



**FOURTH AMENDMENT TO THE DECLARATION OF A
STATE OF EMERGENCY IN DURHAM COUNTY, NC
TO COORDINATE PROTECTIVE ACTIONS
TO PREVENT THE SPREAD OF COVID-19
(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, On 30 January 2020, the World Health Organization (WHO) determined the outbreak constitutes a Public Health Emergency of International Concern (PHEIC); 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, on March 14, 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 issued Executive Order 117, among the measures he directed were limiting mass gatherings to no more than 100 persons, temporarily closing public schools, and urging compliance with CDC recommendations on social distancing; and

WHEREAS, from March 17-April 9, 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 issued Executive Orders 118-131, imposing additional restrictions on commerce, mass gatherings, restricting the operations of long-term care facilities, and also making recommendations for the use of personal protective equipment by the general population; and

WHEREAS, in response to the COVID-19 pandemic, the undersigned issued a Declaration of State of Emergency in Durham County (“Declaration”) on March 14, 2020, making recommendations as to conduct designed to protect the public health; and

WHEREAS, in response to the COVID-19 pandemic, the undersigned subsequently issued an Amendment to that Declaration, a Stay at Home Order, on March 28, 2020, imposing additional restrictions beyond those imposed by the Governor in a further effort to slow the spread of the COVID-19 virus, which was extended into the City limits of Durham; and

WHEREAS on April 3, 2020, due to additional cases of Covid-19 being reported, the undersigned issued a Second Amendment to that Declaration imposing additional restrictions on commerce and personal activities in a further effort to slow the spread of the COVID-19 virus which was extended into the City limits of Durham; and



WHEREAS on April 17, 2020, due to additional cases of Covid-19 being reported, the undersigned issued a Third Amendment to that Declaration imposing additional restrictions on commerce and personal activities in a further effort to slow the spread of the COVID-19 virus which was extended into the City limits of Durham; and

WHEREAS, since execution of the Third Amendment to the Declaration, additional residents of Durham County have been tested for the COVID-19 virus; 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 Durham County's Public Health Director and operators of Duke Health, a major health care provider within Durham County, and confirmed that there is still 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, 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 preserve the health and lives of our residents, and are the least restrictive based upon the current evidence and that these, and the other previously established restrictions should be extended beyond April 30, 2020; and

WHEREAS, based on consultation with Public Health and community stakeholders it appears that some additional commercial activities can safely be permitted to resume, while still protecting public health.

NOW THEREFORE BE IT FURTHER ORDAINED THAT, the restrictions and prohibitions enacted in the previous Second and Third Amendments to Declaration of State of Emergency in Durham County, remain in full force and effect, and are incorporated herein, except to the extent they are repealed or amended as set forth below:

Section 1. The emergency area for the original Declaration of State of Emergency, and its subsequent Amendments, to include this one, are the geographic limits of Durham County, and at the request of the Mayor, within the corporate limits of the City of Durham as well. It does not apply within the corporate limits of other municipalities in Durham County unless those municipalities have either requested or consented to have this Order apply within their jurisdiction.



Section 2. Section 2.D of the Second Amendment to Declaration of State of Emergency in Durham County, as previously amended in the Third Amendment, which amendment is hereby repealed, is amended to read as follows:

D. SOCIAL DISTANCING AND SANITATION REQUIREMENTS. Any person who needs to leave their place of residence, and all businesses permitted to remain open, shall at all times reasonably comply with the following practices and require compliance by their employees, patrons, and visitors. For purposes of this Order, social distancing and sanitation practices shall include:

1. Employers shall conduct basic health screenings at the beginning of every employee's shift, which shall include:
 - a. Discussion about any shortness of breath, coughing, or sore throat;
 - b. Employers are strongly encouraged, to the extent they are able, to also take the temperature of each employee.

If an employee is exhibiting any of the above listed symptoms or has a temperature above 100.4 degrees, the employer should provide the employee with a face mask (if the employee does not already have one), and require them to leave the workplace. Any employee with COVID-19 symptoms should be encouraged to call their primary care provider or the local health department.

2. Maintaining at least six-foot social distancing from other individuals. For businesses this includes controlling entry to their premises and regulating patron conduct and spacing within the premises and at point of sale;
3. Washing hands with soap and water (especially if hands are soiled) for at least twenty seconds as frequently as possible or using hand sanitizer. For businesses this includes providing a means for patrons and staff to sanitize themselves and prevent cross-contamination;
4. Covering coughs or sneezes (into the sleeve, elbow or tissue, not hands);
5. Regularly cleaning high-touch surfaces. For businesses this includes a process and routine for sanitizing frequently handled surfaces such as door handles and push plates or countertops;
6. Not permitting the sharing of tools, instruments, or other devices, in work spaces and recreational activities unless they have been cleaned in between users. For businesses this includes a process and routine for sanitizing frequently handled surfaces such as carts, gas pump handles, and point of purchase devices;
7. Businesses providing services in a residential setting shall have their employees wear a mask covering the mouth and nose;
8. Businesses must not provide complimentary food or drink on their premises; and



9. Not shaking hands.
10. Wearing of Face Coverings

Members of the general public are required to wear a clean face covering any time they are or will be in contact with other people who are not household members in public or private spaces where it is not possible to maintain social distance. These spaces include grocery stores, pharmacies, business locations and public transit. While wearing the face covering, it is essential to still maintain social distance insofar as possible since social distancing is the best defense against the spread of the Coronavirus.

