REVISED JOINT PROCLAMATION OF THE CHAIRMAN OF THE MECKLENBURG COUNTY BOARD OF COMMISSIONERS AND MAYOR OF THE CITY OF CHARLOTTE COMBINED WITH CONSENT OF THE TOWNS OF MATTHEWS, PINEVILLE, MINT HILL, DAVIDSON, HUNTERSVILLE AND CORNELIUS IN CONSULTATION WITH THE MECKLENBURG COUNTY PUBLIC HEALTH DIRECTOR IN CONJUNCTION WITH THE DIRECTOR OF THE OFFICE OF THE CHARLOTTE MECKLENBURG EMERGENCY MANAGEMENT DEPARTMENT

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, G.S. *§166A-19.22 and G.S. §166A-19.31,* which are part of the North Carolina Emergency Management Act, authorize counties and municipalities to declare states of emergency and authorizes counties and municipalities to impose prohibitions and restrictions under conditions and following procedures contained in *G.S. §166A-19.22 and G.S. §166A-19.31;* and

WHEREAS, the Coronavirus (COVID-19) pandemic has created a state of emergency in the County of Mecklenburg, the City of Charlotte and surrounding Municipalities; and

WHEREAS, the Governor has declared a state of emergency on behalf of the state of North Carolina on March 10, 2020 and issued Executive Order No. 116; and

WHEREAS, Mecklenburg County in conjunction with the City of Charlotte and six towns within the County signed a Joint Proclamation of State of Emergency on 13 March 2020; and

WHEREAS, Mecklenburg County in conjunction with the City of Charlotte and six towns within the County issued a Revised Joint Order and Declaration ("the Declaration") with an effective date of March 26, 2020; and

WHEREAS, among other things the Declaration restricted access and travel upon public streets, alley, or roadway or upon any other public property within the area(s) or times as designated by the Mecklenburg County Public Health Department in conjunction with City-County Emergency Management except by those in search of medical assistance, food or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof; and

WHEREAS, the Declaration further restricted movement of people in public places and the operation of business activity, entertainment, events or other places of mass gatherings as reasonably necessary to overcome or prevent further aggravation of the emergency, and any other activities or conditions whereby the control of which maybe be reasonably necessary to maintain order and protect lives or property during the state of emergency, except in areas or

times designated by the Mecklenburg County Health Department in conjunction with Emergency Management, and

WHEREAS, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 particularly, and evidence that age, condition and health of a significant portion of the population of the County, the City of Charlotte and surrounding Towns places the population at risk of serious health complications, including death from COVID-19; 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, on March 27, 2020, the Governor issued Executive Order No. 121: "Stay At Home Order and Strategic Directions For North Carolina In Response To Increasing COVID-19 Cases", effective March 30, 2020 continuing in effect for thirty (30) days thereafter; and

WHEREAS, the Governor issued Executive Order 131 on April 9, 2020, establishing, among other things, additional polices for retail establishments; and

WHEREAS, for purposes of the Executive Order, "retail establishments" include any business in which customers enter 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 establishments also includes retail establishments operated by the State, its political subdivisions or agencies thereof; and

WHEREAS, for clarity of operations the following conditions apply:

A. **Emergency Maximum Occupancy**

1. The occupancy of all operating retail establishments shall be limited to no more than:

(i) Twenty (20%) percent of the stated fire capacity; or

(ii) Five (5) customers for every one thousand (1000) square feet of the total square footage of the establishment , including non-customer-facing portions.

This limit is the "Emergency Maximum Occupancy" for that establishment.

2. If the retail establishment has reached Emergency Maximum Occupancy or expects to reach Emergency Maximum Occupancy, it must post sufficient staff at store entrances and exits to enforce the Emergency Maximum Occupancy limit.

3. The Emergency Maximum Occupancy shall be posted in a conspicuous place.

B. **Social Distance Markings**

1. To encourage the minimum social distancing recommended by the Centers for Disease Control and Prevention (CDC), all operating retail establishments must clearly mark six (6) feet of spacing:

(i) In lines at cash registers; and

(ii) In other high-traffic areas for customers, such as at deli counters and near high volume products inside the retail establishment.

