



**TOWN OF RIVER BEND**

45 Shoreline Drive  
River Bend, NC 28562

T 252.638.3870

F 252.638.2580

[www.riverbendnc.org](http://www.riverbendnc.org)

**River Bend Town Council Agenda  
Work Session  
July 9, 2020  
River Bend Town Hall  
5:00 P.M.**

1. Discussion – Request from Brian Swicegood to Amend Chapter 9: Animals, in the Town Ordinance – Jackson
2. Discussion – Use of Masks for COVID – Leonard
3. Discussion – Re-opening Library – McClard
4. Discussion – Details of Ribbon Cutting for Municipal Building – Jackson
5. Vote Surplus Property Resolution - Jackson
6. Review Agenda – Katsuyoshi

Pledge: Councilman Sheffield



**Delane Jackson**

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**From:** Delane Jackson  
**Sent:** Friday, June 12, 2020 1:12 PM  
**To:** Brian Swicegood  
**Subject:** RE: Provision for Parcel ID #8-200-056 & #8-200-057

Hello Brian:

I received your voicemail today. Rather than call you to discuss it, I figured I would respond in writing for the record.

What you requested is not allowed within the Town of River Bend. While you can certainly purchase and build a home on the property,

the ordinance prohibiting livestock does apply to the property you identified and is thus not permitted.

Delane Jackson  
Town Manager  
Town of River Bend  
45 Shoreline Drive  
River Bend, NC 28562

252-638-3870 x-213

*Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review (with statutory exceptions) by anyone at any time.*

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**From:** Brian Swicegood <bswicegood@hotmail.com>  
**Sent:** Friday, June 12, 2020 1:00 PM  
**To:** Delane Jackson <manager@riverbendnc.org>  
**Subject:** Re: Provision for Parcel ID #8-200-056 & #8-200-057

Mr. Jackson,

I am checking in with you about our provisions requested for the two parcels mentioned in our letter to you last Friday. I called and left word on your voicemail this morning but wasn't sure if you were in office or not.

We wanted to check to see if we could move forward with an offer or not and to see if there are any questions you may have that need clarification on our end.

Look forward to hearing from you soon.

Brian Swicegood  
252-340-0765

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**From:** Delane Jackson <manager@riverbendnc.org>  
**Sent:** Friday, June 5, 2020 2:26 PM  
**To:** Brian Swicegood <bswicegood@hotmail.com>  
**Subject:** RE: Provision for Parcel ID #8-200-056 & #8-200-057

Brian:

I have not made my official final decision yet but upon my initial review of comparing your request against our ordinances, I believe that your request is not permitted.

Our current ordinance says-

**§ 9.01.001 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANIMAL.** Any live vertebrate creature.

**DOMESTIC ANIMAL.**

- (1) An animal that typically is found in a domesticated or tame state and usually is kept as a pet.
- (2) This definition includes but is not limited to dogs and cats.

**LIVESTOCK.**

- (1) An animal that typically is kept principally for productive or useful purposes, rather than as a pet.
- (2) The definition includes but is not limited to horses, cows, pigs, goats, sheep, mules and chickens.

**§ 9.01.017 PROHIBITION OF CERTAIN ANIMALS.**

No person may have or keep within the corporate boundaries of the town any livestock or wild animals, except in conformance with a federal, state or local program designed to protect and promote the public health, safety and welfare, but only if the program has been approved by the Town Council.

It appears to me that your request is prohibited by ordinance. I am continuing to look into the matter to see if there are any other provisions that would allow the use you requested.

If cannot do so, your only option would be to request that the Town Council amend our ordinances.

Delane Jackson

Town Manager  
Town of River Bend  
45 Shoreline Drive  
River Bend, NC 28562

252-638-3870 x-213

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**From:** Brian Swicegood <[bswicegood@hotmail.com](mailto:bswicegood@hotmail.com)>  
**Sent:** Friday, June 05, 2020 2:06 PM  
**To:** Delane Jackson <[manager@riverbendnc.org](mailto:manager@riverbendnc.org)>  
**Subject:** Re: Provision for Parcel ID #8-200-056 & #8-200-057

3516 Canterbury Rd.  
Trent woods, NC 28562

We're you able to come to a conclusion? If so, could you please give me an idea of the direction you chose so that I can go ahead and make a decision on the property. I'm afraid these parcels will not stay on the market much longer.

Thank you again for the consideration and taking the time to. Look over it.

Brian Swicegood  
252-340-0765

Brian Swicegood  
252-340-0765

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**From:** Delane Jackson <[manager@riverbendnc.org](mailto:manager@riverbendnc.org)>  
**Sent:** Friday, June 5, 2020 2:01:18 PM  
**To:** Brian Swicegood <[bswicegood@hotmail.com](mailto:bswicegood@hotmail.com)>  
**Subject:** RE: Provision for Parcel ID #8-200-056 & #8-200-057

Brian:

What is your mailing address?

Delane Jackson  
Town Manager  
Town of River Bend  
45 Shoreline Drive  
River Bend, NC 28562

252-638-3870 x-213

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**From:** Brian Swicegood <[bswicegood@hotmail.com](mailto:bswicegood@hotmail.com)>  
**Sent:** Thursday, June 04, 2020 3:21 PM  
**To:** Delane Jackson <[manager@riverbendnc.org](mailto:manager@riverbendnc.org)>  
**Subject:** Provision for Parcel ID #8-200-056 & #8-200-057  
**Importance:** High

Mr. Jackson,

Per your request, here is a letter stating my family's intention for these two parcels totaling approximately 18 acres. I will also print this out, sign it, and deliver it to you if not today, then first thing tomorrow morning. Thank you very much for your consideration and I look forward to hearing from you.

Brian Swicegood  
252-340-0765

June 18, 2020

Brian and Elizabeth Swicegood  
3516 Canterbury Rd  
New Bern, NC 28562

Dear Town Council,

I am writing to you to request an amendment to the current ordinances in order for parcels with a combined acreage of 15 or more acres that are less than 0.5 miles from the River Bend town limit boundary in two different directions to be held under different ordinances regarding livestock (please see the attached GIS map on page 3). We would like for you to allow these parcels as described above to be able to have small farm animals for pets and hobby use only. All livestock raised for the purpose of harvesting would still be prohibited. We would like for you to make a change in the town's ordinance in order for my family to purchase and use the 18 acre parcel that is for sale on Old Pollocksville Road in the Town of River Bend as a homesite, as well as to have small farm animals as pets on a small family hobby farm.

I recently submitted a similar letter to Mr. Delane Jackson who informed me that the current ordinances does not allow my request and now we are seeking an amendment. I very much appreciate the ordinances in the town of River Bend that do not allow firearms and are set to protect the citizens that live there, as well as those set to maintain the beauty of the area.

Two years ago my wife and I bought a 20 acre parcel across Highway 17 from River Bend. We intended to use it as a build site and to raise our three children there. Prior to building, we realized that the surrounding environment would have put our family in danger due to a gun range making it an unacceptable place to build. Upon my search for a new parcel of land, I was immediately attracted to this 18 acre parcel in your town. It would allow my family acreage to build on while also being under the regulations of the town to prevent firearms, which would make my family much safer than our previous site.

Part of my goal of building on 10 plus acres is to have some small farm animals to allow my children the opportunity to learn responsibility, teach them life lessons, and enjoy living on a large tract of land. Because the current ordinances do not allow farm animals, this would restrict me from achieving this. This is why I am asking you to change the ordinances, but only for the parcels as described above.

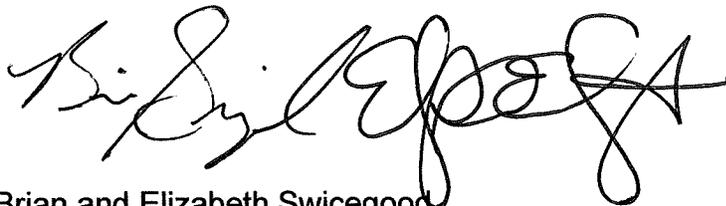
Below is what my wife and I would like your permission to work towards. This would start out as a build site and a smaller area of animals and a garden, with the potential for eventually growing the area but to not extend the borders shown in yellow on the next page.

1. Partially clear approximately 5-6 acres in the middle of the property for use, leaving the larger trees left from the previous clearing that took place in 2015. This is outlined in yellow on page 4.

2. Keep a minimum 75 foot border of trees along the east and west side of the property.
3. The front 2.5 acres would be kept wooded with some of the underbrush cleaned out. The trash dumped along the road along the parcel would be cleaned and maintained at a much higher standard than the current state. A nice entrance to the property and woods would be what is seen from Old Pollocksville Road.
4. Leave anywhere between 225 feet and 500 feet to the back of the parcel that would consist of natural regrowth from the previous clearing. These borders would allow the proposed provisions stated above to not impact the other residents in any way.
5. Build an approximately 3,000+ square foot custom home by Island Creek Builders that is approximately 275 feet off the road near the middle of the property that would face the pond that already exists.
6. Bulkhead in the existing pond to improve/maintain storm rainwater runoff.
7. Have an approximately 0.5 acre garden.
8. Have small farm animals that would be for family pets and homestead purposes only. Animals included would be chickens, a couple of rabbits, ducks, and goats, and a donkey. None of the farm animals would be used for livestock purposes. They would be fenced in and unable to be seen from any property line and within the 5-6 acres mentioned above. They would be kept in fenced areas at all times. Their hutches/houses would be done in such a way as to make sure they are attractive and consistent with the home's exterior.

We understand the desire to keep River Bend a town where the people are safe and life is enjoyed. This is the reason we would be grateful to be a part of your community. Attached is a drawing of our intentions with approximate dimensions for further clarification. Please let me know if there are any provisions that you would like to discuss further. Thank you for your consideration.

Sincerely,

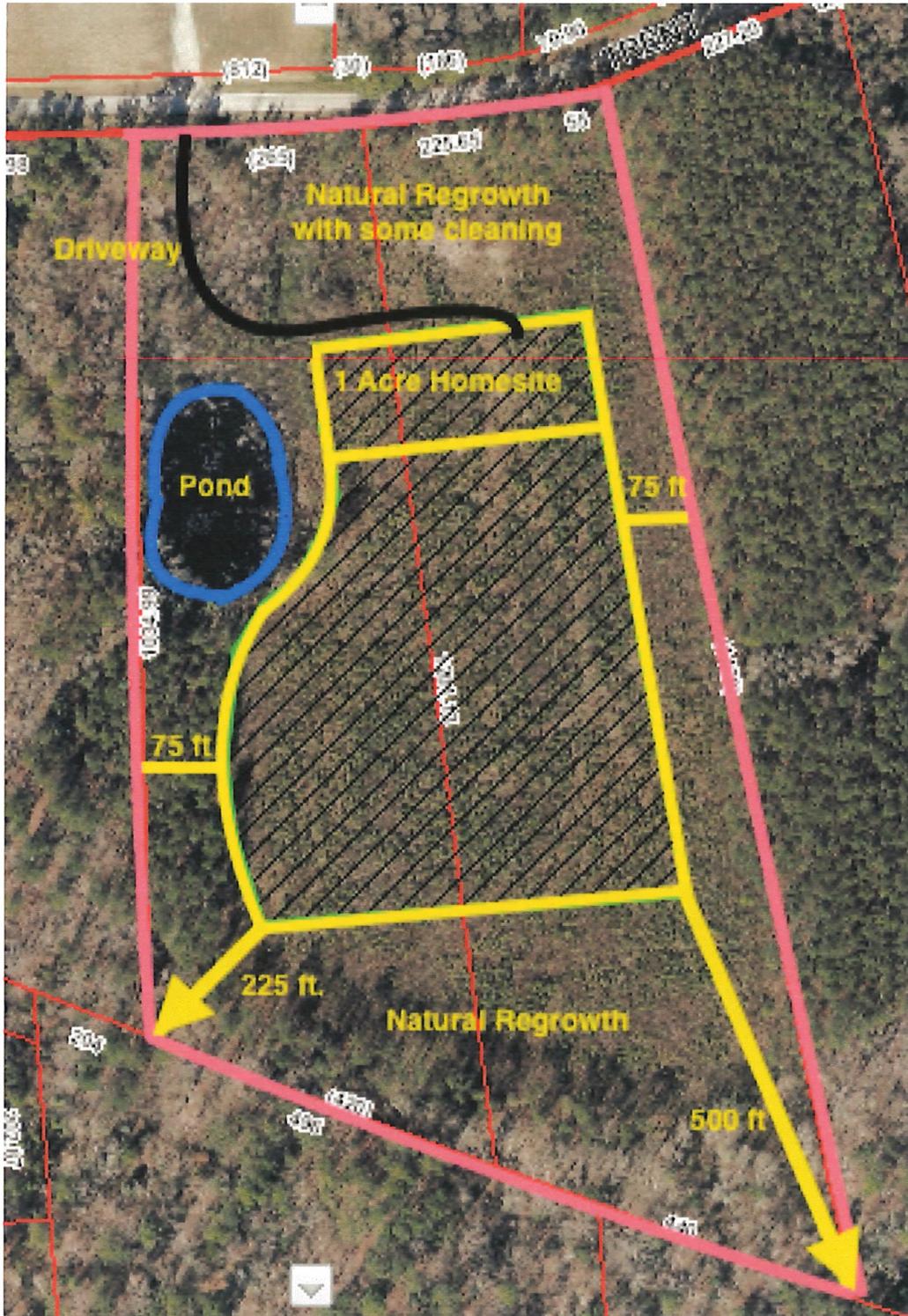
A handwritten signature in black ink, appearing to read "Brian and Elizabeth Swicegood". The signature is written in a cursive, flowing style with some overlapping letters.

