



**SECOND 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, 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 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, on March 17, 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 118, among the measures he directed were limiting food service establishments to take-out, delivery, and drive-through sales only, and

WHEREAS, on March 23, 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 120, among the measures he directed were limiting mass gatherings to no more than 50 persons, closing entertainment facilities and grooming businesses, limiting visits to long-term care facilities, and extending school closures through May 15, 2020; and

WHEREAS, on March 27, 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 121, a Statewide Stay at Home Order. In section 4 of EO 121 the Governor recognizes that the impact of Covid-19 has spread more rapidly in urban areas and that we “may deem it necessary to ...impose restrictions or prohibitions... to a greater degree than in this Executive Order. To that end, nothing herein is intended to limit or prohibit counties and cities in North Carolina from enacting ordinances



and issuing state of emergency declarations which impose greater restrictions or prohibitions to the extent authorized under North Carolina law.”

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 Counties to declare a state of emergency under conditions and following procedures contained in G.S. §166A-19.22; and

WHEREAS, in the County of Durham, the powers to declare a state of emergency have been delegated to the undersigned as Chair of the Board of County Commissioners in accordance with G.S. §166A-19.22(a), said delegation to be found in Chapter 10 of the Durham County Code; and

WHEREAS, in response to the COVID-19 pandemic, the undersigned issued a Declaration of State of Emergency for the County of Durham (“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 on gatherings, travel and business activities, in a further effort to slow the spread of the COVID-19 virus; and

WHEREAS, since execution of the Stay at Home Order , residents of Durham County have been tested for the COVID-19 virus. The County continues to see new cases of the virus every day, and Durham County Health Officials indicate that as of April 1, 2020, there are 135 cases that have been identified in the County of Durham with roughly 19% of those cases now attributable to community spread. Likewise, communities adjacent to Durham County, 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, 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 Durham 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 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, 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 Durham 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.

NOW THEREFORE BE IT FURTHER ORDAINED THAT, the following outlines a revised “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 emergency area for the original Declaration of State of Emergency, and this Order 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. North Carolina General Statute 166A-19.31 and Chapter 10 of the Durham County Code allows Durham County 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 Durham 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), and the Social Distancing and Sanitation Requirements specified in Section 2D below).

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 five (5) 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 five (5) people shall at all times observe Social Distancing and Sanitation Requirements specified in Section 2D below. Contact sports or other physical activities where social distancing cannot be maintained at all times, or which involve shared equipment, are prohibited.

All businesses and operations in the emergency area of Durham County, 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. Business and operations which continue activities in violation of this Order shall be subject to immediate closure and the responsible personnel subject to criminal charges. 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 and gaming facilities shall be closed to the public.

- C. **ESSENTIAL ACTIVITIES.** The following Essential Activities are excluded from the “Stay at Home” provisions of Section 2A 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. Individuals performing these activities must comply with the Social Distancing and Sanitation Requirements specified in Section 2D below.



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. Individuals performing these activities must comply with the Social Distancing and Sanitation Requirements specified in Section 2D below.
3. *Outdoor Activity.* To engage in outdoor activity, such as, by way of example, walking, hiking, running, golfing, and biking. As noted in Section B above, contact sports or other physical activities where social distancing cannot be maintained at all times, or which involve shared equipment (such as balls, pucks, discs, frisbees and other handheld sports equipment), are prohibited. Individuals may go to public parks, open outdoor recreation areas, and utilize public right of way, provided that they comply at all times with the Social Distancing and Sanitation Requirements specified in Section 2D below. Because public and private playgrounds may increase spread of COVID-19, they are closed until this Order is lifted.
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 at all times with the other restrictions in this Order, including Social Distancing and Sanitation Requirements specified in Section 2D below.
6. *Volunteer Activities.* These include both volunteer activities with organizations that provide charitable and social services, as well as decentralized volunteer activities such as COVID19/Coronavirus Mutual Aid in Durham, NC and other community mutual aid activities designed to help others obtain access to food, shelter, necessary household goods, and other human services resources. Provided, however, that individuals engaged in volunteer activities must comply at all times with the Social Distancing and Sanitation Requirements specified in Section 2D below.

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. To the extent possible, the performance of temperature checks by employers of their employees when they report to work, and a mandate that any employee with a temperature above 100.4 degrees Fahrenheit must be sent home;

The following requirements must be complied with:

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.

