



**THIRD AMENDMENT TO THE DECLARATION OF A  
STATE OF EMERGENCY IN DURHAM COUNTY, NC  
TO COORDINATE PROTECTIVE ACTIONS  
TO PREVENT THE SPREAD OF COVID-19  
(STAY AT HOME ORDER)**

**WHEREAS**, the novel coronavirus disease-2019 (COVID-19) is a disease spreading across the globe causing flu-like symptoms, but with a significantly higher rate of death, particularly among those who are elderly or medically vulnerable; and

**WHEREAS**, On 30 January 2020, the World Health Organization (WHO) determined the outbreak constitutes a Public Health Emergency of International Concern (PHEIC); and

**WHEREAS**, on January 31, 2020, Health and Human Services Secretary, Alex M. Azar, II, declared COVID-19 to be a public health emergency in the United States; and

**WHEREAS**, on March 10, 2020, in order to address and mitigate the threat of COVID-19 to vulnerable populations and to slow the spread of COVID-19 in North Carolina, Governor Roy Cooper declared a state of emergency in North Carolina; and

**WHEREAS**, on March 13, 2020, President Trump declared the COVID-19 pandemic to be a national emergency; and

**WHEREAS**, on March 14, 2020, in order to address and mitigate the threat of COVID-19 to vulnerable populations and to slow the spread of COVID-19 in North Carolina, Governor Roy Cooper issued Executive Order 117, among the measures he directed were limiting mass gatherings to no more than 100 persons, temporarily closing public schools, and urging compliance with CDC recommendations on social distancing; and

**WHEREAS**, from March 17-April 9, 2020, in order to address and mitigate the threat of COVID-19 to vulnerable populations and to slow the spread of COVID-19 in North Carolina, Governor Roy Cooper issued Executive Orders 118-131, imposing additional restrictions on commerce, mass gatherings, restricting the operations of long-term care facilities, and also making recommendations for the use of personal protective equipment by the general population; and

**WHEREAS**, in response to the COVID-19 pandemic, the undersigned issued a Declaration of State of Emergency in Durham County (“Declaration”) on March 14, 2020, making recommendations as to conduct designed to protect the public health; and

**WHEREAS**, in response to the COVID-19 pandemic, the undersigned subsequently issued an Amendment to that Declaration, a Stay at Home Order, on March 28, 2020, imposing additional restrictions beyond those imposed by the Governor in a further effort to slow the spread of the COVID-19 virus, which was extended into the City limits of Durham; and

**WHEREAS** on April 3, 2020, due to additional cases of Covid-19 being reported, the undersigned issued a Second Amendment to that Declaration imposing additional restrictions on commerce and personal activities in a further effort to slow the spread of the COVID-19 virus which was extended into the City limits of Durham; and

**WHEREAS**, since execution of the Second Amendment to the Declaration, additional residents of Durham County have been tested for the COVID-19 virus, with 393 cases as of today’s date; and



**WHEREAS**, neither the restrictions imposed by the Declaration and its Amendments, nor increasing recommended and mandatory restrictions imposed by the Governor and the President of the United States, have slowed the growth in the incidence of COVID-19 within Durham County, adjacent cities and counties, or in the State of North Carolina; and

**WHEREAS**, in areas battling COVID-19, there is a severe shortage of medical supplies for health care workers and basic equipment to help the public avoid transmitting the disease; and

**WHEREAS**, the undersigned has conferred with Durham County's Public Health Director and operators of Duke Health, a major health care provider within Durham County, and confirmed that there is still a critical need to slow the spread of COVID-19 within Durham in order to preserve precious supplies to treat those with COVID-19 and other serious illnesses and injuries; and

**WHEREAS**, many individuals who contract the virus display no symptoms or have mild symptoms which means they may not be aware they carry the virus. People without symptoms can transmit the disease and because evidence shows the disease is easily spread, mass gatherings can result in further transmissions of the virus; and

**WHEREAS**, it is essential to slow viral transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed; and

**WHEREAS**, the undersigned has determined that the additional restrictions and prohibitions identified below are necessary to slow the rate of the spread of COVID-19, and preserve the health and lives of our residents, and are the least restrictive based upon the current evidence; and

**WHEREAS**, on April 3, 2020, the Center for Disease Control issued a recommendation supporting the use of cloth face coverings in public settings, especially where social distancing measures are difficult to maintain, such as retail establishments; and

**WHEREAS**, subsequent to issuance of the Second Amendment to the Declaration, the organizers of the Farmers' Markets came together and worked with County staff to adopt operating procedures which have been reviewed and found to meet the requirements of Section 2.D, the Social Distancing and Sanitation Requirements, to include the newly implemented requirement for face coverings.

**NOW THEREFORE BE IT FURTHER ORDAINED THAT**, the restrictions and prohibitions enacted in the April 3, 2020, Second Amendment to Declaration of State of Emergency in Durham County, remain in full force and effect, and are incorporated herein, except to the extent they are repealed or amended as set forth below:

**Section 1.** The emergency area for the original Declaration of State of Emergency, and its subsequent Amendments, to include this one are the geographic limits of Durham County, and at the request of the Mayor, within the corporate limits of the City of Durham as well. It does not apply within the corporate limits of other municipalities in Durham County unless those municipalities have either requested or consented to have this Order apply within their jurisdiction.



