

ORDER AND DECLARATION OF THE MAYOR OF THE CITY OF GREENSBORO
IMPOSING RESTRICTIONS AND PROHIBITIONS TO REINFORCE GOVERNOR
COOPER'S EXECUTIVE ORDER 176 IN THE CITY OF GREENSBORO, NC

WHEREAS, The North Carolina General Assembly has adopted Article 1A of Chapter 166A of the General Statutes, entitled "North Carolina Emergency Management Act", which sets forth the authority and responsibility of the Governor, State agencies, and local governments in prevention of, preparation for, response to, and recovery from natural or man-made emergencies; and

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

WHEREAS, Coronavirus Disease 2019 ("COVID-19") is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person; and

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

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

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 391 of the Public Health Service Act; and

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

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

WHEREAS, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, Governor Cooper has issued in addition to Executive Order 116, Executive Order Nos. 117-122, 124-125, 129-131, 133-136, 138-144, 146-153, 155-157, 161-165, 169-173, and 176-177; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31 and Greensboro City Ordinance Secs. 9-2 and 9-4, authorize the undersigned to prohibit and restrict the movement of people in public places; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(2) and Greensboro City Ordinance Secs. 9-2 and 9-4, authorize the undersigned to prohibit and restrict the operation of offices and business establishments; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(5) and Greensboro City Ordinance Secs. 9-2 and 9-4, authorize the undersigned to prohibit and restrict other activities or conditions, the control of which may be reasonably necessary to protect the health and safety of persons in North Carolina during a state of emergency; and

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

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

WHEREAS, the Mayor and City Council of the City of Greensboro (the “City”) have duly adopted an ordinance providing that, when there is an existing or threatened state of emergency within the City, extraordinary measures are authorized to protect the health and safety of persons within the City; and

WHEREAS, declaring a State of Emergency reinforcing the provisions of Governor Cooper’s Executive Orders, including Executive Order 176, by imposing the restrictions and prohibitions ordered herein is necessary to protect public health, safety, and welfare of citizens in the City; and

NOW, THEREFORE, pursuant to the authority vested in me as Mayor of the City under North Carolina General Statute § 166A-19.31 and Greensboro City Ordinance Secs. 9-2 and 9-4,

IT IS ORDERED:

That all offices and businesses in the City are hereby ordered to comply with Governor Cooper’s Executive Order 176 as amended from time to time and that the City administration shall direct appropriate City employees to cite for violation of this declaration, any office or businesses in the City that may be functioning in violation of said Executive Order.

Offices and businesses found to have been in violation of the reduced occupancy limits expressed in Section 5.1 of Executive Order No. 169 and as amended in subsequent Executive Orders shall be cited and fined One-Hundred Dollars (\$100) for each person found to be on the premises or within any structure in excess of the limits imposed by the above referenced

Executive Orders for such premises or structures as observed by such City employee. This fine shall be a civil penalty to be enforced as other civil penalties imposed by City employees such as Fire Officials who make observations of non-compliant operation of structures in the City and render civil penalties.

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

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

Upon the second citation, any such offices and businesses shall be ordered to close immediately for a period of twenty-four (24) hours. Upon the third citation, offices and businesses shall be ordered to close immediately and remain closed for a period forty-eight (48) hours. Upon any further citation, offices and businesses shall be ordered to close immediately and remained closed for a period of seventy-two (72) hours. These periods of closure shall only apply to days when the office or business would otherwise be open.

A finding that there has been a substantial violation of these guidelines and orders shall be based primarily upon compliance with, among other things, the following specific requirements:

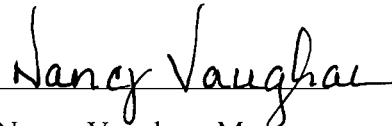
- applicable capacity limits clearly marked at all entrances
- compliance with such capacity limitations
- signage on all entrances giving notice that face covering, over mouth and nose, is a requirement to gain admission to any such office or business
- all employees who interact with the general public wearing a face covering
- any employee who cannot maintain social distance from other employees consistently must wear a face covering
- social distancing must be maintained as per the Governor's order
- hand sanitizer must be provided

If any section, subsection, sentence, clause, or phrase of this Order and Declaration is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Order and Declaration. The undersigned hereby declares that she would have passed this Order and Declaration and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

THEREFORE, I, MAYOR, DO HEREBY DECLARE THIS STATE OF EMERGENCY AND ORDER THE ABOVE DESCRIBED RESTRICTIONS AND PROHIBITIONS ON THE 20th DAY OF NOVEMBER, 2020.

Executed this the 20TH day of NOVEMBER, 2020.


Tebony Rosa, City Clerk, Deputy


Nancy Vaughan, Mayor