117-120, the following is **ORDERED**:

- A. **STAY AT HOME.** Except as allowed in this order, all individuals in Orange County 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.** A gathering does not include an outdoor gathering so long as individuals are in compliance with the Physical Distancing Requirements set out below. Nothing herein prohibits the gathering of members of a singular household or singular residence.

The following are closed to the public: Indoor or outdoor locations with amusement rides, carnivals, amusement parks, museums, arcades, fairs, children’s play centers, public or private playgrounds, skate parks, recreation centers, bowling alleys, movie and other theaters, concert and music halls, and social clubs shall be closed to the public.

C. **ESSENTIAL ACTIVITIES.** The following Essential Activities are excluded from the “Stay at Home” provisions of Section 3(A) above and the ten (10) or more people gathering prohibition in 3(B) above so long as Physical Distance Requirements are met:

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, but not limited to, walking, hiking, running, or biking. Individuals may go to public parks, open outdoor recreation areas (whether public or private), and utilize public right of way; provided, however, that individuals comply with the Physical 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.

D. **PHYSICAL DISTANCING REQUIREMENTS.** Any person who leaves 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 Orange County, except as allowed herein, are required to cease. “Business” means any for-

profit, non-profit, or private educational entity, regardless of the nature of the service or function it performs, or of the organization's corporate or entity structure.

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, Physical 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 or obtain services that are not available via online or mail-in applications, and telephone interviews at any Human Services Operations.

Human Services Operations include, but are 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, vulnerable populations, 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 clinics, eye care clinics, urgent care facilities, and other healthcare providers, to the extent their services cannot be provided virtually, which is the preferred alternative. 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 Orange County.
- e. **Media and communication services and products.** Newspapers, television, radio, and other media services, internet, video, and telecommunications systems, computing services, and web-based services.
- f. **Gas stations and businesses needed for transportation.** Gas stations and auto supply, auto, farm equipment, and construction equipment repair and related facilities, bicycle shops and related facilities.
- g. **Financial and insurance institutions.** Banks, currency exchanges, consumer lenders, pawnbrokers, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, payday lenders, affiliates of financial institutions, entities that issue bonds, related financial institutions, institutions selling financial products, insurance companies, underwriters, agents, brokers, and related insurance claims and agency services, where such services cannot be provided online or digitally, which is the preferred alternative, and provided said institutions observe and implement physical distancing practices in the provision of in-person services.
- 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.
- 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 physical distancing of at least 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 who may travel to the child's home 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, 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 Physical Distancing Requirements.
 - s. **Childcare facilities.** Childcare 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 Physical 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 via curbside, 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 Orange County. 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 Orange County.
5. *Minimum Basic Operations for All Businesses, facilities, and other entities.* Provided they comply with Physical Distancing Requirements, any business, facility, or other entity may have staff present to perform the following Minimum Basic Operations, which includes performing:
 - a. Minimum activity needed to maintain value of inventory, ensure security, process payroll and benefits, or for related functions;
 - b. Minimum activity to perform or maintain 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, educational institutions, housing authorities, and transportation authorities) shall continue services classified as “essential” by the respective unit of government in a manner to be determined by those governments, institutions, and authorities.

G. **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 physical 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 preceding 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, physical 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. All residents, visitors, businesses, and establishments within the emergency area of Orange County are encouraged 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 Orange County Department of Public Health, and any other government agency having proper jurisdiction to address this emergency within Orange County.

Section 5. It is hereby ordered that all Orange County sworn law enforcement officers, emergency response personnel, and all other Orange County employees cooperate in the

enforcement and implementation of the provisions of this Declaration, the Declaration of State of Emergency in Orange County of March 13, 2020, all applicable local ordinances, state, and federal laws, and Orange County Emergency Operations Plan.

Section 6. It is hereby ordered that the prohibitions and restrictions imposed by the Declaration of State of Emergency in Orange County of March 13, 2020, shall instead continue and remain in effect until modified or rescinded.

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

Section 8. This Declaration does not apply to the United States government, the State of North Carolina, including its departments, agencies, boards (including the Orange County Board of Elections), and commissions, the University of North Carolina and all of its constituent institutions, and the University of North Carolina Health Care System.

Section 9. Should any section or provision of this Declaration be declared unlawful such provision shall be severed and the remaining sections and provisions shall remain in full force and effect.

Section 10. This Declaration shall take effect on March 27, 2020 at 6:00 p.m., and shall, along with the preceding Declaration related to the emergency prompted by COVID-19, remain in effect until April 30, 2020 at 5:00 p.m. This Declaration of Stay at Home Order shall be reviewed periodically to determine whether it should be extended, modified, or rescinded.

Signed at this date and time: March 26, 2020, at 10:00 a.m.



Penny Rich, Chair
Orange County Board of Commissioners