While face coverings are required, no one will be removed from or denied entry to public transit for failure to wear a face covering.

A face covering is a material that covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels.

Acceptable, reusable face covering options for the general public include: bandanas, neck gaiters, homemade face coverings, scarves, or tightly woven fabric such as cotton t-shirts and some types of towels.

It is not required to wear face coverings during individual exercise outdoors, or while walking or exercising with other people from the same household, as long as social distance from others is maintained.

Section 3. Section 2.E.2.a of the Second Amendment to Declaration of State of Emergency in Durham County is amended to read as follows:

- a. **CISA List.** On April 17, 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, a copy of which is attached to this Declaration as Exhibit A, unless otherwise restricted by this Order, either in excluding a business, or by limiting their scope of operations. That memorandum and other information regarding Critical Infrastructure Sectors is available online at <https://www.cisa.gov/critical-infrastructure-sectors>

Section 4. Section 2.E.2.v of the Second Amendment to Declaration of State of Emergency in Durham County, as previously amended in the Third Amendment, which amendment is hereby repealed, is amended to read as follows:

- v. **Real estate services.** Both sales and rental real estate services, to include sales by Builders, present a high traffic use of common surfaces which present a risk of



transmission. All realtors and their clients should use safety precautions when entering both vacant and occupied properties as outlined below.

1. Safety precautions applicable to all activities under this section:

a. Anyone entering a home pursuant to this section must wear a mask and gloves and must not touch surfaces inside the home to the greatest extent possible. Lights must be turned on and interior doors opened prior to entry. Hand sanitizer or sanitized wipes must be provided to anyone entering a home before and after entering a home; and

b. Anyone entering a home pursuant to this section must assert that to the best of their knowledge, they are not currently ill with a cold or flu; do not have a fever, persistent cough, shortness of breath, or exhibit other COVID-19 symptoms; have not been in contact with a person with COVID-19; and will adhere to and follow all precautions required for entering the property at all times.

2. Activities prior to an offer to purchase or rent being accepted:

a. Open houses and in-person showings of occupied homes are prohibited. In-person showings of vacant homes for sale or rent are permitted under the following conditions:

- 1) The buyer's agent cannot enter the home with the prospective buyer(s); however, the agent can talk to the buyer during the showing from outside the home using cell phones and a video service;
- 2) Only one person can enter a home at a time for a showing. However, two people can enter at the same time if they have been socially distancing together; and
- 3) There can be only three showings of a home during any calendar day.

b. Listing agents may enter vacant or occupied properties to take photographs and videos to facilitate virtual tours. Buyers' agents may enter vacant properties to take photographs and/or videos. These services may be performed by a professional photography service so long as the safety precautions of this section are met.

3. Post-sale activities (These activities are restricted to the following activities connected with closing sales.)

a. Post-offer inspections;



- b. Onsite preview by prospective buyer where property is under contract sight unseen;
- c. Appraisal;
- d. Surveys;
- e. Final walk throughs; and,
- f. Title services.

Section 5. Section 2.E.4 of the Second Amendment to Declaration of State of Emergency in Durham County is amended to read as follows:

4. *Alternate Offering of Goods and Services.* Provided that they comply with the Social Distancing and Sanitation Requirements specified in Section 2D above, any business, including those providing non-essential goods and services, may operate by delivery (including curbside delivery), mail order, telephonic, 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 Durham 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 Durham County.

Section 6. A copy of this Fourth Amendment to Declaration of State of Emergency in the County of Durham shall be provided to the County Clerk and posted at the County Courthouse. Reports of the substance of its prohibitions and restrictions shall be sent immediately to the mass communications media serving Durham County. As soon as practicable, the full text of this Amendment shall be distributed to the mass communications media serving Durham County.

Section 7. All provisions of this Fourth Amendment shall take effect on Friday, April 24, 2020, at 5:00 p.m. This Fourth Amendment along with the Third Amendment, Second Amendment and the original Declaration of State of Emergency in Durham County shall remain in effect through 11:59 p.m. on May 15, 2020. These Orders 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.

This Fourth Amendment signed at this date and time: April 24, 2020, at _____ o'clock.



(include AM or PM)

Wendy Jacobs, Chair
Durham County Board of Commissioners

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