Brian and Elizabeth Swicegood

Parcel ID #8-200-056 & 8-200-057 GIS measurements from city limits border



Parcel ID #8-200-056 & 8-200-057 outlined in pink



**CHAPTER 9.01: ANIMALS**

Section

*General Provisions*

- 9.01.001 Definitions
- 9.01.002 Interference with animal control officer
- 9.01.003 Animal feces

*Regulation and Control*

- 9.01.015 Running at large prohibited
- 9.01.016 Animals creating a nuisance
- 9.01.017 Prohibition of certain animals
- 9.01.018 Vicious animals
- 9.01.019 Location and maintenance of animal pens and enclosures
- 9.01.020 Bird sanctuary created
- 9.01.021 License and registration fee and tag

*Rabies*

- 9.01.035 Quarantine of animals suspected of having rabies
- 9.01.036 Disposition of rabid animals

*Care and Protection*

- 9.01.050 Care required; abandonment prohibited
- 9.01.051 Cruelty to animals
- 9.01.052 Responsibility of injuring animals

***Cross-reference:***

- General Offenses, see Title XIII*
- Public nuisances, see Ch. 9.02*

**GENERAL PROVISIONS****§ 9.01.001 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANIMAL.** Any live vertebrate creature.

**DOMESTIC ANIMAL.**

(1) An animal that typically is found in a domesticated or tame state and usually is kept as a pet.

(2) This definition includes but is not limited to dogs and cats.

**LIVESTOCK.**

(1) An animal that typically is kept principally for productive or useful purposes, rather than as a pet.

(2) The definition includes but is not limited to horses, cows, pigs, goats, sheep, mules and chickens.

**RUNS AT LARGE.**

(1) An animal runs at large when it is off the premises of the owner and is not under the immediate and effective constraint of the owner or other competent person in charge of the animal.

(2) The term **IMMEDIATE AND EFFECTIVE CONTROL** means that the animal is sufficiently restrained by use of a leash that constrains the animal to the close proximity of the owner or other competent person and to override the animal's ability to depart therefrom.

**WILD ANIMAL.** An animal that typically is found in a non-domesticated state and that poses or reasonably appears to pose a potential danger to persons, other animals, or property.  
(Prior Code, Ch. 6, Art. I)

**§ 9.01.002 INTERFERENCE WITH ANIMAL CONTROL OFFICER.**

(A) No person may obstruct, interfere with, hinder or molest the animal control officer in the lawful performance of any duty authorized by this chapter.

(B) No person may release or attempt to release any animal that is in the custody of the animal control officer.  
(Prior Code, Ch. 6, Art. VI) Penalty, see § 1.01.999

**§ 9.01.003 ANIMAL FECES.**

It will be unlawful for any person within the town to fail or neglect to remove immediately any animal feces deposited on public or private property without the consent of the owner of the property, by an animal in the care, charge, control or custody of the person, or owned, possessed or harbored by the person.

(Prior Code, Ch. 6, Art. VI) Penalty, see § 1.01.999

***REGULATION AND CONTROL***

**§ 9.01.015 RUNNING AT LARGE PROHIBITED.**

(A) No person owning or having possession, charge, custody or control of any animal shall cause, permit or allow the animal to stray or in any manner to run at large upon any public street, sidewalk or other public property or to stray, run at large or otherwise trespass upon the private property of another.

(B) Except as otherwise allowed by federal or state law, no person shall trap or capture, or attempt to trap or capture, any domesticated animal, livestock or wild animal that runs at large. The prohibition contained herein shall not apply to the animal control officer, or any other federal, state or local official or employee acting under the authority of his position.

(C) A violation of any of the provisions of this chapter shall be penalized as provided in § 1.01.999.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

**§ 9.01.016 ANIMALS CREATING A NUISANCE.**

No person may allow or have any animal within the town that:

(A) Habitually or repeatedly, without provocation, chases, snaps at, or attacks pedestrians, bicyclists or vehicles;

(B) Causes serious annoyance to neighboring residents and interferes with the reasonable use and enjoyment of their property by habitual barking, howling, whining or meowing;

(C) Repeatedly pilfers or turns over garbage or waste receptacles, damages gardens, flowers, shrubs or vegetables;

(D) Habitually trespasses upon neighboring properties and carries off articles or objects not belonging to the animal's owner; or

(E) Repeatedly defecates on public or private property other than that of the owner, without the owner or other competent person in charge of the animal removing any animal feces immediately, and dispose of it in a safe and sanitary manner.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

**§ 9.01.017 PROHIBITION OF CERTAIN ANIMALS.**

No person may have or keep within the corporate boundaries of the town any livestock or wild animals, except in conformance with a federal, state or local program designed to protect and promote the public health, safety and welfare, but only if the program has been approved by the Town Council.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

**§ 9.01.018 VICIOUS ANIMALS.**

When an animal becomes vicious or a menace to the public health, the owner of the animal or person harboring the animal, shall not permit the animal to leave the premises on which kept unless on a leash in the care of a responsible person.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

**§ 9.01.019 LOCATION AND MAINTENANCE OF ANIMAL PENS AND ENCLOSURES.**

Lots, pens, coops and other enclosures where animals are kept or fed shall be located at a distance from dwellings and places of concentrated human activity and at a distance from sources of water or food supply or food preparation as may be necessary to protect the public health.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

**§ 9.01.020 BIRD SANCTUARY CREATED.**

The territory within the corporate limits of the town is hereby declared a bird sanctuary in accordance with the authority conferred upon the municipality by North Carolina General Statutes.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

**§ 9.01.021 LICENSE AND REGISTRATION FEE AND TAG.**

(A) No dog or cat shall be owned, kept, harbored, maintained or cared for within the corporate limits of the town unless it first is licensed and registered with the town pursuant to this subchapter and, at all times, has attached the license tag issued by the town as proof thereof. Person registering dog or cat must be a minimum of 16 years of age. The dog or cat must also have attached proof of current rabies vaccination. If no rabies vaccination at this time due to being under 4 months of age, proof of age must be presented, either by written record or statement from a veterinarian.

(B) A license and registration fee shall be charged by the town for each dog and cat licensed effective with the issuance of the 1999 animal tags.

(C) Animal licenses hereunder shall be issued on an annual basis, being valid for the period from the March 1 of a given year through March 31 of the following year. The license and registration fee provided in division (B) above shall be the same regardless of the date during the year that the license is issued. The owner or person registering the animal must present proof of current rabies vaccination when applying for the license.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

***RABIES***

**§ 9.01.035 QUARANTINE OF ANIMALS SUSPECTED OF HAVING RABIES.**

(A) Every animal that has bitten any person or other animal or that shows symptoms of rabies shall be securely confined for a period of at least 10 days before the animal shall be released.

(B) (1) The owner of an animal that has bitten any person or that has shown symptoms of rabies shall report the same immediately to the local health director.

(2) In addition, any person bitten by an animal shall immediately report the incident to the local health director.

(C) Animals quarantined in accordance with this section shall be confined in a veterinary hospital or any other place designated by the local health director, the expense of the confinement to be paid by the owner of the animal.

(D) Any animal, confined pursuant to this section, upon being diagnosed by a licensed graduate veterinarian as free of rabies, shall be released to the owner upon payment by owner of fees and expenses incurred by the confinement and diagnoses.

(Prior Code, Ch. 6, Art. III) Penalty, see § 1.01.999

**§ 9.01.036 DISPOSITION OF RABID ANIMALS.**

(A) Every rabid animal, after rabies has been diagnosed by a licensed graduate veterinarian, shall be killed at once in a humane manner by its owner or a peace officer, except that if the animal has bitten a human being, the animal shall be confined under the supervision of a licensed graduated veterinarian until death of the animal. The remains of the animal shall be disposed of as provided in North Carolina General Statutes.

(B) An animal bitten by a proven rabid animal or animal suspected of having rabies that is not available for laboratory diagnosis shall be destroyed immediately by its owner or a peace officer unless the bitten animal has been vaccinated against rabies more than 3 weeks prior to being bitten, and is given a booster dose of rabies vaccine within 3 days of the bite.

(Prior Code, Ch. 6, Art. III) Penalty, see § 1.01.999

***CARE AND PROTECTION***

**§ 9.01.050 CARE REQUIRED; ABANDONMENT PROHIBITED.**

The owner of every animal shall be responsible for the care, vaccination, registration and/or licensing and behavior of the animal. No owner may fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather and veterinary care when needed to prevent suffering.

(Prior Code, Ch. 6, Art. IV) Penalty, see § 1.01.999

**§ 9.01.051 CRUELTY TO ANIMALS.**

No person shall willfully overdrive, overload, wound, injure, torture, cruelly beat, needlessly mutilate, trap, entice, or kill any animal or cause or procure the same.

(Prior Code, Ch. 6, Art. IV) Penalty, see § 1.01.999

**§ 9.01.052 RESPONSIBILITY OF INJURING ANIMALS.**

Any person who, as the operator of a motor vehicle or bicycle, strikes and injures a domestic animal shall stop at once and render assistance as may be possible and shall immediately report the incident to the animal's owner. If the owner cannot be ascertained or located with reasonable effort, the operator shall notify the Town Clerk or Town Police or the County Sheriffs Office.

(Prior Code, Ch. 6, Art. IV) Penalty, see § 1.01.999

**Delane Jackson**

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**From:** nhouston@sog.unc.edu <ccmanagers@listserv.unc.edu>  
**Sent:** Wednesday, June 24, 2020 4:01 PM  
**To:** City and County Managers  
**Cc:** Polk, Will  
**Subject:** [ccmanagers] Executive Order 147 Additional Information Extension of EO 141 (Phase 2), DHHS Guidance and FAQ  
**Attachments:** EO-147-FAQ.pdf; NCDHHS-Interim-Guidance-on-Face-Coverings.pdf; CooperEO147-Phase-2-Extension.pdf  
**Importance:** High

Please see attached additional information regarding EO147 (Extending Phase II and Requiring Face Coverings). Attached are EO147, FAQs, and NC DHHS interim guidance on face coverings.

Regarding questions about whether EO147 allows local governments to impose greater restrictions, please see the Q&A from the FAQs below:

**“How does this Order impact policies set by local government?”**

Most of the restrictions in this order are minimum requirements. Local governments, like cities and counties, can impose greater restrictions but they cannot restrict state government operations or set different Emergency Maximum Occupancy requirements.”

To explain the Q&A above regarding local restrictions, EO147 extends all provisions of EO141 (Phase II). Sec. 10.C of EO141 incorporated by reference Sec. 8 of EO138. Thus, in essence, Sec. 8 of EO138 is what is still in effect regarding local restrictions (as modified by EO141). Sec. 8 of EO138 authorizes more stringent local restrictions except those which restrict state or federal government operations and those which set different requirements for retail establishments (such as different maximum occupancy limits) than are now contained in EO141 (which is extended by EO147 for another 3 weeks).

In other words, there is no change under EO147 regarding local restrictions.



**UNC**  
SCHOOL OF  
GOVERNMENT

**Norma R. Houston**

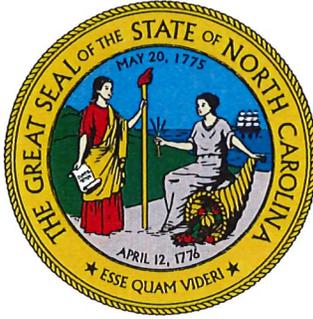
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## Frequently Asked Questions for Executive Order No. 147 June 24, 2020

This Frequently Asked Questions (“FAQ”) document provides guidance for the implementation of Executive Order No. 147 (“Order”). The Order extends North Carolina’s “Safer At Home Phase 2” through 5:00 pm on July 17, 2020 with additional amendments to protect public health. This information is subject to change in light of new guidance from public health studies and the Centers for Disease Control and Prevention (“CDC”) and additional Executive Orders or local government declarations.

### Extending Phase 2

#### **Why is North Carolina extending Safer at Home Phase 2?**

The Governor and public health officials remain guided by science, data, and facts in making decisions regarding COVID-19. Since moving into Phase 2 on May 22, 2020, several key metrics have been trending in a concerning direction.

North Carolina’s daily number of positive COVID-19 tests are continuing to increase; the percent of COVID-19 tests that are positive has remained high; emergency department visits for COVID-19 like illnesses are increasing; and hospitalizations for COVID-19 continue to increase. Doctors, public health officials, hospital administrators, and health care providers are concerned that unless the spread of COVID-19 is limited, existing health care facilities may not have the capacity to care for those who become sick.

Additionally, Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, testified before Congress on June 23, 2020 that the “next couple weeks are going to be critical” in the country’s ability to address increasing rates of COVID-19 infection.

In order to address these troubling metrics and slow the spread of COVID-19, North Carolina is continuing the measures of Executive Order No. 141, “the Phase 2 Executive Order” for an additional three weeks – and is imposing a face covering requirement – to slow the spread of this virus during the pandemic.

#### **How long will North Carolina be in Safer at Home Phase 2?**

The state will continue to be in Phase 2 until 5:00 pm on July 17, 2020.

#### **What is changing in Safer at Home Phase 2?**

Face coverings will be required in public places with some exceptions.