**Section 2.** Section 2.D of the Second Amendment to Declaration of State of Emergency in Durham County is amended to read as follows:

D. **SOCIAL DISTANCING AND SANITATION REQUIREMENTS.** Any person who needs to leave their place of residence, and all businesses permitted to remain open, shall at all times reasonably comply with the following practices and require compliance by their employees, patrons, and visitors. For purposes of this Order, social distancing and sanitation practices shall include:

1. To the extent possible, the performance of temperature checks by employers of their employees when they report to work, and a mandate that any employee with a temperature above 100.4 degrees Fahrenheit must be sent home;

**The following requirements must be complied with:**

2. Maintaining at least six-foot social distancing from other individuals. For businesses this includes controlling entry to their premises and regulating patron conduct and spacing within the premises and at point of sale;
3. Washing hands with soap and water (especially if hands are soiled) for at least twenty seconds as frequently as possible or using hand sanitizer. For businesses this includes providing a means for patrons and staff to sanitize themselves and prevent cross-contamination;
4. Covering coughs or sneezes (into the sleeve, elbow or tissue, not hands);
5. Regularly cleaning high-touch surfaces. For businesses this includes a process and routine for sanitizing frequently handled surfaces such as door handles and push plates or countertops;
6. Not permitting the sharing of tools, instruments, or other devices, in work spaces and recreational activities unless they have been cleaned in between users. For businesses this includes a process and routine for sanitizing frequently handled surfaces such as carts, gas pump handles, and point of purchase devices;
7. Businesses providing services in a residential setting shall have their employees wear a mask covering the mouth and nose;
8. Businesses must not provide complimentary food or drink on their premises; and
9. Not shaking hands.
10. Wearing of Face Coverings

Members of the general public are required to wear a clean face covering any time they are or will be in contact with other people who are not household members in public or private spaces where it is not possible to maintain social distance. These spaces include grocery stores, pharmacies, business locations and public transit. While wearing the face covering, it is essential to still maintain social distance insofar as possible since social distancing is the best defense against the spread of the Coronavirus.



While face coverings are required, no one will be removed from or denied entry to public transit for failure to wear a face covering.

A face covering is a material that covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth 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.

Acceptable, reusable face covering options for the general public include: bandanas, neck gaiters, homemade face coverings, scarves, or tightly woven fabric such as cotton t-shirts and some types of towels.

It is not required to wear face coverings during individual exercise outdoors, or while walking or exercising with other people from the same household, as long as social distance from others is maintained.

**Section 3.** Section 2.E.2.b of the Second Amendment to Declaration of State of Emergency in Durham County is amended to read as follows:

**b. Businesses that sell, produce, or distribute groceries, medicine, or essential household goods.** Grocery stores, farms, farmer’s markets (for the sale of foodstuffs and live plants only), farm and produce stands, food banks, convenience stores, and other businesses, whether retail or wholesale, engaged in the sale, production, or distribution of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other essential household consumer product or food necessary to maintaining the safety, sanitation, and essential operation of residences or businesses permitted to operate and ordered herein. Occasional retail activities such as garage sales and flea markets are prohibited.

**Section 4.** Section 2.E.2.v of the Second Amendment to Declaration of State of Emergency in Durham County is amended to read as follows:

**v. Real estate services.** Both sales and rental real estate services, to include sales by Builders, present a high traffic use of common surfaces which present a risk of transmission.

1. Activities prior to an offer to purchase or rent being accepted:

a. Open houses and in-person showings of occupied homes are prohibited. In-person showings of vacant homes for sale or rent are permitted under the following conditions:

1) The buyer’s agent cannot enter the home with the prospective buyer(s); however, the agent can talk to the buyer during the showing from outside the home using cell phones and a video service;



2) Only one person can enter a home at a time for a showing. However, two people can enter at the same time if they have been socially distancing together;

3) There can be only one showing of a home during any calendar day;

4) Anyone entering a vacant home for a showing must wear a mask and gloves and must not touch surfaces inside the home to the greatest extent possible. Lights must be turned on and interior doors opened prior to the entry of the prospective buyer. The buyer's agent must provide hand sanitizer or sanitized wipes to the prospective buyer before and after entering the vacant home.

5) Anyone entering a home must assert that to the best of their knowledge, they are not currently ill with a cold or flu; do not have a fever, persistent cough, shortness of breath, or exhibit other COVID-19 symptoms; have not been in contact with a person with COVID-19; and will adhere to and follow all precautions required for viewing the property at all times.

b. Listing and buyers' agents may enter vacant properties to take photographs and videos to facilitate virtual tours. These services may be performed by a professional photography services so long as the requirements of Section 2D are met.

2. Post-sale activities (These activities may only be conducted by a single individual, or by two individuals who have been socially distancing together, and are restricted to the following activities connected with closing sales.)

- a. Post-offer inspections;
- b. Appraisal;
- c. Surveys;
- d. Final walk throughs; and,
- e. Title services.

**Section 5.** A copy of this Third Amendment to Declaration of State of Emergency in the County of Durham shall be provided to the County Clerk and posted at the County Courthouse. Reports of the substance of its prohibitions and restrictions shall be sent immediately to the mass communications media serving Durham County. As soon as practicable, the full text of this Amendment shall be distributed to the mass communications media serving Durham County.

**Section 6.** Sections 3 and 4 of this Third Amendment shall take effect on Friday, April 17, 2020, at 5:00 p.m. Section 2 of this Third Amendment shall take effect on Monday, April 20, 2020 at midnight. This Third Amendment along with the Second Amendment and the original



Declaration of State of Emergency in Durham County shall remain in effect through April 30, 2020. These Orders will be regularly reviewed and evaluated for their necessity and efficacy, and may be revised, amended, and/or extended based upon the impact of the COVID-19 pandemic, existing evidence, and recommendations by federal, state and local public health authorities.

This Third Amendment signed at this date and time: April 17, 2020, at \_\_\_\_\_ o'clock.  
(include AM or PM)

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Wendy Jacobs, Chair  
Durham County Board of Commissioners

Note: Noon is 12:00 PM. Midnight is 12:00 AM