



FIRST AMENDMENT

Effective: Friday, July 24th, 2020 @ 8:30AM

to the

DECLARATION OF A STATE OF EMERGENCY

Effective: Wednesday, March 18th, 2020 @ 10:00 AM

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person; and

WHEREAS, on March 10th, 2020, the State of North Carolina through the Office of Governor, Roy Cooper, issued Executive Order No. 116 titled “Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19”; and

WHEREAS, on March 13th, 2020, the United States of America through the Office of President, Donald Trump, issued a Proclamation Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, in consultation with local, state, and federal health care professionals and based upon guidance from the Centers for Disease Control (CDC) and NC Department of Health & Human Services (NCDHHS) arrangements must be made immediately to take such actions as are deemed necessary to protect and preserve public safety; and

WHEREAS, as a result of the above-described disaster, on March 18th, 2020 pursuant to the authority vested in me as the Chairman of the Board of Commissioners of Washington County under Article 1A of Chapter 166A of the North Carolina General Statutes and the Washington County State of Emergency Ordinance, a Declaration of a State of Emergency was declared for the reasons more particularly described therein; and

WHEREAS, there appears to be substantial and increasing scientific evidence to conclude that the wearing of face coverings in common areas and other public places, and particularly among individuals in close proximity to one another for any extended period of time significantly slows and limits the spread of COVID-19, which has led to an increasing amount of medical guidance from the CDC and NCDHHS to recommend the public routinely follow such practices; and

WHEREAS, on June 24, 2020, North Carolina Governor Roy Cooper issued Executive Order No. 147 which requires the use of face coverings while in public spaces and in certain businesses and facilities; and

WHEREAS, on July 16, 2020, Chief Justice Beasley of the Supreme Court of North Carolina issued Emergency Directive 21 which requires the use of face coverings while in the common areas of, or interacting with other persons, within any court facilities; and

WHEREAS, there is some ambiguity as to the applicability of such orders in certain county owned or controlled facilities; and

WHEREAS, as Chairman of the Washington County Board of Commissioners, after consulting with local healthcare officials, I desire to extend the certain face covering requirements of Executive Order No. 147 to all Washington County buildings and facilities; and

NOW THEREFORE, pursuant to the authority vested in me as the Chairman of the Washington County Board of Commissioners under Article 1A of Chapter 166A of the North Carolina General Statutes and the Washington County State of Emergency Ordinance I hereby proclaim and declare that the Declaration of a State of Emergency previously declared on March 18, 2020 is hereby amended as follows:

1. A new Subsection (A) (Wearing of Face Coverings) is hereby added to Section 3 of the Original Declaration of a State of Emergency to read as follows:

A. WEARING OF FACE COVERINGS:

- i. Except as specifically stated herein, all members of the public who are present in any Washington County owned or controlled building or facility are required to wear a clean 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 covering may be factory-made or sewn by hand or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels. While wearing a face covering, it is still essential to maintain social distance insofar as possible.
- ii. Social Distance shall be construed as the amount of distance between persons (or any other specific guidance or parameters established for measuring or maintaining social distance) as defined or established by the current parameters of any of the following sources listed by decreasing order of priority, and as each may be modified or amended from time to time:
 1. Social Distancing Parameters established by any Executive Order issued by the Governor of the State of North Carolina, and

2. Social Distancing Parameters established within any guidance provided by the North Carolina Department of Health and Human Services (NCDHHS), and
 3. Social Distancing Parameters established within any guidance provided by the Centers for Disease Control (CDC),
- iii. Exceptions: Face coverings shall not be required for the reasons listed below, nor for any other reasons established as exceptions to the requirements that face coverings be generally worn in public settings by any applicable Executive Orders issued by the Governor of the State of North Carolina:
1. Persons whose religious beliefs prevent them from wearing a face covering.
 2. Persons who cannot wear a face covering due to a medical or behavioral condition.
 3. Children under 12 years of age.
 4. While temporarily removed to consume food or beverage provided social distancing can be maintained during such consumption.
 5. In private, individual offices where there is not regular interaction with the general public, and where social distancing can be maintained.
 6. When complying with directions of law enforcement officers.
 7. In settings where it is not practical or feasible to wear a face covering, subject to review and approval by the Public Health Director or County Manager.

Anyone who declines to wear a face covering for these reasons shall not be required to produce documentation or any other proof of any exempt condition.

If an individual states that an exemption applies, County staff may choose to offer a reasonable measure approved by the County Manager to deliver any County services via alternative means to avoid unnecessary exposure.

- iv. Applicability: The requirements established in this amended order shall supplement and be in addition to the other requirements associated with the COVID-19 State of Emergency within the County, including, but not limited to, any requirements established by the State of North Carolina.
- v. Enforcement: Any individual who willfully disregards or fails to comply with these provisions shall be asked to exit the county building or facility. Refusal to exit said building or facility may result in the treatment of such individuals presence as an unauthorized trespass and may be subject to civil or criminal remedies including without limitation criminal prosecution to the fullest extent permitted by law.
- vi. Effective Date and Time: This Amendment shall take effect as of the date and time first stated above, and shall remain in effect until modified or rescinded.

HEREBY DECLARED THIS THE 23RD DAY OF JULY, 2020

BY: 

D. Cole Phelps, Chairman
Washington County Board of Commissioners

ATTEST: 

Julie J. Bennett, CMC, NCMCC
Clerk to the Washington Board of County Commissioners