## What stays the same in Safer at Home Phase 2?

All aspects of Phase 2 as delineated in Executive Order No. 141 remain in place, including:

- Certain businesses may be open with restrictions and following state health guidelines, including: restaurants; child care businesses; overnight and day camps; personal care; grooming, massage, and tattoo businesses; and indoor and outdoor pools;
- People may gather together for social purposes, so long as they do not exceed the mass gathering limit of 10 people indoors and 25 people outdoors;
- Sporting and entertainment events may occur in large venues for broadcast to the public, so long as the number of spectators at the events is limited to the mass gathering limit of 10 people indoors and 25 people outdoors.
- Public playgrounds remain closed;
- Bars and nightclubs remain closed;
- Movie theaters, museums, bowling alleys, amusement parks, arcades, and skating rinks remain will closed;
- Bingo parlors and other gaming establishments will remain closed;
- Teleworking continues to be encouraged whenever possible;
- Visitation in skilled nursing homes and combination homes remains restricted except for certain compassionate care situations; and
- The following facilities that operate within an indoor space remain closed: martial arts facilities, dance studios, trampoline and rock-climbing facilities, roller skating rinks, ice skating rinks, and basketball courts.

## Face Coverings

### Does this Order require North Carolinians to wear face coverings?

Yes. People are now required to wear face coverings in public spaces, whether inside or outside, where physical distancing of six feet is not possible. This includes but is not limited to:

- *Retail Businesses:* Retail businesses must have all workers wear face coverings. Retail businesses must also have all customers wear face coverings when they are inside the establishment and may be within six feet of another person, unless the customer comes under an exception identified in the Order. If a customer states that an exception applies, the retailer should try to make an accommodation. The business may choose to provide curbside service, provide home delivery, allow the customer to enter without a face covering, or use some other reasonable measure to deliver goods.
- *Restaurants:* Restaurants must have all workers wear face coverings. Restaurants must also have all customers wear face coverings when not at their table, unless the customer comes under an exception identified in the Order.
- *Personal Care, Grooming, and Tattoo Businesses:* Personal care, grooming, and tattoo businesses must have workers wear face coverings. These businesses must also have all customers wear face coverings when they are inside the establishment and may be within feet of another person, unless an individual

has an exception as outlined in the Order. If a customer states that an exception applies, the business may choose to have the customer wait outside for his or her appointment rather than sitting in a waiting room. Customers may take off their face coverings if they are receiving a facial treatment, shave, or other services on a part of the head which the face covering covers or by which the face covering is secured.

- *Child Care Facilities:* Child care, day camps, and overnight camps must have workers and all other adults wear face coverings. All children eleven years and older must also wear face coverings on site unless they have an exception. Children under two should not wear a face covering.
- *State Government Employees:* State government agencies headed by members of the Governor's Cabinet must have their on-site workers wear face coverings. **Other state and local government agencies are strongly encouraged to adopt similar policies.**
- *Transportation:* All workers and riders on public or private vehicles, as well as all people in North Carolina airports, bus and train stations or stops, must wear face coverings. Passengers will not be denied access to public transportation for failure to use face coverings. This provision does not apply to people traveling alone with household members or friends in their personal vehicles, but does apply to ride-shares like Ubers and Lyfts, cabs, vans, and shuttles, even if the vehicles are privately owned.
- *Manufacturing, Construction Sites, Agricultural Settings:* Social distancing is difficult where multiple workers are together in manufacturing settings, at construction sites, and in migrant farm, other farm, and agricultural settings. This Order specifies that manufacturing, construction, and agriculture businesses or operations must require workers to wear face coverings.
- *Meat or Poultry Processing Plants:* All workers in any meat or poultry processing plant, packing plant, or slaughterhouse must wear surgical masks, as long as surgical mask supplies are available. If surgical masks are not available, cloth face coverings must be provided.
- *Long Term Care Facilities:* All workers in long term care (LTC) facilities, including skilled nursing facilities, adult care homes, family care homes, mental health group homes, and intermediate care facilities for individuals with intellectual disabilities, must wear surgical masks while in the facility, as long as surgical mask supplies are available.

Health care facilities other than LTC facilities must follow the face covering requirements in the [CDC Infection Control Guidance for Healthcare Professionals about Coronavirus](#).

The NC Department of Health and Human Services (NCDHHS) has released guidance to the general public on the use of face coverings, and will make signage available to businesses. Guidance and signage are available at: [https://covid19.ncdhhs.gov/guidance - phase-2-easing-of-restrictions](https://covid19.ncdhhs.gov/guidance-phase-2-easing-of-restrictions).

**What are some of the exceptions for wearing face coverings?**

A face covering does not need to be worn by a worker, customer, or patron who meets one of the following exceptions:

- 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 under eleven years of age;
- Is actively eating or drinking;
- Is strenuously exercising;
- Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
- Is giving a speech for a broadcast or to an audience;
- Is working at home or is in a personal vehicle;
- Is temporarily removing his or her face covering to secure government or medical services or for identification purposes;
- Would be at risk from wearing a face covering at work, as determined by local, state, or federal regulators or workplace safety guidelines;
- Has found that their face covering is impeding visibility to operate equipment or a vehicle; and/or
- Is a child whose parent, guardian, or responsible person has been unable to place the face covering safely on the child's face.

No proof or documentation is required if an individual falls into an exception category.

**What is a cloth face covering?**

A cloth 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. Ideally, a face covering has two or more layers. These face coverings are not intended for use by healthcare providers in the care of patients. Surgical Masks, Procedure Masks, and N95 respirators are not recommended for general public use or use in community settings, as these should be reserved for specific high-risk occupational settings, healthcare providers and other medical first responders in a health care setting.

**When should I wear a cloth face covering?**

You should wear face coverings when in public places, particularly when those locations are indoors or in other areas where physical distancing is not possible. Under this Order, face coverings are required in retail businesses, restaurants, personal care and grooming businesses, and several other settings.

#### **How should I wear a cloth face covering?**

Be sure to place the face covering over your nose and your mouth and keep it in place at all times while you wear it. Be careful not to touch your eyes, nose, and mouth when removing or adjusting a face covering and wash hands immediately after removing or adjusting.

#### **How should I care for a cloth face covering?**

Wash your cloth face covering frequently, ideally after each use, or at least daily. Have a bag or bin to keep cloth face coverings in until they can be laundered with detergent and hot water and dried on a hot cycle. If you must re-wear your cloth face covering before washing, wash your hands immediately after putting it back on and avoid touching your face. Discard cloth face coverings that:

- No longer cover the nose and mouth;
- Have stretched out or damaged ties or straps;
- Cannot stay on the face; and/or
- Have holes or tears in the fabric.

#### **How well do cloth face coverings work to prevent spread of COVID-19?**

Scientific evidence suggests that use of cloth face coverings by the public during a pandemic can help reduce disease transmission. Cloth face coverings can reduce the release of infectious particles into the air when someone speaks, coughs, or sneezes. Cloth face coverings are not a substitute for staying six feet apart, washing hands, and staying home when ill.

#### **Do I need to wear a face covering while exercising or walking outdoors?**

No. If you are able to safely maintain at least six feet distance from others, you do not need to wear a face covering when exercising and walking outdoors.

#### **Should children wear cloth face coverings?**

Cloth face coverings should NOT be put on babies and children under the age of 2 because of danger of suffocation. Children over the age of 2 should wear cloth face coverings if they can reliably wear, remove, and handle cloth face coverings throughout the day.

#### **What if I am a person with hearing loss and am concerned about not being able to read lips?**

Deaf and Hard of Hearing people often use lipreading to help understand what those around them are saying. When people are wearing cloth face coverings, other communication strategies are needed. Try finding a cloth face covering that has a clear plastic area that allows the lips to be visible, writing notes back and forth, writing on a white board to communicate, using a free speech to text app on mobile

device, and gesturing - or if needed stepping several additional feet back from the person and removing face cloth face covering long enough to communicate.

**What if I am a person with, or I support someone with a disability who cannot wear a face covering?**

Some people may have trouble breathing or sensitivity to having something placed over their face. If you or someone you support is unable to wear a cloth face covering, be sure to take other steps to help avoid unnecessary exposure.

**What if I am worried about being profiled or being subjected to bias if I wear a cloth face covering?**

Some people may experience increased anxiety and fear of bias and being profiled wearing face coverings in public spaces - but wearing a cloth face covering protects your family, friends and neighbors. If you are the target of ethnic or racial intimidation as the result of adhering to the face covering provision or as a result of the pandemic, you are strongly encouraged to report the matter to law enforcement or other government entity. Everyone should be able to wear cloth face coverings without fear of profiling or bias, and any type of racial intimidation, profiling or bias for wearing a face covering should not be tolerated.

**Will children have to wear face coverings at day or overnight camps, and at child care?**

Children eleven years or older must wear face coverings at day or overnight camps when they are or may be within six feet of another person.

**Will children in K-12 public schools be required to wear cloth face coverings?**

Masks are required for all school staff and adult visitors, and all middle and high school students when they are or may be within 6 feet of another person, unless the person (or family member, for a student) states that an exception applies. Cloth face coverings must be worn by students and staff inside school buildings, and anywhere on school grounds, including outside. They will also be required while traveling on buses or other transportation vehicles. Cloth face coverings remain strongly encouraged for elementary school students, if appropriate for that child, but are not required for them.

**How will the face covering requirement be enforced?**

Citations related to this Order can be written to businesses or organizations that fail to enforce the requirement to wear face coverings. Operators of businesses and organizations are entitled to rely on their customers or patrons' statements about whether or not they are exempt from the face covering requirements, and businesses and organizations do not violate this Order if they rely on customer or patron statements. Law enforcement personnel cannot criminally enforce the face covering requirements of this Order against individual workers, customers, or patrons.

However, if a business or organization does not allow entry to a worker, customer, or patron because that person refuses to wear a face covering, and if that worker,

customer, or patron enters the premises or refuses to leave the premises, law enforcement personnel may enforce the trespassing laws.

### **What if I am stopped by a law enforcement officer and directed to remove my face covering?**

A person wearing a face covering for health and safety purposes must remove the face covering upon request by a law enforcement officer in any of the following circumstances:

- during a traffic stop, including a checkpoint or roadblock, as required by law; and
- when a law enforcement officer has reasonable suspicion or probable cause during a criminal investigation, as required by law.

### **What if I can't afford face coverings?**

If an individual cannot afford to buy face coverings, a cloth face covering may be sewn by hand or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels.

## **Other Topics**

### **How does this Order impact policies set by local government?**

Most of the restrictions in this order are minimum requirements. Local governments, like cities and counties, can impose greater restrictions but they cannot restrict state government operations or set different Emergency Maximum Occupancy requirements.

### **Do businesses have to report to the state, other employees, or customers when an employee tests positive? Do they have to close down?**

Businesses should work with their local health departments on contact tracing and cleaning recommendations. Some facilities, such as child care settings and schools, do have to report positive cases. [CDC guidance](#) addresses what businesses need to do if someone gets sick.

### **What is the mass gathering limit?**

Gatherings of more than ten people in a single indoor space remains prohibited. In confined outdoor spaces, gatherings of more than 25 people are prohibited. These mass gathering limits include parades, fairs, festivals, auditoriums, stadiums, arenas, conference rooms, and meeting halls.

The mass gathering limit does not apply to retail businesses, restaurants, personal care and grooming businesses, pools, child care, day camps, and overnight camps. In these settings, there are other restrictions, such as 50 percent reduced occupancy or putting six feet of distance between each group at a restaurant, to ensure that there is not overcrowding.

The prohibition on mass gatherings does not include gatherings for health and safety, to look for and obtain goods and services, for work, or for receiving governmental services. A mass gathering does not include normal operations at airports, bus and train stations or stops, medical facilities, libraries, shopping malls, and shopping centers. It also does not apply to the exercise of First Amendment rights like the right to attend a worship service. However, in these settings, people are strongly encouraged to follow the Three Ws (Wear a face covering, Wash hands, and Wait six feet apart from others), and should avoid congregating in groups.

**Are bars allowed to open?**

As under Executive Order 141, businesses that are principally engaged in the business of selling alcoholic beverages for onsite consumption remain closed in Phase 2.

**Are water parks allowed to be open?**

Water parks may be open to the extent they are operating pool facilities as defined under G.S. 130A-280, to include: plunge pools and run out lanes, wave pools, rapid rides, lazy rivers. However, they are not permitted to operate any "amusement device" as defined under § 95-111.3, which are regulated by the Department of Labor and include waterslides that exceed 15 feet of vertical drop.

**Are weddings and funerals allowed to be held?**

Yes. Even though there is no mass gathering limit on the people who may attend a wedding or funeral ceremony, receptions or visitations before or after weddings and funerals are subject to the mass gathering limit. Individuals are encouraged to follow the Three Ws (Wear a face covering, Wash hands, and Wait six feet apart from others) to reduce the chance of spreading COVID-19.

**Are parades and fireworks shows allowed to be held?**

For parades and fireworks shows, no more than 25 spectators - the outdoor mass gathering limit - can gather in any confined place like a stadium or seating stand. Regardless of setting, people should socially distance to reduce COVID-19 spread.

**Are college and professional sports going to be able to play with fans/spectators?**

Spectators are allowed at entertainment or sporting venues, fitness events in indoor or outdoor gyms, exercise facilities, or fitness facilities, but must remain in compliance with the mass gathering limits and social distancing guidelines.

**Should North Carolinians continue to work from home if possible?**

Yes. All businesses in North Carolina are strongly encouraged to continue directing employees to telework, if possible. Additionally, non-essential travel and in-person meetings should be avoided.

