

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

A FIFTH 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, COVID-19 is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person; and

WHEREAS, the World Health Organization declared COVID-19 is a Public Health Emergency of International Concern on January 30, 2020; and

WHEREAS, the Centers for Disease Control and Prevention (the “CDC”) has warned of the high public health threat posed by COVID-19 globally and in the United States and has deemed it necessary to prohibit or restrict travel to areas designated by the CDC; and

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 391 of the Public Health Service Act; and

WHEREAS, on March 10, 2020, North Carolina Governor Roy Cooper declared a State of Emergency for the State of North Carolina based on the public health emergency posed by COVID-19; and

WHEREAS, on March 16, 2020, a State of Emergency was declared for the City of Fayetteville under the authority granted to the City under Chapter 166A of the North Carolina General Statutes; and

WHEREAS, health authorities, including the Centers for Disease Control, the Surgeon General of the United States, and the North Carolina Department of Health and Human Services, have issued guidance calling for all people, to include those who are vaccinated, to wear masks indoors when you are around people you do not live with, in order to reduce the spread of COVID-19; and

WHEREAS, the positive rate of infections in Fayetteville and Cumberland County is increasing due to the spread of the Delta variant of the virus; and

WHEREAS, the undersigned has conferred with the Cumberland County Public Health Director and Cape Fear Valley Hospital Administration and determined that prompt action is necessary to slow the spread of COVID-19 and, in particular, the Delta variant of the virus in order to protect the most vulnerable and prevent the health care system from being overwhelmed.

NOW, THEREFORE, pursuant to the authority vested in me as the Mayor of the City of Fayetteville, under Chapter 166A of the North Carolina General Statutes, and Chapter 9 of the Fayetteville City Code, I, Mitch Colvin, Mayor of the City of Fayetteville, North Carolina, hereby proclaim and declare the following.

Section 1. Reaffirmation

The Declaration of a State of Emergency issued on March 16, 2020, is hereby reaffirmed and will continue until rescinded, within the corporate limits of the City of Fayetteville.

Section 2. Wearing of Face Coverings

All persons who are present within the jurisdiction of the City of Fayetteville 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 indoor spaces. These spaces include grocery stores, pharmacies, business locations, restaurants, bars, gyms, fitness centers 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 COVID-19. The wearing of face coverings when outdoors is strongly encouraged when social distancing is not possible.

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. Individuals are encouraged to review CDC guidance on appropriate face coverings. Social distance, as referenced within this declaration amendment, shall mean the current parameters established by the Governor by Executive Order and by the North Carolina Department of Health and Human Services, including as such parameters may be amended in the future.

Face coverings are not required by someone who:

- Should not wear a face covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the face covering without assistance);
- Is a child under two (2) years of age;
- Is a child under five (5) years of age and their parent, guardian, or responsible person has been unable to place and maintain a face covering safely on the child's face;
- Is actively eating or drinking;
- Is in a private, individual office;
- Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
- Is giving a speech or performance or a broadcast, or to an audience, where they maintain a distance of at least 20 feet from the audience;

- Is working at home or is in a personal vehicle;
- Is temporarily removing their face covering to secure government or medical services or for identification purposes or at the request of a law enforcement officer;
- Would be at risk for wearing a face covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;
- In settings where it is not practical or feasible to wear a face covering, including when obtaining or rendering goods or services, such as the receipt of dental services or while swimming;
- Has found that their face covering is impeding visibility to operate equipment or a vehicle; or
- Attends worship, religious, and spiritual gatherings; funeral ceremonies; wedding ceremonies; and other activities constituting the exercise of First Amendment rights.

Anyone who declines to wear a face covering for these reasons should not be required to produce documentation or any other proof of a condition. However, everyone that is able is asked to wear a face covering so that they do not put other people at risk of serious illness or death. Businesses and other entities or institutions may accommodate exceptions if someone states that an exception applies by choosing to offer curbside service, provide home delivery, or use some other reasonable measure to deliver its goods or services.

Section 3. Applicability

The requirements established in this declaration amendment shall supplement and be in addition to the other requirements associated with the COVID-19 State of Emergency within the City of Fayetteville, including, but not limited to, any requirements established by Cumberland County and the State of North Carolina. For facilities owned or operated by other units of government, including the Federal, State, or Cumberland County government, this declaration amendment shall not apply and rules for face coverings shall be set by the applicable unit of government.

Section 4. Implementation

The intent of this declaration amendment is to encourage voluntary compliance with the requirements established herein by businesses and persons within the City of Fayetteville. Law enforcement and other public safety and emergency management personnel are strongly encouraged to educate and encourage voluntary compliance with this order.

Section 5. Distribution

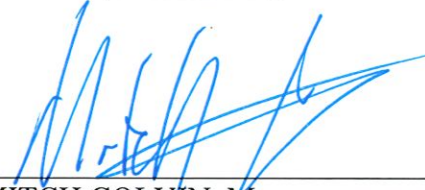
I hereby order this declaration amendment (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public, (b) to be filed with the City Clerk, and (c) to be distributed to others as necessary to ensure proper implementation of this declaration amendment.

Section 6. Effective Date and Time

This declaration amendment shall take effect at 5:00 p.m., August 20, 2021, and shall remain in effect until modified or rescinded.

DECLARED this the 18th day of August, 2021, at 5:00 p.m.





MITCH COLVIN, Mayor

ATTEST:



PAMELA MEGILL, City Clerk