

**SECOND AMENDMENT TO  
CITY OF FAYETTEVILLE STATE OF EMERGENCY DECLARATION**

**SECOND AMENDMENT TO THE DECLARATION ISSUING A STATE OF EMERGENCY WITHIN THE CITY OF FAYETTEVILLE, NORTH CAROLINA, PURSUANT TO ARTICLE 1A, CHAPTER 166A, N.C.G.S.; N.C.G.S. § 166A-19.22; AND CHAPTER 9 OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE**

**WHEREAS**, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(1) and Chapter 9 of the City of Fayetteville, NC, Code of Ordinances authorizes the undersigned to prohibit and restrict the movement of people in public places, including by (a) imposing a curfew; (b) directing and compelling the voluntary or mandatory evacuation of people from an area; (c) prescribing routes, modes of transportation, and destinations in connection with evacuation; (d) controlling the movement of persons within an emergency area; and (e) closing streets, roads, highways, and other areas ordinarily used for vehicular travel, except to the movement of persons necessary for recovery from the emergency; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-1(b)(2) and Chapter 9 of the City of Fayetteville, NC, Code of Ordinances authorizes the undersigned to prohibit and restrict the operation of offices, business establishments, and other places to and from which people may travel or at which they may congregate; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(5) and Chapter 9 of the City of Fayetteville, NC, Code of Ordinances authorizes the undersigned to prohibit and restrict activities which may be reasonably necessary to maintain order and protect lives and property during a state of emergency; and

**WHEREAS**, a State of Emergency Declaration for the City Limits of the City of Fayetteville was executed and imposed on the 17th day of March, 2020, in response to the pandemic of the novel coronavirus known as COVID-19; and

**WHEREAS**, an Amendment to the State of Emergency Declaration for the City Limits of the City of Fayetteville was executed and imposed on the 23rd day of March, 2020; and

**WHEREAS**, North Carolina Governor Roy Cooper issued Executive Order Nos. 117-120 for the purposes of protecting the health, safety, and welfare of the people of North Carolina; and

**WHEREAS**, on March 27, 2020, North Carolina Governor Roy Cooper issued Executive Order No. 121, Stay at Home Order and Strategic Directions for North Carolina in Response to Increasing COVID-19 Cases; and

**WHEREAS**, Executive Order No. 121 is incorporated by reference as if fully set forth herein; and

**WHEREAS**, individuals who contract the virus display no symptoms or have mild symptoms which means they may not be aware they carry the virus; and

**WHEREAS**, people without symptoms can transmit the disease and evidence shows the disease is easily spread; and

**WHEREAS**, additional actions must be taken immediately to ensure optimal mitigation of COVID-19 and that City of Fayetteville residents remain safe and secure; and

**WHEREAS**, the spread of the disease poses a threat to life, property, and the economy in the City of Fayetteville due to illness-related absenteeism, particularly among public safety personnel, healthcare personnel, and persons engaged in activities and businesses critical to the economy and infrastructure of the City of Fayetteville; and

**WHEREAS**, local and state officials must use all preventative and mitigation measures, which will require access to available services, personnel, equipment, and facilities to respond to COVID-19; and

**WHEREAS**, the undersigned has determined that additional restrictions and prohibitions are required to slow the spread of COVID-19 in the City of Fayetteville.

**NOW, THEREFORE**, in addition to the restrictions set forth in Executive Order No. 121 signed by Governor Cooper on March 29, 2020, which is incorporated by reference herein, the State of Emergency Declaration is amended to include the following additional preventative and mitigation measures:

**1. Public Safety Curfew:**

A curfew shall be imposed for citizens within the City Limits of the City of Fayetteville from 9:00 p.m. to 6:00 a.m. for all persons; and during such curfew, all individuals except as stated below, shall not be or travel upon any public street, alley, or roadway or upon public property. For purposes of this Amendment, individuals may leave their residence to work for, provide, or obtain the following:

**Healthcare and Public Health Operations.** For purposes of this Amendment, Healthcare and Public Health Operations includes, but is not limited to, hospitals, clinics, dental offices, pharmacies, laboratories and laboratory service providers. Healthcare and Public Health Operations shall be construed broadly to avoid any impacts to the delivery of healthcare, or public health operations broadly defined. Healthcare and Public Health Operations does not include those businesses ordered to close by Executive Order No. 120.

**Human Services Operations.** For purposes of this Amendment, Human Services Operations means any entity, agency or provider that is providing services to the public and including state-operated, institutional, or community-based settings providing human services to the public. Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

**Essential Infrastructure Operations.** For purposes of this Amendment, Essential Infrastructure Operations includes, but is not limited to: food and beverage production, distribution, fulfillment centers, storage facilities; construction (including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long term care facilities, public works construction, school construction, and essential commercial and housing construction); building and grounds management and maintenance including landscaping; airport operations; operation and maintenance of utilities, including water, sewer, and gas; electrical (including power generation, distribution, and production of raw materials); distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video and telecommunications systems (including the provision of essential global, national and local infrastructure for computing services , business infrastructure, communications, and web-based services). Essential Infrastructure Operations shall be construed broadly to avoid any impacts to essential infrastructure.

**Essential Governmental Operations.** For purposes of this Amendment, Essential Governmental Operations means all services provided by the State or City, to provide for or support the health, safety, and welfare of the public, and including contractors performing Essential Governmental Operations. This Amendment does not apply to the United States government.

For purposes of this Amendment, all first responders, emergency management personnel, emergency dispatchers, legislators, judges, court personnel, jurors and grand jurors, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support COVID-19 Essential Businesses and Operations are categorically exempt.

**Essential Businesses and Operations.** For purposes of this Amendment, Essential Businesses means all businesses that sell, manufacture, support or supply food, medicine or other essential household goods.

**Homelessness.** For purposes of this Amendment, individuals experiencing homelessness are exempt from this Amendment, but are strongly urged to obtain shelter that meets Social Distancing Requirements. 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.

**2. Public Gatherings Prohibited:**

All public and private gatherings of any number of people, occurring outside a single household or residential unit, are prohibited. Nothing in this Order shall prohibit the gathering of members of a household or residential unit inside the household or residential unit.

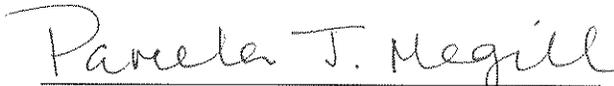
THEREFORE, I, MAYOR, DO HEREBY DECLARE THIS SECOND AMENDMENT TO THE STATE OF EMERGENCY DECLARATION.

AND THAT FURTHER, THE PROVISIONS OF THE STATE OF EMERGENCY DECLARATION AND AMENDMENT TO STATE OF EMERGENCY DECLARATION SHALL BE INCORPORATED HEREIN IN FULL FORCE AND EFFECT.

Executed this 31<sup>st</sup> day of March, 2020 and effective April 1, 2020.

  
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MITCH COLVIN, Mayor

ATTEST:

  
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PAMELA J. MEGILL, City Clerk