**Are there any visitation restrictions at long-term care facilities?**

Yes, visitation in skilled nursing facilities and combination homes, which are nursing homes with assisted living facilities, is restricted to compassionate care situations.

**What if I want to report a business or group not adhering to this Order?**

You can report violations of this Order to your local law enforcement's non-emergency line. People should not call 911 if they wish to report a violation and are encouraged to use non-emergency lines only.





## NC DEPARTMENT OF **HEALTH AND HUMAN SERVICES**

### Requirements for the Use of Face Coverings and Masks

June 26, 2020

North Carolina took early and aggressive action to slow the spread of COVID-19 in our state. These actions prevented our healthcare systems from being overwhelmed and provided valuable time to build our state's capacity to respond to this crisis. Now, we are seeing increasing cases and hospitalizations from COVID-19 across our state. With more North Carolinians leaving their homes as we ease restrictions, the risk for COVID-19 exposure and infection increases.

We have important goals: to protect our families, friends and neighbors from getting seriously ill, to restore our economy and get people back to work, and to get our children back to school. To attain these goals, we must remain vigilant and continue to work together to combat the spread of COVID-19 by taking preventive actions to slow the spread of COVID-19. The preventive actions include the 3 Ws: **Wear a cloth face covering.** **Wait 6 feet apart from others.** **Wash your hands.**

Over the past few months, we have learned a lot about COVID-19 transmission. We know now that people who are infected, but do not have symptoms, can infect others by spreading respiratory droplets through activities like speaking, coughing, laughing, and singing. New scientific evidence suggests that public use of face coverings can help reduce disease transmission. Face coverings are not a substitute for other important prevention practices and should be used **in addition** to staying 6 feet apart, washing hands, and staying home when ill.

This document updates existing NC DHHS guidance for the use of face coverings by the general public when outside the home. It mandates that face coverings be worn statewide as outlined below. It is not a substitute for existing guidance about social distancing and handwashing.

### Guidance for People

People must wear face coverings when in public places, indoor or outdoor, where physical distancing of six (6) feet from other people who are not members of the same household or residence is not possible. These settings include, but are not limited to:

- Inside of, or in line to enter, any indoor public space, including public schools;
- Waiting for or riding on public and private multi person transportation, including but not limited to buses, taxis, ride sharing, private care service, vans;
- Engaged in work, whether at the workplace or performing work off-site, when they are or may be within six (6) feet of other people, including working in or walking through common areas, such as lobbies, hallways, stairways, elevators, and parking facilities;

- Obtaining services in a healthcare setting;
- While outdoors in public spaces when maintaining a physical distance of 6 feet from persons who are not members of the same household or residence is not feasible.

This restriction does not apply to persons while inside their residence or the personal residence of another. Face coverings may be removed to participate in a religious ritual.

## Guidance for Businesses

Certain businesses are required to have patrons and employees wear face coverings whether they are inside or outside when they are or may be within six (6) feet of another person, or unless an exception applies. Specific occupational settings, including health care settings, should continue to follow existing protocols and require surgical or procedure masks or N95 respirators, as indicated.

These businesses must follow the requirements for face coverings as described in Executive Order 147. These businesses, to the extent they are open are:

- Retail Businesses;
- Restaurants
- Personal Care, Grooming, and Tattoo Businesses;
- Child Care Facilities, Day Camps, and Overnight Camps;
- Gyms, Exercise Facilities, and Fitness Facilities,
- State Government Cabinet Agencies;
- Transportation;
- High-Density Occupational Settings Where Social Distancing is Difficult, including manufacturing settings, construction sites, and migrant farm or other farm settings;
- Meat or Poultry Processing Plants (new surgical mask requirement);
- Long Term Care Facilities (new surgical mask requirement);
- Other Health Care Settings (ongoing adherence to CDC guidance)

**Exceptions.** Face Coverings do not need to be worn by an individual, worker, customer, or patron who:

1. Has a medical or behavioral condition or disability and cannot wear a face covering (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);
2. Is under eleven (11) years of age;
3. Is actively eating or drinking;
4. Is strenuously exercising or swimming;

5. Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
6. Is giving a speech for a broadcast or to an audience;
7. Is working at home or alone in a vehicle;
8. Is temporarily removing his or her Face Covering to secure government or medical services or for identification purposes;
9. Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulators or workplace safety guidelines;
10. Has found that his or her Face Covering is impeding visibility to operate equipment or a vehicle; or
11. Is a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face.
12. Children under two (2) years of age should not wear a face covering.

## Frequently Asked Questions

### What is a cloth face covering?

A cloth 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. Ideally, a face covering has two (2) or more layers. These face coverings are not intended for use by healthcare providers in the care of patients. Surgical Masks, Procedure Masks, and N95 respirators are not recommended for general public use or use in community settings, as these should be reserved for specific high-risk occupational settings, healthcare providers and other medical first responders in a health care setting.

### When should I wear a cloth face covering?

You should wear face coverings when in public places, particularly when those locations are indoors or in other areas where physical distancing is not possible.

### How should I wear a cloth face covering?

Be sure to place the face covering over your nose and your mouth and keep it in place at all times while you wear it. Be careful not to touch your eyes, nose, and mouth when removing or adjusting a face covering and wash hands immediately after removing or adjusting

### How should I care for a cloth face covering?

Wash your cloth face covering frequently, ideally after each use, or at least daily. Have a bag or bin to keep cloth face coverings in until they can be laundered with detergent and hot water and dried on a hot cycle. If you must re-wear your cloth face covering before washing, wash your hands immediately after putting it back on and avoid touching your face. Discard cloth face coverings that:

- No longer cover the nose and mouth
- Have stretched out or damaged ties or straps
- Cannot stay on the face
- Have holes or tears in the fabric

### How well do cloth face coverings work to prevent spread of COVID-19?

Scientific evidence suggests that use of cloth face coverings by the public during a pandemic can help reduce disease transmission. Cloth face coverings can reduce the release of infectious particles into the air when someone speaks, coughs, or sneezes. Cloth face coverings are not a substitute for staying six (6) feet apart, washing hands, and staying home when ill.

**Do I need to wear a face covering while exercising outdoors?**

**No.** If you are able to safely maintain at least six (6) feet distance from others, you do not need to wear a face covering when exercising outdoors.

**Should children wear cloth face coverings?**

Cloth face coverings should NOT be put on babies and children under the age of 2 because of danger of suffocation. Children over the age of 2 should wear cloth face coverings if they can reliably wear, remove, and handle cloth face coverings throughout the day.

**What if I am a person with hearing loss and am concerned about not being able to read lips?**

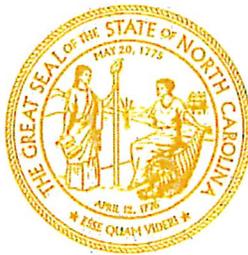
Deaf and Hard of Hearing people often use lipreading to help understand what those around them are saying. When people are wearing cloth face coverings, other communication strategies are needed. Try finding a cloth face covering that has a clear plastic area that allows the lips to be visible, writing notes back and forth, writing on a white board to communicate, using a free speech to text app on mobile device, and gesturing – or if needed stepping several additional feet back from the person and removing face cloth face covering long enough to communicate.

**What if I am a person with, or I support someone with a disability who cannot wear a face covering?**

Some people may have trouble breathing or sensitivity to having something placed over their face. If you or someone you support is unable to wear a cloth face covering, be sure to take other steps to help avoid unnecessary exposure.

**What if I am worried about being profiled or being subjected to bias if I wear a cloth face covering?**

Some people may experience increased anxiety and fear of bias and being profiled wearing face coverings in public spaces – but wearing a cloth face covering protects your family, friends and neighbors. If you are the target of ethnic or racial intimidation as the result of adhering to the face covering provision or as a result of the pandemic, you are strongly encouraged to report the matter to law enforcement or other government entity. Everyone should be able to wear cloth face coverings without fear of profiling or bias, and any type of racial intimidation, profiling or bias for wearing a face covering should not be tolerated.



# State of North Carolina

**ROY COOPER**  
GOVERNOR

June 24, 2020

## **EXECUTIVE ORDER NO. 147**

### **EXTENSION OF PHASE 2 ORDER AND NEW MEASURES TO SAVE LIVES IN THE COVID-19 PANDEMIC**

#### **Background Statement**

##### The COVID-19 Public Health Emergency

**WHEREAS**, on March 10, 2020, the undersigned issued Executive Order No. 116 which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and provide for the health, safety, and welfare of residents and visitors located in North Carolina; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

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

**WHEREAS**, on March 25, 2020, the President approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; 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, the undersigned has issued Executive Order Nos. 116-122, 124-125, 129-131, 133-136, 138-144, and 146; and

**WHEREAS**, more than fifty-six thousand people in North Carolina have had laboratory-confirmed cases of COVID-19, and more than twelve hundred people in North Carolina have died from the disease; and

##### The Need to Extend Executive Order No. 141

**WHEREAS**, hospital administrators and health care providers have expressed concerns that unless the spread of COVID-19 is limited, existing health care facilities may be insufficient to care for those who become sick; and

**WHEREAS**, slowing and controlling community spread of COVID-19 is critical to ensuring that the state's healthcare facilities remain able to accommodate those who require medical assistance; and

**WHEREAS**, in Executive Order No. 141, issued on May 20, 2020, the undersigned urged that all people in North Carolina follow social distancing recommendations, including that everyone wear a cloth face covering, wait six (6) feet apart and avoid close contact, and wash hands often or use hand sanitizer; and

**WHEREAS**, to reduce COVID-19 spread, the undersigned, in Executive Order No. 141, required safety measures in certain business settings, limited mass gatherings, and closed certain types of businesses and operations; and

**WHEREAS**, North Carolina's daily case counts of COVID-19 are continuing to increase, the percent of COVID-19 tests that are positive has not decreased, emergency department visits for COVID-19 illnesses are increasing, and hospitalizations for COVID-19 are increasing, which require the undersigned to continue the measures of Executive Order No. 141—and impose additional measures—to slow the spread of this virus during the pandemic; and

**WHEREAS**, a phased approach to reigniting the economy and reducing restrictions on businesses and activities – with some businesses and activities that pose a risk for COVID-19 spread remaining closed— is necessary to slow the spread of COVID-19, since the operation of each group of businesses and the loosening of each restriction on businesses or activities adds incremental risk and thereby increases the aggregate risk of spread of COVID-19; and

#### Face Coverings

**WHEREAS**, face coverings can decrease the spread of respiratory droplets from people, and evidence has grown, showing in numerous recent studies that the use of face coverings decreases the spread of COVID-19 within populations; and

**WHEREAS**, in Executive Order No. 141, the undersigned required that workers in personal care, grooming, and tattoo businesses wear cloth face coverings to reduce the spread of COVID-19; and

**WHEREAS**, to prevent the spread of COVID-19, and thereby to potentially save lives, the undersigned has determined that face coverings must now be required for workers in additional business segments; and

**WHEREAS**, the undersigned strongly recommends that all people over the age of two (2) in North Carolina should wear a face covering to reduce the spread of COVID-19; and

**WHEREAS**, some people have medical or behavioral health issues, disabilities, or other reasons that mean they should be excepted from wearing a face covering, and this Executive Order puts North Carolinians on the honor system to identify if they are within one of the exceptions to face covering requirements and should not wear a mask; and

**WHEREAS**, under this Executive Order, face coverings are required in many types of businesses, but businesses have the discretion to accommodate people who cannot wear face coverings by serving them at curbside, using home delivery, or using other means to protect against the spread of COVID-19; and

**WHEREAS**, all people over the age of two (2) in North Carolina should use a face covering to reduce the spread of COVID-19, but some populations may experience increased anxiety and fear of bias and being profiled if wearing face coverings in public spaces; and

**WHEREAS**, if someone is the target of ethnic or racial intimidation as the result of adhering to the face covering provision or as a result of the pandemic, they are encouraged to report the matter to law enforcement or another government entity; and

### Expanding Capacity to Respond to COVID-19

**WHEREAS**, since the issuance of executive orders to slow the spread of COVID-19, North Carolina has increased its capacity to treat COVID-19, its capacity for testing and tracing, and the availability of PPE; and

**WHEREAS**, since the declaration of a state of emergency in Executive Order 116, North Carolina has accumulated increased PPE for health care workers and first responders, has developed health care protocols and procedures for the treatment of COVID-19, and has adopted recommendations to promote social distancing and hygiene measures that reduce transmission of COVID-19; and

**WHEREAS**, the state's ability to conduct testing of individuals is vital to the effort to slow the community spread of COVID-19; and

**WHEREAS**, historically marginalized populations, including persons of color and Latinx individuals are disproportionately affected by COVID-19, and may have more trouble accessing COVID-19 testing; and

**WHEREAS**, the undersigned issued Executive Order No. 143 addressing the impact of COVID-19 on persons of color; and

**WHEREAS**, the State Health Director has been assigned authority by the Secretary of the North Carolina Department of Health and Human Services ("NCDHHS"), pursuant to N.C. Gen. Stat. § 130A-3, to exercise authorities under N.C. Gen. Stat. § 130A-5, including to investigate the causes of communicable disease affecting the public health in order to control and prevent those diseases, to provide, under the rules of the North Carolina Commission for Public Health, for the prevention, detection, reporting, and control of communicable diseases, and to develop and carry out health programs necessary for the protection and promotion of the public health and the control of diseases; and

