

DECLARATION OF A STATE OF EMERGENCY AND
ORDER OF THE MAYOR OF THE CITY OF SANFORD
IMPOSING RESTRICTIONS AND PROHIBITIONS TO REINFORCE
GOVERNOR COOPER'S EXECUTIVE ORDERS WITHIN THE CITY OF SANFORD, NC

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, N.C. Gen. Stat. §166A-19.22, which is part of the North Carolina Emergency Management Act, authorizes municipalities to declare a state of emergency under conditions and following procedures contained in N.C. Gen. Stat. §166A-19.22; and

WHEREAS, Coronavirus Disease 2019 ("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, Governor Cooper issued Executive Order No. 116 which declared a State of Emergency to coordinate the state's response and protective actions to address the COVID-19 public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina; and

WHEREAS, on March 13, 2020, the President of the United States, Donald J. Trump, issued an emergency declaration for all states, tribes, territories, and the District of Columbia, retroactive to March 1, 2020, which declared that the COVID-19 pandemic in the United States constitutes a national emergency; and

WHEREAS, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, Governor Cooper has issued in

addition to Executive Order 116, Executive Order Nos. 117-122, 124-125, 129-131, 133-136, 138-144, 146-153, 155-157, 161-165, 169-173, 176-177, and 180; and

WHEREAS, N.C. Gen. Stat. §166A-19.30(c) in conjunction with N.C. Gen. Stat. §166A-19.31 and Article II of Chapter 14 of the Sanford City Ordinances, authorize the undersigned to prohibit and restrict the movement of people in public places; and

WHEREAS, N.C. Gen. Stat. §166A-19.30(c) in conjunction with N.C. Gen. Stat. §166A-19.31(b)(2) and Article II of Chapter 14 of the Sanford City Ordinances, authorize the undersigned to prohibit and restrict the operation of offices and business establishments; and

WHEREAS, N.C. Gen. Stat. §166A-19.30(c) in conjunction with N.C. Gen. Stat. §166A-19.31(b)(5) and Article II of Chapter 14 of the Sanford City Ordinances, authorize the undersigned to prohibit and restrict other activities or conditions, the control of which may be reasonably necessary to maintain order and protect the lives or property during the state of emergency; and

WHEREAS, health authorities, including the CDC, the Surgeon General of the United States, and the North Carolina Department of Health and Human Services ("NCDHHS") have recommended the use of face coverings as a means of preventing the spread of COVID-19; and

WHEREAS, on November 13, 2020 Governor Cooper issued Executive Order 176 which was expressly intended to curtail the spread of COVID-19 by requiring the use of face coverings by persons in North Carolina and reducing the occupancy limits of most indoor activities; and

WHEREAS, on November 23, 2020 Governor Cooper issued Executive Order 180 requiring face coverings in all public indoor settings and reiterated mass gathering limits to stem the spread of disease in the state; and

WHEREAS, as of November 25, 2020, the number of positive cases of COVID-19 and deaths are increasing within Lee County and many people have been observed in restaurants and other retail establishments without wearing recommended face coverings; and

WHEREAS, declaring a State of Emergency reinforcing the provisions of Governor Cooper's Executive Orders, by imposing the restrictions and prohibitions ordered herein is necessary to protect public health, safety, and welfare of citizens in the City; and

NOW, THEREFORE, pursuant to the authority vested in me as Mayor of the City of Sanford under North Carolina General Statute §166A-19.31 and Article II of Chapter 14 of the Sanford City Ordinances:

Section 1: I hereby declare that a **State of Emergency** exists in the City of Sanford due to the COVID-19 Pandemic.

Section 2: All City of Sanford Employees, Fire Department Personnel, Law Enforcement Officers, and all other emergency management personnel subject to our control are ordered to cooperate in the enforcement and implementation of the provisions of this Declaration, all applicable local ordinances, state and federal laws, and the Lee County Emergency Operations Plan.

Section 3: Pursuant to Section 14-31 and 14-37 of Chapter 14, Article II, of the City of Sanford Code of Ordinances, the Mayor of the Sanford City Council is authorized to issue this Declaration of a State of Emergency and can place any or all restrictions as set forth through Section 14-31 through 14-37 and therefore also has the authority to amend this declaration by means of a superseding declaration with the procedures as set forth in Section 14-32 of the City of Sanford Code of Ordinances. The Mayor will take reasonable steps to give notice of the terms of the superseding declaration and shall post a copy in the lobby of City Hall.

FURTHER, IT IS HEREBY ORDERED:

1. That all offices and businesses in the City are hereby ordered to comply with Governor Cooper's Executive Orders 176 and 180, as amended from time to time, and that the City administration shall direct appropriate City employees to cite for violation of this declaration, any office or businesses in the City that may be functioning in violation of said Executive Orders.
2. Owners or Managers of offices and businesses that fail to require employees or customers to wear a face covering as mandated by Governor Cooper's Executive Order 180 may be cited and fined One Hundred Dollars (\$100.00) as a civil penalty. An office or business that has requested a customer to comply with the face covering mandate, who does not meet an exemption to the requirement, and who refuses to comply, may request the customer to leave. If the customer refuses to wear a face covering and refuses to leave, then the Manager or Owner may call law enforcement to address the trespasser.
3. Offices and businesses found to have been in violation of the reduced occupancy limits expressed in Section 5.1 of Executive Order No. 169 and as amended in subsequent Executive Orders shall be cited and fined One Hundred Dollars (\$100.00) for each person found to be on the premises or within any structure in excess of the limits imposed by the above referenced Executive Orders for such premises or structures as observed by such City employee. This fine shall be a civil penalty to be enforced as other civil penalties imposed by City employees such as Fire Officials who make observations of non-compliant operation of structures in the City and render civil penalties.

Further, both the CDC and Executive Order 176 have provided guidance about how offices and businesses may safely operate in the context of this COVID-19 pandemic. NCDHHS has provided guidance which may be found at <https://covid19.ncdhhs.gov/guidance>.

To reinforce these guidelines for safe operation of offices and businesses and Executive Orders 176 and 180, as amended, offices and businesses found to have been functioning substantially in violation of these guidelines and orders shall be cited for such violations.

4. Upon the second citation for a violation of any of the provisions of this Declaration, a civil penalty may be imposed in the amount of Five Hundred Dollars (\$500.00).
5. A finding that there has been a substantial violation of these guidelines and orders shall be based primarily upon compliance with, among other things, the following specific requirements:
 - applicable capacity limits clearly marked at all entrances
 - compliance with such capacity limitations
 - signage on all entrances giving notice that face covering, over mouth and nose, is a requirement to gain admission to any such office or business
 - all employees who interact with the general public wearing a face covering
 - any employee who cannot maintain social distance from other employees consistently must wear a face covering
 - social distancing must be maintained as per the Governor's order
 - hand sanitizer must be provided

Section 4: Savings Clause:

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

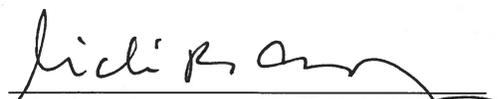
Section 5: I hereby order this Declaration: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be filed with the Sanford City Clerk; and (c) to be distributed to others as necessary to ensure proper implementation of this Declaration.

Section 6: This Declaration and Order shall take effect at 5:00 p.m. on Wednesday, November 25, 2020, and shall remain in effect until modified or rescinded.

DECLARED and ORDERED this 25th day of November, 2020 at 3:30 p.m.



T. Chet Mann, Mayor



Vicki R. Cannady, Deputy City Clerk