



## CONTINUATION OF WAKE COUNTY STATE OF EMERGENCY AND TERMINATION OF COUNTY EMERGENCY RESTRICTIONS IN FAVOR OF STATE RESTRICTIONS

**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**, on March 5, 2020, Wake County activated the Wake County Emergency Operations Center in response to Covid-19;

**WHEREAS**, on March 10, 2020, the Governor of the State of North Carolina declared a State of Emergency as defined by N.C. Gen. Stat. 166A-19.3(6) and 166A-19.3(19) for the State of North Carolina based on the public health emergency posed by COVID-19; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak as a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories and the District of Columbia pursuant to the Robert T. Stafford Relief and Emergency Assistance Act (Stafford Act); and

**WHEREAS**, on March 13, 2020, the County of Wake, with consent of incorporation by the City of Raleigh and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell and Zebulon, declared a State of Emergency ("**March 13, 2020 Proclamation of State of Emergency**") ; and

**WHEREAS**, the City of Durham, and Towns of Angier and Clayton have also declared a State of Emergency and have municipal jurisdiction within portions of Wake County; and

**WHEREAS**, on March 22, 2020, the County of Wake with consent of incorporation by the City of Raleigh and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell and Zebulon and portions of the Towns of Angier, Clayton and Durham incorporated in the borders of Wake County, enacted a limited Proclamation of Emergency Restrictions that placed restrictions on nursing homes and long term care facilities, the operation of certain businesses (i.e. fitness clubs and salons), prohibited mass gatherings greater than 50 and restricted the use of playgrounds ("**March 22, 2020 Proclamation of Emergency Restrictions**") ; and

**WHEREAS**, on March 25, 2020, the President of the United States, pursuant to the Stafford Act, approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina, and

**WHEREAS**, on March 26, 2020, the County of Wake with consent of incorporation by the City of Raleigh and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell and Zebulon and portions of the Towns of Angier, Clayton and Durham incorporated in the borders of Wake County, superseded the March 22, 2020 order by enacting additional restrictions under a Proclamation of Emergency Restrictions which further restricted the movement and travel of all persons in public places, business activity, prohibited gatherings of persons outside the same household and implemented mandatory social distancing practices ("**March 26, 2020 Proclamation of Emergency Restrictions**"); and

**WHEREAS**, on March 27, 2020, the Governor of North Carolina issued Executive Order No. 121, implementing a statewide stay at home order ("State Stay at Home Order") which placed similar restrictions on the business activity and gatherings to mitigate the spread of Covid-19, while preserving the authority for local governments to impose more restrictive emergency measures; and

**WHEREAS**, on April 9, 2020, the Governor of North Carolina issued Executive Order No. 131 which enacted specific social distancing regulations and mandatory sanitation practices for retail establishments (e.g. maximum occupancy requirements) that preempted local government restrictions, to the extent there was a conflict; and

**WHEREAS**, on April 15, 2020, the County of Wake with consent of incorporation by the City of Raleigh and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell and Zebulon and portions of the Towns of Angier, Clayton and Durham incorporated in the borders of Wake County, enacted a First Amendment to Proclamation of Emergency Restrictions which clarified and modified retail restrictions, drive-in services for faith organizations and funeral services ("**April 15, 2020 First Amendment to Proclamation of Emergency Restrictions**"); and

**WHEREAS**, on April 18, 2020, the County of Wake with consent of incorporation by the City of Raleigh and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell and Zebulon and portions of the Towns of Angier, Clayton and Durham incorporated in the borders of Wake County, enacted a Second Amendment to Proclamation of Emergency Restrictions for the purpose of modifying mandatory health screen requirements for businesses ("**April 18, 2020 Second Amendment to Proclamation of Emergency Restrictions** "); and

**WHEREAS**, on April 23, 2020, the Governor of North Carolina issued Executive Order 135 extending and modifying various restrictions and exemptions issued in Executive Orders 117-134 and extending the State Stay at Home Order through May 8, 2020; and

**WHEREAS**, the Wake County Proclamation of Emergency Restrictions, as amended, is set to expire on April 30, 2020; and

**WHEREAS**, the Chair of the Wake County Board of Commissioners in consultation with health care professionals and based upon guidance from the CDC and NCDHHS has determined that there is a need for the Wake County State of Emergency to remain in place and that the restrictions enacted in the County's Proclamations and the Governor's Executive Orders have demonstrated effectiveness; and

**WHEREAS**, it has been determined that at this time the restrictions enacted in the Governor's Order adequately protect the health and safety of Wake County residents without a separate Wake County Proclamation of Emergency Restrictions and uniformity of restrictions shall improve public understanding and adherence to restrictions.

**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, 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 for the safety and welfare of residents:

1. This Proclamation shall have no effect on the State of Emergency activated March 13, 2020. The **STATE OF EMERGENCY** shall continue in effect within the County of Wake and by request of the mayors or their appointed representatives, within the corporate limits of the City of Raleigh and the Towns of Angier, Cary, Clayton, Durham, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell and Zebulon, within the corporate limits of those municipalities within Wake County, subject to the following restrictions, prohibitions and proclamations herein until amended or rescinded pursuant to N.C. Gen Stat. 166A-19.22(c).

2. The **March 22, 2020 Proclamation of Emergency Restrictions, March 26, 2020 Proclamation of Emergency Restrictions, April 15, 2020 First Amendment to Proclamation of Emergency Restrictions, and April 18, 2020 Second Amendment to Proclamation of Emergency Restrictions** previously enacted by Wake County shall terminate at 11:59 p.m. on April 30, 2020 within the County of Wake and by request of the mayors or their appointed representatives, within the corporate limits of the City of Raleigh and the Towns of Angier, Cary, Clayton, Durham, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell and Zebulon, within the corporate limits of those municipalities within Wake County,

3. For the purpose of aligning with the Governor's Executive Orders pertaining to COVID-19 (currently Nos. 117- 135) and establishing uniformity and consistency with the State prohibitions and guidelines, I hereby adopt and incorporate all restrictions and prohibitions contained in the Governor's Executive Orders as related to the activity of people and businesses, and mandate they be followed in Wake County for the time period of their effective dates, which shall include any extensions, amendments of, or future Governor's Executive Orders. This Proclamation may be amended if it is determined that the health and safety of Wake County residents are not adequately protected based upon

existing evidence and recommendations by health care professionals, guidance from the CDC, NCDHHS, the Wake County Human Services Director, Wake County Office of Emergency Management and State officials.

4. 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 in Title VII, Chapter 70 of the Wake County Code of Ordinances until this Amended Proclamation expires or is rescinded. 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 the Wake County State of Emergency is terminated. 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.

5. 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.

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

7. Any person violating any prohibition or restriction imposed by this Proclamation shall be guilty of a Class 2 misdemeanor in accordance with N.C. Gen Stat. §14-288.20A.

8. If any section, subsection, sentence, clause, or phrase of this Proclamation is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Proclamation.

**PROCLAIMED** this the 29<sup>th</sup> day of April 2020.

  
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Gregory D. Ford, Chairman  
Wake County Board of Commissioners