**WHEREAS**, a state-wide standing order for COVID-19 testing will remove barriers and increase access to testing for historically marginalized and underserved populations and other individuals who do not have access to a primary care physician and facilitate widespread community testing, testing of high-risk populations, and high through-put testing sites; and

### Statutory Authority and Determinations

**WHEREAS**, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate Gubernatorial vested authority under the Emergency Management Act and to provide for the sub-delegation of that authority; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.10(b)(4) gives the undersigned the authority to "cooperate and coordinate" with the President of the United States; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.12(3)(e), the Division of Emergency Management must coordinate with the State Health Director to revise the North Carolina Emergency Operations Plan as conditions change, including making revisions to set "the appropriate conditions for quarantine and isolation in order to prevent the further transmission of disease," and following this coordination, the Emergency Management Director and the State Health Director have recommended that the Governor develop and order the plan and actions identified in this Executive Order; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.23 in conjunction with N.C. Gen. Stat. §§ 75-37 and 75-38, the undersigned may issue a declaration that shall trigger the prohibitions against excessive pricing during states of disaster, states of emergency or abnormal market disruptions; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the undersigned may take such action and give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of the Emergency Management Act and with the orders, rules, and regulations made thereunder; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(i), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because not all local authorities have enacted such appropriate ordinances or issued such appropriate declarations restricting the operation of businesses and limiting person-to-person contact, thus needed control cannot be imposed locally; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(ii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because some but not all local authorities have taken implementing steps under such ordinances or declarations, if enacted or declared, in order to effectuate control over the emergency that has arisen; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because the area in which the emergency exists spreads across local jurisdictional boundaries and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iv), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection of lives and property of North Carolinians because the scale of the emergency is so great that it exceeds the capability of local authorities to cope with it; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(1) authorizes 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) 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) authorizes the undersigned to prohibit and restrict other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives or property during a state of emergency; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(1), when the undersigned imposes the prohibitions and restrictions enumerated in N.C. Gen. Stat. § 166A-19.31(b), the undersigned may amend or rescind the prohibitions and restrictions imposed by local authorities; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), during a Gubernatorially declared State of Emergency, the undersigned has the power to “give such directions to State and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Article.”

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, and for the reasons and pursuant to the statutes listed above and in Executive Order No. 141, **IT IS ORDERED:**

**Section I. Extension and Amendment of Phase 2 Order.**

Executive Order No. 141 shall remain in effect, as amended below, until 5:00 pm on July 17, 2020. The effective date provision of Executive Order No. 141 is amended to have that order continue in effect through the above-listed time and date.

**Section II. New Requirements to Wear Face Coverings.**

Executive Order No. 141 is amended to add the following section.

**Section 3.5. Face Coverings.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

- A. **Definitions.** “Face Covering” means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A Face Covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a Face Covering has two (2) or more layers. A Face Covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels. These Face Coverings are not intended for use by healthcare providers in the care of patients. “Surgical Mask” means American Society for Testing and Materials (“ASTM”) Level 1, 2, or 3 approved procedural and surgical masks. An N95 respirator approved by the National Institute for Occupational Safety and Health (“NIOSH”) (or a respirator from another country allowed by the Occupational Safety & Health Administration, the Food & Drug Administration, or the CDC) is not recommended for general public use or use in public settings, as it should be reserved for healthcare providers and other medical first responders in a health care setting. However, if worn, these respirators would meet both the Face Covering and Surgical Mask requirements of this Executive Order. A face shield that covers the nose and mouth also meets the Face Covering requirements of this Executive Order.
- B. **Where Face Coverings Are Required.** People are required to wear Face Coverings in the following settings, whether they are inside or outside, unless an exception applies.
1. **In Retail Businesses.** Retail Businesses must have all workers wear Face Coverings when they are or may be within six (6) feet of another person. In addition, Retail Businesses must have all customers wear Face Coverings when they are inside the establishment and may be within (6) feet of another person, unless the customer states that an exception applies.
  2. **In Restaurants.** Restaurants must have all workers wear Face Coverings when they are or may be within six (6) feet of another person. In addition, restaurants must have all customers wear Face Coverings when not at their table, unless the customer states that an exception applies.
  3. **In Personal Care, Grooming, and Tattoo Businesses.** Personal Care, Grooming, and Tattoo Businesses must have workers wear Face Coverings when they are or may be within six (6) feet of another person. In addition, the

business must have all customers wear Face Coverings when they are inside the establishment and may be within six (6) feet of another person, unless the customer states that an exception applies. Customers may take off their Face Coverings if they are receiving a facial treatment, shave, or other services on a part of the head which the Face Covering covers or by which the Face Covering is secured.

4. **In Child Care Facilities, Day Camps, and Overnight Camps.** Child care facilities, day camps, and overnight camps must have workers, all other adults, and children eleven (11) years or older on site wear Face Coverings when they are or may be within six (6) feet of another person.
5. **In State Government.** State government agencies headed by members of the Governor's Cabinet must have their on-site workers wear Face Coverings when they are or may be within six (6) feet of another person. Public-facing operations of state government agencies under the jurisdiction of the undersigned must also follow the requirements for Retail Businesses established in this Executive Order.

All other state and local government agencies are strongly encouraged to adopt similar policies that require Face Coverings.

6. **In Transportation.** All workers and riders on public or private transportation regulated by the State of North Carolina, as well as all people in North Carolina airports, bus and train stations or stops, must wear Face Coverings when they are or may be within six (6) feet of another person. This provision does not apply to people traveling alone with household members or friends in their personal vehicles, but does apply to ride-shares, cabs, vans, and shuttles, even if the vehicles are privately owned.

Notwithstanding the foregoing, no customer will be removed from or denied entry to public transportation for failure to wear a Face Covering.

7. **In Certain High-Density Occupational Settings Where Social Distancing is Difficult.** Social distancing is inherently difficult where multiple workers are together in manufacturing settings, at construction sites, and in migrant farm, other farm, and agricultural settings. Therefore, in businesses or operations within North American Industry Classification System (NAICS) sectors 311 to 339 (manufacturing), 236 to 238 (construction), and 111, 112, 1151, and 1152 (agriculture), all workers must wear Face Coverings when they are or may be within six (6) feet of another person.
8. **In Meat or Poultry Processing Plants.** All workers in any meat or poultry processing plant, packing plant, or slaughterhouse must wear Face Coverings when they are or may be within six (6) feet of another person, and those Face Coverings must be Surgical Masks, as long as Surgical Mask supplies are available.
9. **Long Term Care Facilities.** All workers in Long Term Care ("LTC") Facilities, including skilled nursing facilities ("SNF"), adult care homes ("ACH"), family care homes ("FCH"), mental health group homes, and intermediate care facilities for individuals with intellectual disabilities ("ICF-IID"), must wear Face Coverings while in the facility, and those Face Coverings must be Surgical Masks, as long as Surgical Mask supplies are available.
10. **Other Health Care Settings.** Health care facilities other than LTC facilities must follow the Face Covering requirements in the CDC [Infection Control Guidance for Healthcare Professionals about Coronavirus \(COVID-19\)](#).

C. **Exceptions.** This Executive Order does not require Face Coverings for—and a Face Covering does not need to be worn by—a worker, customer, or patron who:

1. 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);
2. Is under eleven (11) years of age;
3. Is actively eating or drinking;
4. Is strenuously exercising;
5. Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
6. **Is giving a speech for a broadcast or to an audience;**
7. Is working at home or is in a personal vehicle;
8. Is temporarily removing his or her Face Covering to secure government or medical services or for identification purposes;
9. Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;
10. Has found that his or her Face Covering is impeding visibility to operate equipment or a vehicle; or
11. Is a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face.

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.

Children under two (2) years of age should not wear a Face Covering.

D. **Application of Exceptions.** Under this Executive Order, all North Carolinians will be on the honor system about whether or not there is a reason why they cannot wear a Face Covering. Everyone in this state is asked to tell the truth and—if they are healthy and able to wear a mask—to wear a Face Covering so that they do not put other people at risk of serious illness and death.

E. **How Businesses May Accommodate Exceptions.** If a customer states that an exception applies, a business may choose to offer curbside service, provide home delivery, or use some other reasonable measure to deliver its good or services.

F. **Enforcement of Face Covering Requirements.**

1. **Citations under this Section shall be written only to businesses or organizations that fail to enforce the requirement to wear Face Coverings.** Operators of businesses and organizations are entitled to rely on their customers or patrons' statements about whether or not they are excepted from the Face Covering requirements, and businesses and organizations do not violate this Executive Order if they rely on such statements.
2. **Law enforcement personnel are not authorized to criminally enforce the Face Covering requirements of this Executive Order against individual workers, customers, or patrons.**
3. **However, if a business or organization does not allow entry to a worker, customer, or patron because that person refuses to wear a Face Covering, and if that worker, customer, or patron enters the premises or refuses to leave the premises, law enforcement personnel may enforce the trespassing laws and any other laws (other than N.C. Gen. Stat. § 14-288.20A) that the worker, customer, or patron may violate.**

Section 15(A) of Executive Order No. 141 is amended to read:

- A. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers. Enforcement of Section 3.5 shall be limited as stated in that Section. Law enforcement and other public safety and emergency management personnel are strongly encouraged to educate and encourage voluntary compliance with all the provisions of this Executive Order.

Section 1(4) of Executive Order No. 141 is amended to read, “‘Face Covering’ is defined in Section 3.5(A).”

Section 6(A) of Executive Order No. 141 is amended to read as follows:

- A. **Prohibition.** To control the spread of COVID-19 and protect lives during the State of Emergency, Section 3.5 and this Section list restrictions on the operations of business establishments and other places to or from which people may travel or at which they may congregate. **Businesses or operations within the scope of Section 3.5 or this Section are prohibited from operating unless they follow any applicable restrictions stated in Section 3.5 and this Section.**

Sections 6(C)(2)(c), 6(D)(2)(c), and 6(D)(3) of Executive Order No. 141 are removed, since the substance of those provisions has been replaced with new Section 3.5 above.

**Section III. Increase Access to COVID-19 Testing Through a Statewide Standing Order.**

Executive Order No. 141 is amended to add the following additional section.

**Section 9.5. Statewide Standing Order for COVID-19 Testing.**

In order to further protect the public health by providing greater access to COVID-19 testing, the undersigned orders the State Health Director, in addition to and in accordance with her powers set out in N.C. Gen. Stat. Chapter 130A, to issue any statewide standing order needed in her medical judgment that would allow individuals who meet NCDHHS criteria for testing to access and undergo testing for COVID-19, subject to the terms of the standing order. This standing order may continue for the duration of the State of Emergency.

**Section IV. More Precisely Tailored Mitigation Measures for Long Term Care.**

Section 10(B) of Executive Order No. 141 and Section 7 of Executive Order No. 138 are removed and replaced by the following provision added to Executive Order No. 141.

**Section 10.5. Limitations on Certain Long Term Care Facilities.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

- A. **Scope of this Section.** This Section applies only to skilled nursing facilities (SNF) and combination homes (combined skilled nursing and assisted living facilities).
- B. **Limitations.** Facilities within the scope of this Section shall restrict visitation of all visitors and non-essential health care personnel, except for certain compassionate care situations, such as an end-of-life situation. Facilities within the scope of this Section shall also cancel communal dining and all group activities, including internal and external activities.

**Section V. Extension of Price Gouging Period.**

Section 11 of Executive Order No. 141 is amended to read as follows:

Pursuant to N.C. Gen. Stat. § 166A-19.23, the undersigned extends the prohibition against excessive pricing, as provided in N.C. Gen. Stat. §§ 75-37 and 75-38, from the issuance of Executive Order No. 116 through 5:00 pm on July 17, 2020.

The undersigned further hereby encourages the North Carolina Attorney General to use all resources available to monitor reports of abusive trade practices towards consumers and make readily available opportunities to report to the public any price gouging and unfair or deceptive trade practices under Chapter 75 of the North Carolina General Statutes.

**Section VI. Effective Date.**

This Executive Order is effective at 5:00 pm on June 26, 2020. This Executive Order shall remain in effect through 5:00 pm on July 17, 2020 unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

Notwithstanding any provision of this Section and Section 16 of Executive Order No. 141, any statewide standing order for COVID-19 testing issued by the State Health Director under Section 9.5 of Executive Order No. 141 (as added by Section III of this Executive Order) shall remain in effect for the duration of the State of Emergency unless specifically repealed, replaced, or rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 24th day of June in the year of our Lord two thousand and twenty.