E. **LIMITATIONS ON BUSINESS OPERATIONS.** All businesses and operations in the emergency area of Durham County, 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. Business and operations which continue activities in violation of this Order shall be subject to immediate closure and the responsible personnel subject to criminal charges. 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 comply with the Social Distancing



and Sanitation Requirements specified in Section 2D above, and meet any other requirements in this Order.

- a. **CISA List.** On March 28, 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>
- b. **Businesses that sell, produce, or distribute groceries, medicine, or essential household goods.** Grocery stores, farms, farmer's markets (operate as a pick-up and delivery sale system only), 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. Occasional retail activities such as garage sales and flea markets are prohibited.
- 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 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 (to include community fitness centers in subdivisions and apartment complexes), 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 Durham County.

- 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; auto-supply; auto dealers; 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. 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, painting, and heating material.
- i. **Critical trades.** Building and Construction Trades, and other related trades including but not limited to, plumbers, electricians, utility workers, exterminators, cleaning and janitorial staff for residential, 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, distributing food, or performing other essential functions. 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, 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.
- 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. To the extent possible, childcare facilities must operate under the following conditions:
 - i. Childcare must be carried out in stable groups ("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.
- 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.

- 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.
 - 1. Pre-sales and pre-rental activities,
 - a. In-person showings and open houses are prohibited.
 - b. Listing agents may enter properties to take photographs and videos to facilitate virtual tours. These services may also be provided by professional photography services so long as the requirements of Section 2D are met.
 - 2. Post-sale activities (These activities may only be conducted by a single individual and are restricted to the following activities connected with closing sales.)
 - a. Post-offer inspections;
 - b. Appraisal;
 - c. Surveys;
 - d. Final walk throughs; and,
 - e. Title 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 provided that they comply with the Social Distancing and Sanitation Requirements specified in Section 2D above, are permitted to operate as if they were an Essential Business.

- 4. *Alternate Offering of Non-Essential Goods and Services.* Provided that they comply with the Social Distancing and Sanitation Requirements specified in Section 2D above 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 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.



5. *Minimum Basic Operations for All Businesses.* Provided that they comply with the Social Distancing and Sanitation Requirements specified in Section 2D above, 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 safety and emergency response personnel, public school systems, housing authorities, and transportation authorities) shall continue services classified as “essential” by the respective unit of government. provided that they comply with the Social Distancing and Sanitation Requirements specified in Section 2D above.
- 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 the Social Distancing and Sanitation Requirements specified in Section 2D above. This Order allows travel into or out of Durham County 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 of Durham County.



- 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 of Durham County. Individuals are strongly encouraged to verify that their transportation out of the County 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, complying, at a minimum, with the social distancing and sanitation requirements of Section 2D above, 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 3. I hereby further encourage all residents, visitors, businesses, and establishments within the emergency area of Durham County to follow any and all directives and recommendations set forth by the United States Federal Government and its designated agencies such as the Center for Disease Control, 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 Durham County.

Section 4. I hereby order Durham County emergency management and emergency response personnel, and all other Durham employees subject to our control to cooperate in the enforcement and implementation of the provisions of this Amendment (Stay at Home Order), all applicable local ordinances, state, and federal laws, and the Durham County Emergency Operations Plan. I further request the cooperation and support of the Sheriff's Office and Durham Police Department in enforcing this Second Amendment, violations of which are a criminal offense.

Section 5. In further response to this ongoing State of Emergency, and pursuant to Chapter 10 of the Durham County Code and Chapter 166A of the N.C. General Statutes, I hereby authorize the Durham City-County Planning Director to invoke the authority set forth in Section 1.11 of the Durham Unified Development Ordinance (UDO) to waive, suspend and/or cease enforcement of the UDO, specifically with respect to Section 3.7.2 of the UDO, for facilities located within the County that are directly related to the County's COVID-19 response. This grant of authority will allow rapid deployment of any facility additions and/or expansions that will aid the County's response to the COVID-19 virus.

Section 6. A copy of this Second 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. This Second Amendment to Declaration of State of Emergency in Durham County shall take effect on Saturday, April 4, 2020, at 5:00 p.m., and it, along with the original Declaration of State of Emergency in Durham County shall remain in effect through April 30, 2020. This 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.



This Second Amendment signed electronically at this date and time: April 3, 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