Roy Cooper  
Governor

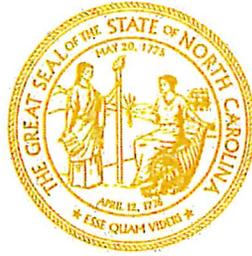
ATTEST:



Elaine F. Marshall  
Secretary of State







# State of North Carolina

**ROY COOPER**  
GOVERNOR

May 05, 2020

## **EXECUTIVE ORDER NO. 138**

### **EASING RESTRICTIONS ON TRAVEL, BUSINESS OPERATIONS, AND MASS GATHERINGS: PHASE 1**

**WHEREAS**, on March 10, 2020, the undersigned issued Executive Order No. 116 which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and provide for the health, safety, and welfare of residents and visitors located in North Carolina; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

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

**WHEREAS**, on March 25, 2020, the President approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; 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, the undersigned has issued Executive Order Nos. 116-122, 124-125, 129-131, and 133-136; and

**WHEREAS**, more than ten thousand people in North Carolina have had laboratory-confirmed cases of COVID-19, and hundreds of people in North Carolina have died from the disease; and

**WHEREAS**, hospital administrators and health care providers have expressed concerns that unless the spread of COVID-19 is limited, existing health care facilities may be insufficient to care for those who become sick; and

**WHEREAS**, the undersigned and the Secretary of Health and Human Services have directed hospitals, physicians' practices, and other health care entities to undertake significant actions as part of North Carolina's emergency response to address the COVID-19 pandemic; and

**WHEREAS**, slowing and controlling community spread of COVID-19 is critical to ensuring that the state's healthcare facilities remain able to accommodate those who require medical assistance; and

**WHEREAS**, the continued community spread of COVID-19 within North Carolina requires the state to continue some measures to slow the spread of this virus during the pandemic; and

**WHEREAS**, since the issuance of executive orders to slow the spread of COVID-19, North Carolina has “flattened the curve” and prevented a surge or spike in cases across the state, and North Carolina has also increased its capacity for testing, tracing and the availability of personal protective equipment (“PPE”); and

**WHEREAS**, despite the overall stability in key metrics, North Carolina’s daily case counts of COVID-19 continue to increase slightly in the context of increased testing, demonstrating the state must remain vigilant in its work to slow the spread of the virus; and

**WHEREAS**, the risk of COVID-19 transmission remains high, particularly with regard to indoor settings with an increased likelihood of close contact; and

**WHEREAS**, people in North Carolina are encouraged to use a cloth face covering to reduce the spread of COVID-19, but some populations may experience increased anxiety and fear of bias and being profiled if wearing face coverings in public spaces; and

**WHEREAS**, if someone is the target of ethnic or racial intimidation as the result of adhering to the mask provision or as a result of the pandemic, they are encouraged to report the matter to law enforcement or another government entity; and

**WHEREAS**, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate gubernatorial vested authority under the Emergency Management Act and to provide for the sub-delegation of that authority; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.10(b)(4) gives the undersigned the authority to “cooperate and coordinate” with the President of the United States; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.12(3)(e), the Division of Emergency Management must coordinate with the State Health Director to revise the North Carolina Emergency Operations Plan as conditions change, including making revisions to set “the appropriate conditions for quarantine and isolation in order to prevent the further transmission of disease,” and following this coordination, the Emergency Management Director and the State Health Director have recommended that the Governor develop and order the plan and actions identified in this Executive Order; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.23 in conjunction with N.C. Gen. Stat. §§ 75-37 and 75-38, the undersigned may issue a declaration that shall trigger the prohibitions against excessive pricing during states of disaster, states of emergency or abnormal market disruptions; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the undersigned may take such action and give such directions to state and local law enforcement officers and agencies as

may be reasonable and necessary for the purpose of securing compliance with the provisions of the Emergency Management Act and with the orders, rules, and regulations made thereunder; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(i), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because not all local authorities have enacted such appropriate ordinances or issued such appropriate declarations restricting the operation of businesses and limiting person-to-person contact, thus needed control cannot be imposed locally; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(ii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because some but not all local authorities have taken implementing steps under such ordinances or declarations, if enacted or declared, in order to effectuate control over the emergency that has arisen; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because the area in which the emergency exists spreads across local jurisdictional boundaries and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iv), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection of lives and property of North Carolinians because the scale of the emergency is so great that it exceeds the capability of local authorities to cope with it; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(1) authorizes 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) 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) authorizes the undersigned to prohibit and restrict other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives or property during a state of emergency; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(1), when the undersigned imposes the prohibitions and restrictions enumerated in N.C. Gen. Stat. § 166A-19.31(b), the undersigned may amend or rescind the prohibitions and restrictions imposed by local authorities; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), during a Gubernatorially declared State of Emergency, the undersigned has the power to “give such directions to State and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Article.”

**NOW, THEREFORE**, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

**Section 1. Definitions.**

In this Executive Order:

1. “Allowable Activities” are defined in Section 2(C) of this Executive Order.

2. "Bars" means establishments that are not eating establishments or restaurants as defined in N.C. Gen. Stat. §§ 18B-1000(2) and 18B-1000(6) and have a permit to sell alcoholic beverages for onsite consumption under N.C. Gen. Stat. § 18B-1001.
3. "Face Covering" means a covering of the nose and mouth by wearing a cloth covering or mask for the purpose of ensuring the physical health or safety of the wearer or others as defined in Session Law 2020-3 s. 4.3(a). In the context of the COVID-19 emergency, the Face Covering predominantly functions to protect other people more than the wearer.
4. "Home" means someone's house, place of residence, or current place of abode.
5. "Mass Gathering" is defined in Section 6(A) of this Executive Order.
6. "Recommendations to Promote Social Distancing and Reduce Transmission" are defined in Section 2(A) of this Executive Order.
7. "Restaurants" means permitted food establishments, under N.C. Gen. Stat. § 130A-248, and other establishments that both prepare and serve food. This includes, but is not limited to, restaurants, cafeterias, food halls, dining halls, food courts, and food kiosks. This includes not only free-standing locations but also locations within other businesses or facilities, including, but not limited to airports, shopping centers, educational institutions, or private or members-only clubs where food and beverages are permitted to be consumed on premises.
8. "Retail Business" means any business in which customers enter a space to purchase goods or services, including but not limited to grocery stores, convenience stores, large-format retail stores, pharmacies, banks, ABC stores, hardware stores, and vehicle dealerships. "Retail Business" also includes retail establishments operated by the State, its political subdivisions, or agencies thereof.

**Section 2. Allowable Activities for Individuals Outside the Home.**

All individuals currently in the State of North Carolina may undertake Allowable Activities permitted by this Executive Order. Otherwise, individuals are ordered to stay at home.

- A. **Recommendations to Promote Social Distancing and Reduce Transmission.** Individuals leaving their residence for Allowable Activities are strongly advised to take the following steps to reduce transmission:
  1. Maintain at least six (6) feet social distancing from other individuals, with the exception of family or household members.
  2. Wear a cloth Face Covering when leaving home and wear it inside all public settings such as grocery stores, pharmacies, or other retail or public-serving businesses. A Face Covering should also be worn outdoors when you cannot maintain at least six (6) feet distancing from other people with the exception of family or household members. These coverings function to protect other people more than the wearer.
  3. Carry hand sanitizer with you when leaving home, and use it frequently.
  4. Wash hands using soap and water for at least twenty (20) seconds as frequently as possible.
  5. Regularly clean high-touch surfaces such as steering wheels, wallets, phones.
  6. Stay at home if sick.
- B. **High-Risk Individuals:** People who are at high risk of severe illness from COVID-19 continue to be strongly encouraged to stay home and travel only for absolutely essential purposes. The Centers for Disease Control and Prevention ("CDC") defines high-risk individuals as people 65 years or older, **and people of any age who have serious underlying**

medical conditions including people who are immunocompromised, or with chronic lung disease, moderate-to-severe asthma, serious heart conditions, severe obesity, diabetes, with chronic kidney disease undergoing dialysis, or liver disease.

- C. Allowable Activities: People may leave their residence for the following Allowable Activities. When engaged in activities outside their home, individuals should, as much as reasonably possible, adhere to the Recommendations to Promote Social Distancing and Reduce Transmission above, and are subject to any applicable Mass Gathering or activity restrictions pursuant to Sections 3 to 7 of this Executive Order.
1. For health and safety. People may leave their homes to engage in activities or perform tasks for the health and safety of themselves, their family or household members, or those who are unable to or should not leave their home (including, but not limited to, pets). For example, and without limitation, people may leave their homes to seek emergency services, obtain medical supplies or medication, or visit a health care professional or veterinarian.
  2. To look for and obtain goods and services. People may leave their homes to look for or obtain goods and services from a business or operation that is not closed by a current Executive Order. This authorization does not include attendance as a spectator at a sporting event, concert, or other performance.
  3. To engage in outdoor activity. People may leave their homes to engage in outdoor activities unless prohibited by this Executive Order.
  4. For work. People may leave their homes to perform work at any business, nonprofit, government, or other organization that is not closed by this Executive Order. For example, and without limitation, people can leave the house for employment, or to serve as a contractor at a for-profit business, a nonprofit organization, a part of government, a single-person business, a sole proprietorship, or any other kind of entity or operation.
  5. To look for work. People may leave their homes to seek employment.
  6. To take care of others. People may leave their homes to care for or assist a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed by this Executive Order. This includes attending weddings and funerals.
  7. To worship or exercise First Amendment rights. People may leave their homes to travel to and from a place of worship or exercise any other rights protected under the First Amendment to the U.S. Constitution and its North Carolina counterparts.
  8. To travel between places of residence. People may leave their homes to return to or to travel between one's place or places of residence. This includes, but is not limited to, child custody or visitation arrangements.
  9. To volunteer. People may leave their homes to volunteer with organizations that provide charitable and social services.
  10. To attend small outdoor get-togethers. People may travel to another person's home for social purposes, so long as no more than ten (10) people gather and the activity occurs outside.
  11. To provide or receive government services. People may leave their homes for governmental services. Nothing in this Executive Order shall prohibit anyone from performing actions for, or receiving services from, the state or any of its political subdivisions, boards, commissions, or agencies. This Executive Order does not apply to the United States government.

D. **Specific Situations.**

1. **Homelessness.** Individuals experiencing homelessness are exempt from the order to stay at home, but they are strongly urged to obtain shelter and services that allow them to meet the Recommendations to Promote Social Distancing and Reduce Transmission.
2. **Travel permitted for unsafe homes.** 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.
3. **Public transit.** People riding on public transit must comply with the Recommendations to Promote Social Distancing and Reduce Transmission as defined in Subsection 2(A) to the greatest extent feasible.

**Section 3. Orders for Businesses and Parks.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

A. **Most Businesses and Organizations Can Be Open.** All businesses that are not closed under Section 5 may operate. Some businesses must operate under restrictions, as stated in Sections 3, 4, 6, and 7 of this Executive Order.

B. **Requirements Specific to Retail Businesses.**

Retail Businesses that operate during the effective period of this Executive Order must:

1. Limit customer occupancy to not more than 50% of stated fire capacity. Retail Businesses that do not have a stated fire capacity must limit customer occupancy to twelve (12) customers for every one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to customers.
2. Limit customer occupancy so that customers can stay six (6) feet apart, even if this requires reducing occupancy beneath the 50% limit stated above.
3. Direct customers to stay at least six (6) feet apart from one another and from workers, except at point of sale if applicable.
4. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for customers, such as at deli counters and near high-volume products.
5. Perform frequent and routine environmental cleaning and disinfection of high-touch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19).
6. Provide, whenever available, hand sanitizer (at least 60% alcohol); systematically and frequently check and refill hand sanitizer stations; and provide soap and hand drying materials at sinks.
7. Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace.
8. Immediately send symptomatic workers home.
9. Have a plan in place for immediately isolating workers from the workplace if symptoms develop.
10. Post signage at the main entrances that reminds people to stay six (6) feet apart for social distancing, requests people who are or who have recently been symptomatic not to enter, and notifies customers of the Retail Business's reduced capacity.

The North Carolina Department of Health and Human Services ("NCDHHS") will make available on its website a sample screening checklist questionnaire and sample signs that may

be used to meet the requirements above. Retail Businesses do not need to use the NCDHHS sample questionnaires and signs to meet the requirements of this Executive Order.

**C. Additional Recommendations Specific to Retail Businesses.**

Retail Businesses that operate during the effective period of this Executive Order are strongly encouraged to do the following:

1. Direct workers to stay at least six (6) feet apart from one another and from customers, to the greatest extent possible.
2. Provide designated times for seniors and other high-risk populations to access services.
3. Develop and use systems that allow for online, email, or telephone ordering, no-contact curbside or drive-through pickup or home delivery, and contact-free checkout.
4. High-volume Retail Businesses, such as grocery stores and pharmacies, are strongly encouraged to take the following additional measures to reduce transmission:
  - a. Use acrylic or plastic shields at cash registers.
  - b. Clearly mark designated entry and exit points.
  - c. Provide assistance with routing through aisles in the store.
5. Take all the additional actions listed in Subsection 3(D) below.

**D. Recommendations for All Businesses (Retail or Other).**

All businesses that operate during the effective period of this Executive Order are strongly encouraged to:

1. Continue to promote telework and limit non-essential travel whenever possible.
2. Promote social distancing by reducing the number of people coming to the office, by providing six (6) feet of distance between desks, and/or by staggering shifts.
3. Limit face-to-face meetings to no more than ten (10) workers.
4. Promote hygiene, including frequent hand-washing and use of hand sanitizer.
5. Recommend workers wear cloth Face Coverings; provide workers with Face Coverings; and provide information on proper use, removal, and washing of cloth Face Coverings. A Face Covering functions to protect other people more than the wearer.
6. Make accommodations for workers who are at high risk of severe illness from COVID-19, for example, by having high-risk workers work in positions that are not public-facing or by allowing teleworking where possible.
7. Encourage sick workers to stay home and provide support to do so with a sick leave policy.
8. Follow the CDC guidance if a worker has been diagnosed with COVID-19.
9. Provide workers with education about COVID-19 prevention strategies, using methods like videos, webinars, or FAQs.
10. Promote information on helplines for workers such as 211 and the Hope4NC Helpline.

**E. Parks and Trails.**

1. All people in North Carolina are encouraged to engage in outdoor activities, so long as they do not form prohibited Mass Gatherings and are engaged in Allowable Activities under this Executive Order. State parks and trails may reopen upon the general Effective Date of this Executive Order. However, because public playground equipment may increase spread of COVID-19, public playgrounds remain closed during the effective phase of this Executive Order, including public playground equipment located in parks.
2. Park operators shall follow the requirements for Retail Businesses listed in Subsection (B) above, and they are strongly encouraged to follow the recommendations for Retail Businesses and the recommendations for all businesses in Subsections (C) and (D) above.

**Section 4. Orders for Restricted Business Types.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

**A. Restaurants.**

1. **Restaurants may remain open if consumption occurs off-premises.** Restaurants may do business only to the extent that consumption of food and beverages occurs 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 provide free food services to students or members of the public may continue to do so under this Executive Order when the food is provided for carry-out, drive-through, or delivery.
2. **Restaurants should follow social distancing and transmission reduction recommendations.** Restaurants are encouraged to comply with the Recommendations to Promote Social Distancing and Reduce Transmission, including use of Face Coverings, when providing carry-out, drive-through, and delivery services. These coverings function to protect other people, more than the wearer.
3. **Further orders.** The Governor, in consultation with and at the recommendation of the Secretary of Health and Human Services, the State Emergency Management Director, and the State Health Director, orders the following limitations on the sale of food and beverages to carry-out, drive-through, and delivery only:
  - a. The Secretary of Health and Human Services, pursuant to N.C. Gen. Stat. § 130A-20(a), has determined that the seating areas of restaurants and bars constitute an imminent hazard for the spread of COVID-19 and that, to abate the imminent hazard, restaurants must be restricted to carry-out, drive-through, and delivery only and bars must close, and has issued an order of abatement dated May 4, 2020.
  - b. The undersigned directs that restaurants are restricted to carry-out, drive-through, and delivery only.
4. **No sit-down service.** Sit-down food or beverage service is prohibited at any kind of businesses, including but not limited to grocery stores, pharmacies, convenience stores, gas stations and charitable food distribution sites.

**B. Bars.**

1. Bars are directed to not serve alcoholic beverages for onsite consumption.
2. This Executive Order does not direct the closure of retail beverage venues that provide for the sale of beer, wine, and liquor for off-site consumption only. It also does not require the closure of production operations at breweries, wineries, or distilleries.
3. If the Alcoholic Beverage Control Commission (the "ABC Commission") identifies other state laws, regulations, and policies that may affect bars, restaurants, and other dining establishments identified in Subsections 4(A)-(B) of this Executive Order, it is directed to

inform the Office of the Governor in writing. Upon written authorization from the Office of the Governor, the ABC Commission may interpret flexibly, modify, or waive those state laws, regulations and policies, as appropriate, and to the maximum extent permitted under applicable state and federal law, to effectuate the purposes of this Executive Order.

**C. Child Care.**

1. Must operate in compliance with NCDHHS guidelines. Child care facilities may be open only if they operate in full compliance with Executive Order No. 130 and all guidelines issued by NCDHHS.
2. Expanding children that may be served. The relevant language in Subsection 2(C) of Executive Order No. 130 is amended and replaced by the following:

Children that may be served. Child Care Facilities approved by NCDHHS to operate under the Emergency Facility Guidelines shall provide child care only to the following persons:

1. Children of anyone who performs work on behalf of a business or operation that is not closed by an Executive Order; or
  2. Children of anyone who is leaving the home to seek employment; or
  3. Children who are receiving child welfare services; or
  4. Children who are homeless or who are living in unstable or unsafe living arrangements.
3. Term. Section 2 of Executive Order No. 130 shall remain in effect through 5:00 pm on May 22, 2020.

**D. Day Camps and Programs for Children and Teens.**

1. Must operate in compliance with NCDHHS guidelines. Day camps and programs may operate only if they are in full compliance with the Interim Coronavirus Disease 2019 (COVID-19) Guidance for Day Camp or Program Settings Serving Children and Teens. Day programs and camps for adults are not covered by this section.
2. No sports or other activities without social distancing. Day camps and programs may not allow sports except for sports where close contact is not required, and day camps may not allow activities where campers would not maintain at least six (6) feet social distancing from one another.
3. Day camps within another business or operation. Day camps and programs operating within a business, facility, or location closed by Subsection 5(B) of this Executive Order or at a school may open for the purpose of the day camp or program, but must otherwise remain closed to the general public. To the extent day camps permit swimming by camp attendees, local health departments may permit the pool's usage for attendees of the day camp, but not for the general public.
4. No overnight camps. Overnight camps and programs for children or adults may not operate.

**E. Schools.**

1. School facilities remain closed for in-person instruction. Consistent with Executive Orders No. 117 and 120, public school facilities are to remain closed as in-person instructional settings for students for the remainder of the 2019-2020 school year.
2. School and health officials to continue efforts. NCDHHS, the North Carolina Department of Public Instruction ("NCDPI"), and the North Carolina State Board of Education are

directed to continue to work together to maintain and implement measures to provide for the health, nutrition, safety, educational needs, and well-being of children during the school closure period.

3. Graduation and other year-end ceremonies. Local school boards and superintendents will determine whether to conduct graduation and/or other year-end ceremonies. If local school leaders elect to hold graduation ceremonies or similar events, then those gatherings must operate in compliance with Executive Orders and NCDPI/NCDHHS guidelines in effect at the time of the event. Local school leaders are encouraged to engage with students and families to identify the best solutions for their communities. Local plans should include consultation with local public health officials and, where appropriate, local law enforcement.

#### **Section 5. Orders for Businesses to Remain Closed.**

##### **A. Personal Care and Grooming Businesses.**

1. The ability to practice the social distancing necessary to reasonably protect against COVID-19 is significantly reduced in certain establishments where individuals are in extended close proximity or where service personnel are in direct contact with clients. Therefore, personal care and grooming businesses, including but not limited to the following, are ordered to close:
  - Barber Shops
  - Beauty Salons (including but not limited to waxing and hair removal centers)
  - Hair Salons
  - Nail Salons/Manicure/Pedicure Providers
  - Tattoo Parlors
  - Tanning Salons
  - Massage Therapists (except that massage therapists may provide medical massage therapy services upon the specific referral of a medical or naturopathic healthcare provider).

##### **B. Entertainment Facilities Without a Retail or Dining Component.**

1. In addition to the restrictions on Mass Gatherings identified in Section 6 of this Executive Order, entertainment facilities that operate within a confined indoor or outdoor space and do not offer a retail or dining component are ordered to close. Any retail or dining component within an entertainment facility may operate solely for retail or dining, but those components must comply with the restrictions set out in Subsection 4(A) of this Executive Order.
2. Entertainment facilities restricted by this Subsection include, but are not limited to, the following types of business:
  - Bingo Parlors, including bingo sites operated by charitable organizations
  - Bowling Alleys
  - Indoor Exercise Facilities (e.g., gyms, yoga studios, martial arts facilities, indoor trampoline and rock climbing facilities)
  - Health Clubs, Fitness Centers, and Gyms
  - Indoor/Outdoor Pools
  - Live Performance Venues
  - Movie Theaters
  - Skating Rinks
  - Spas, including health spas
  - Gaming and business establishments which allow gaming activities (e.g., video poker, gaming, sweepstakes, video games, arcade games, pinball machines or other computer, electronic or mechanical devices played for amusement).

**Section 6. Mass Gatherings Prohibited.**

- A. **Prohibition.** Mass Gatherings are prohibited. "Mass Gathering" means an event or convening that brings together more than ten (10) persons at the same time in a single space, such as an auditorium, stadium, arena, conference room, meeting hall, or any other confined indoor or outdoor space. This includes parades, fairs, and festivals.

Mass Gatherings do not include gatherings for health and safety, to look for and obtain goods and services, for work, for worship, or exercise of First Amendment rights, or for receiving governmental services. A Mass Gathering does not include normal operations at airports, bus and train stations or stops, medical facilities, shopping malls, and shopping centers. However, in these settings, people must follow the Recommendations to Promote Social Distancing and Reduce Transmission as much as possible, and they should circulate within the space so that there is no sustained contact between people.

- B. **Dividing one event or convening into multiple sessions.** Nothing in this Executive Order prohibits holding several events or convenings instead of one so that at any time, no more than ten (10) people are gathered in the same space. Organizations that need to hold events or convenings in a single space are encouraged to hold multiple sessions so that no more than ten (10) people are present at a time. In addition, nothing in this Executive Order prohibits holding meetings remotely, and all people in North Carolina are encouraged to hold gatherings electronically so that large groups can meet.
- C. **Outdoor meetings if possible.** Because the risk of COVID-19 spread is much greater in an indoor setting, any gatherings of more than ten (10) people that are allowed under Subsection 6(A) shall take place outdoors unless impossible.
- D. **Funerals.** Notwithstanding the above, and in an effort to promote human dignity and limit suffering, Mass Gatherings at funerals are permitted for up to fifty (50) people. People meeting at a funeral should observe the Recommendations to Promote Social Distancing and Reduce Transmission to the extent practicable.
- E. **Drive-ins.** Events are not prohibited Mass Gatherings if the participants all stay within their cars, such as at a drive-in movie theater.
- F. **Households.** A household where more than ten (10) people reside is not a Mass Gathering.

**Section 7. Long Term Care.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

- A. **Long Term Care Visitation Limitations.**
1. Long term care facilities shall restrict visitation of all visitors and non-essential health care personnel, except for certain compassionate care situations, for example, an end-of-life situation.
  2. This restriction does not include essential health care personnel.
  3. For purposes of this Subsection 7(A) only, long term care facilities include all of the following:
    - a. Skilled nursing facilities;
    - b. Adult care homes;
    - c. Family care homes;
    - d. Mental health group homes; and
    - e. Intermediate care facilities for individuals with intellectual disabilities.

**B. Long Term Care Risk Mitigation Measures.**

1. **Scope of this Subsection.** This Subsection of this Executive Order places mandatory requirements on skilled nursing facilities. This Subsection strongly encourages the same measures, to the extent possible given constraints on the availability of personal protective equipment, for other kinds of long term care facilities, including adult care homes, family care homes, mental health group homes, and intermediate care facilities for individuals with intellectual disabilities.
2. **Mitigation measures.** Skilled nursing facilities shall:
  - a. Remind workers to stay home when they are ill and prevent any workers who are ill from coming to work and/or staying at work.
  - b. Screen all workers at the beginning of their shift for fever and respiratory symptoms. This shall include:
    - i. Actively taking that worker's temperature.
    - ii. Documenting an absence of any shortness of breath, any new cough or changes in cough, and any sore throat. If the worker is ill, the facility must have the worker put on a facemask and leave the workplace.
    - iii. Canceling communal dining and all group activities, including internal and external activities.
    - iv. Implementing universal use of a facemask for all workers while in the facility, assuming supplies are available.
    - v. Actively monitor all residents upon admission, and at least daily, for fever and respiratory symptoms (shortness of breath, new cough or change in cough, and sore throat), and shall continue to monitor residents.
    - vi. Notify the local health department immediately about either of the following:
      1. Any resident with new, confirmed, or suspected COVID-19.
      2. A cluster of residents or workers with symptoms of respiratory illness. A "cluster" of residents or workers means three (3) or more people (residents or workers) with new-onset respiratory symptoms in a period of 72 hours.
  - c. Other kinds of long term care facilities. Adult care homes, family care homes, mental health group homes, and intermediate care facilities for individuals with intellectual disabilities are strongly encouraged to follow the mitigation measures listed in Subsections 7(B)(2)(b)(i) through (vi) above, assuming supplies are available.

- C. **Effective Date and Duration.** This Section of this Executive Order shall remain in effect unless repealed, replaced, or rescinded by another applicable Executive Order.

**Section 8. Local Orders.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

**A. Effect on local emergency management orders.**

1. **Most of the restrictions in this Executive Order are minimum requirements, and local governments can impose greater restrictions.** The undersigned recognizes that the impact of COVID-19 has been and will likely continue to be different in different parts of North

Carolina. Urban areas have seen more rapid and significant spread than most rural areas of the state. As such, the undersigned acknowledges that counties and cities may deem it necessary to adopt ordinances and issue state of emergency declarations which impose restrictions or prohibitions to the extent authorized under North Carolina law, such as on the activity of people and businesses, to a greater degree than in this Executive Order. To that end, nothing herein, except where specifically stated below in Subsections A(2) and A(3) of this Section, 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.

2. **Local restrictions cannot restrict state or federal government operations.** Notwithstanding Subsection 8(A)(1) above, no county or city ordinance or declaration shall have the effect of restricting or prohibiting governmental operations of the State or the United States.
3. **Local restrictions cannot set different retail requirements.** Notwithstanding Subsection 8(A)(1) above, in an effort to create uniformity across the state for Retail Businesses that may continue to operate, the undersigned amends all local prohibitions and restrictions imposed under any local state of emergency declarations to remove any language that sets a different maximum occupancy standard for Retail Businesses or otherwise directly conflicts with Subsections 3(B)(1)–(2) of this Executive Order. The undersigned also hereby prohibits during the pendency of this Executive Order the adoption of any prohibitions and restrictions under any local state of emergency declarations that set a different maximum occupancy standard for Retail Businesses or otherwise directly conflict with Subsections 3(B)(1)–(2) of this Executive Order.

**B. Mandatory local government operations.**

1. To the extent that local government functions are required under state and federal law, the undersigned directs the appropriate local government agencies and officials to continue to exercise their responsibilities, including but not limited to local county Department of Social Services (“DSS”) offices, Health Departments, Registers of Deeds, and other local government functions that are required to protect lives and property.
2. Notwithstanding Subsection 8(B)(1) above, local governments are strongly encouraged to follow the Requirements Specific to Retail Businesses in Subsection 3(B) and Recommendations for Retail Businesses in Subsection 3(C) for functions where members of the public enter a space to receive or use government services. Local governments are also strongly encouraged to follow the Recommendations for All Businesses (Retail or Other) included in Subsection 3(D).

**Section 9. Extension of Price Gouging Period.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

Pursuant to N.C. Gen. Stat. § 166A-19.23, the undersigned extends the prohibition against excessive pricing, as provided in N.C. Gen. Stat. §§ 75-37 and 75-38, from the issuance of Executive Order No. 116 through 5:00 pm on May 22, 2020.

The undersigned further hereby encourages the North Carolina Attorney General to use all resources available to monitor reports of abusive trade practices towards consumers and make readily available opportunities to report to the public any price gouging and unfair or deceptive trade practices under Chapter 75 of the North Carolina General Statutes.

**Section 10. No Private Right of Action.**

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any emergency management worker (as defined in N.C. Gen. Stat. § 166A-19.60) or any other person.

**Section 11. Savings Clause.**

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

**Section 12. Distribution.**

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

**Section 13. Enforcement**

- A. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers.
- B. A violation of this Executive Order may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d), and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.
- C. Nothing in this Executive Order shall be construed to preempt or overrule a court order regarding an individual's conduct (e.g., a Domestic Violence Protection Order or similar orders limiting an individual's access to a particular place).

**Section 14. Effective Date**

This Executive Order is effective at 5:00 pm on May 8, 2020.

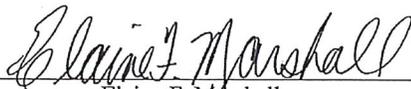
Section 7 of this Executive Order shall remain in effect for the period stated in Subsection 7(C) of this Executive Order. The remainder of this Order shall remain in effect through 5:00 pm on May 22, 2020 unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 5<sup>th</sup> day of May in the year of our Lord two thousand and twenty.



Roy Cooper  
Governor

ATTEST:



Elaine F. Marshall  
Secretary of State



## **Red Caboose Library Re-Opening Plan Proposal**

The State of North Carolina is in Phase II of its re-opening plan in response to the Covid 19 Pandemic. Many businesses are re-opening with changes in practice and services, safety requirements, and retraining of staff

The following is a proposal to provide limited access to library resources for our River Bend residents in a safe, responsible way.

### **I. Patron Requirements**

- A. Use of bell to enter the building
- B. Face covering over nose and mouth at all times
- C. Hand sanitizer usage upon entrance of building
- D. Social distancing of at least 6 feet at all times, no touch policy
- E. Only one patron at a time in building\* (there may be exceptions )
- F. Limited time in building, "grab and go"
- G. Use of book drop for material returns

### **II. Physical Changes to layout in building**

Some rearrangement of furniture to maintain social distancing may be necessary. Short term storage area for returned books may be necessary.

### **III. Volunteer Requirements**

- A. Use of face coverings (masks) at all times
- B. Social distancing and no touch policy at all times
- C. Hand washing and hand sanitizer use
- D. Restriction of patrons
- E. Daily sanitation practices
- F. Daily emptying/check of book drop
- G. Book quarantine for 48 hours
- H. Daily use of checklist
- I. Retraining of all volunteers

### **IV. Administrative/Operational Tasks**

- A. Letter to volunteers
- B. Return letter/agreement from volunteers for retraining.
- C. Adjustment of Library schedule?
- D. Notification of Liaison/Town of re-opening plan
- E. Notification of public of changes and re-opening

## **Proposed New Operating Procedure for Red Caboose Library**

The health and safety of patrons and volunteers is of the utmost importance to the Red Caboose Library. We are implementing the following procedures to promote this for all.

1. Patron approaches library with face covering (masks) in place.
2. Books being returned are placed in book drop.
3. Patron rings bell and volunteer opens door for patron.
4. Immediately on entry volunteer will tell patron that hand sanitation is required and a squirt hand sanitizer is on hands.
5. Volunteer will explain that because only one patron at a time is allowed inside the library, they should make their selections, sign them out and exit, out of respect for other patrons that may be waiting to utilize our resources and safety of the volunteer.
6. Exceptions to the "one at a time rule" are other than cohabitant with the patron entering the Library (ex. husbands, wives, children)

### **Volunteer Responsibilities for Book Drop**

At the end of the Library shift the Volunteer empties the contents of the

Book Drop into a paper bag that is marked with today's date and a Shelve Date that is 2 days in advance of the current date. Place the

bag of books in the designated "return area" and wash or sanitize hands.

During the volunteer's shift, they will take the bag of books with that

day's shelve date, replace the "A" cards and re-shelve them and wash

or sanitize hands.

## **Volunteer Cleaning/Sanitizing Responsibilities**

**As has always been the case, we try to keep the Library clean and neat,**

**doing the housekeeping chores as necessary (sweeping, vacuuming,**

**swish toilet and sink etc.). Because of increased health risks from Covid-19 epidemic we now need to sanitize all touch surfaces at the**

**end of each shift with disinfectant wipes or spray and paper towels.**

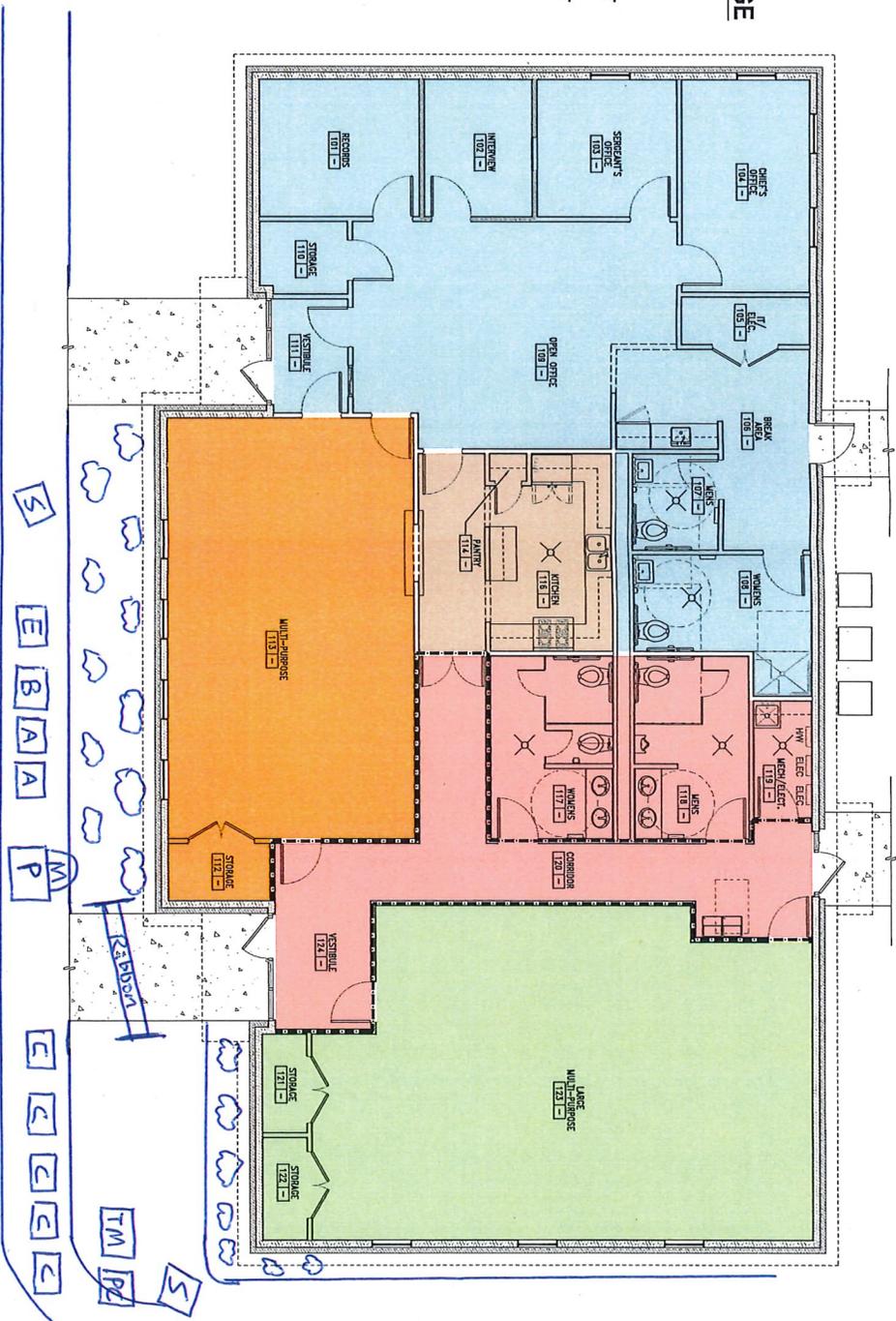
**This would include all door and furniture handles, the desk tops, bath**

**room faucets, toilet and door handles. In other words, all surfaces routinely touched by your hands. And, wash your hands.**



**OCCUPANCY SQUARE FOOTAGE**

- POLICE = 1336 SQFT
  - PUBLIC = 662 SQFT
  - LARGE MULTIPURPOSE = 925 SQFT
  - SMALL MULTIPURPOSE = 618 SQFT
  - KITCHEN = 215 SQFT
- TOTAL EXTERIOR SQ. FT. = 4085 SQFT**



P - Podium  
 E - engineer  
 B - builder  
 A - architect  
 M - Mayor  
 C - current Council  
 TM - Town Manager  
 PC - previous Council  
 S - speaker

Gallery



## Resolution Declaring Surplus Property and Authorizing Sale of Enterprise Fund Vehicle

WHEREAS, the Town of River Bend desires to dispose of certain surplus property of the Town;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of River Bend that:

1. The following described property is hereby declared to be surplus to the needs of the Town:

**2008 Chevy Uplander  
VIN: 1GNDV13W48D206491**

2. The Town Manager is authorized and directed to receive, on behalf of the Town Council, bids for the purchase of the property described above and shall establish a time and date by which all bids must be received. He is also authorized to employ the action method he deems most advantageous to the Town.

3. The Town Clerk shall cause a notice of this sale to be published in the local newspaper of record.

4. The Town shall retain the right to reject any and all bids.

Adopted this 9<sup>th</sup> day of July, 2020

---

John R. Kirkland  
Mayor

Attest:

---

Ann H. Katsuyoshi





**RIVER BEND TOWN COUNCIL AGENDA**  
**Regular Meeting**  
**July 16, 2020**  
**River Bend Municipal Building**  
**51 Shoreline Drive**  
**6:30 p.m.**

Pledge: Councilman Sheffield

1. CALL TO ORDER (Mayor Kirkland Presiding)
2. BUILDING DEDICATION (Outside)
3. RECESS (Reconvene inside building)
4. RECOGNITION OF NEW RESIDENTS
5. ADDITIONS/DELETIONS TO AGENDA
6. ADDRESSES TO THE COUNCIL
7. PUBLIC HEARINGS
8. CONSENT AGENDA

*All items listed under this section are considered routine by the Council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

A. Approve:

- Minutes of the June 11, 2020 Work Session*
- Minutes of the June 11, 2020 Closed Session*
- Minutes of the June 18, 2020 Regular Meeting*

9. TOWN MANAGER'S REPORT – Delane Jackson

A. Manager's Report

B. **Activity Reports**

- a. **Monthly Police Report** by Chief Joll
- b. **Monthly Water Resources Report** by Director of Public Works Mills
- c. **Monthly Work Order Report** by Director of Public Works Mills
- d. **Monthly Zoning Report** by Assistant Zoning Administrator McCollum

ADMINISTRATIVE REPORTS:

10. Public Works and Water Resources – Mayor John Kirkland
  - A. PWAB report
11. Finance – Councilman Irving Van Slyke, Jr.
  - A. Financial Report - Finance Administrator
12. Planning Board – Councilman Buddy Sheffield
  - A. Planning Board Report
13. Public Safety – Councilman Don Fogle
  - A. CERT Report
  - B. Community Watch Report
14. Environment and Waterways – Councilman Brian Leonard
  - A. EWAB Report
15. Parks & Recreation/CAC – Councilman Harry “Bud” McClard
  - A. Parks and Rec Report
  - B. CAC Report
  - C. Organic Garden Report
  - D. Library Report
16. MAYOR’S REPORT – Mayor Kirkland
17. PUBLIC COMMENT

*The public comment period is set aside for members of the public to offer comments to the Council. It is the time for the Council to listen to the public. It is not a Question & Answer session between the public and the Council or Staff. All comments will be directed to the Council. Each speaker may speak for up to 3 minutes. A member of staff will serve as timekeeper. A sign-up sheet is posted by the meeting room door and will be collected prior to the start of the Public Comment Period. Speakers will be called on by the Mayor in the order that they signed up. In order to provide for the maintenance of order and decorum, the Council has adopted a policy for this section of the meeting. A copy of the policy is posted by the door for your review. Please follow the policy. If you have a specific question for staff, you are encouraged to contact the Town Manager or the appropriate Department Head at another time.*

18. ADJOURNMENT

**Attention - The Council Meeting will be held at the newly-constructed Municipal Building located at 51 Shoreline Drive beginning at 6:30 p.m.**