All operating retail establishments must enforce these limitations.

2. In addition, operating retail establishments which have reached or expect to reach Emergency Maximum Occupancy must clearly mark six (6) feet of spacing in a designated line outside the establishment.

C. **Cleaning and Disinfection** – All operating establishment shall perform frequent and routine environmental cleaning and disinfection of high-touch areas with a disinfectant approved by the Environmental Protection Agency (EPA) for SA RS-CoV-2 (the virus that causes COVID-19)

D. **Impact on Businesses Remaining Open** – Section 2(C)(1) of Executive Order No. 121 allowed some businesses and operations to remain open only if they could maintain specific social distancing requirements. These businesses and operations must now also meet the additional social distancing requirements specified in this section to remain open; and

WHEREAS, on April 23, 2020, the Governor issued Executive Order 135 Extending Stay at Home Orders and Orders, Limiting Mass Gatherings, Requiring Social Distancing, and Restricting Visitation at Long Term Care Facilities until May 8, 2020; and

WHEREAS, on April 15, 2020, this Amended and Revised Joint Proclamation was revised to extend to May 8, 2020 to align with the Governor's Order expiration date such as the Governor might determine; and

WHEREAS, the Amended Joint Proclamation incorporated the provisions of Executive Order No. 121 and 131 and restated the terms and provisions of the local Proclamation entered on March 13, 2020; and

WHEREAS, the spread of the disease continues to pose a threat to the health and safety of residents as well as the healthcare community and first responders; however since entry of the Amended and Revised Joint Proclamation new data suggest that while the number of infections continue to increase the curve is decreasing indicating the interventions are having the desired effect such that the more restrictive provisions of the Amended and Revised Joint Proclamation may be removed.

NOW THEREFORE BE IT FURTHER ORDAINED THAT:

The restrictions and prohibitions of the Amended and Revised Joint Proclamations are hereby RESCINDED and the County along with the City of Charlotte and six Municipalities within the County now ADOPTS the restrictions and prohibitions of the Governor's order with the following clarification and specifics as specified below:

The following, which were previously considered nonessential under the local Declaration, are now considered Essential Businesses/Activities, consistent with the Governor's Executive Orders as amended. This is not an exclusive list, but is intended for avoidance of doubt that these businesses are now considered essential:

- Defense and military contractors that develop products, processes, equipment, technology, and related services that serve the Unites States military, national defense and national security interests.
- Electronic retailers that sell or service cell phones, computers, tablets and other communications technology.
- Lawn and garden equipment retailers
- Book stores that sell educational material
- Religious facilities, entities, groups, gatherings, also, services, counseling, pastoral care, and other activities provided by religious organization to the members of their faith community. Gatherings may not exceed ten (10) people.
- Insurance companies, underwriters, agents, brokers, and related insurance claims and agency services.
- Real Estate services including brokerage, appraisal and title services
- Automobile dealers

<u>All</u> Essential Business MUST still abide by Social Distancing Requirements outlined below:

- ✓ Maintain at least six (6) feet distancing from other individuals
- ✓ Washing hands using soap and water for at least twenty (20) seconds as frequently as possible or the use of hand sanitizer
- ✓ Regularly cleaning high-touched surfaces
- ✓ Facilitation online or remote access by customers if possible

Retail Establishments: Retail establishments not otherwise identified as essential in the Executive Order but which are authorized to operate pursuant to a letter from the Department of Revenue, must operate using online or telephonic sales with curbside delivery/pickup unless it is impossible to do so. All retail establishments permitted to resume conducting business hereunder must do so by implementing the following conditions::

a) Maintain social distancing between each other and customers,

b) Employees are to wear face covering or masks at all times

c) Customers are encouraged to wear face covering or masks

d) Employers are to instruct employees to stay home if they exhibit any signs or symptoms of COVID-19 (signs include fever, cough, shortness of breath, muscle pain, headache, sore throat, or new sense of loss of taste or smell)

e) Customers of non-essential businesses are not permitted to enter business

f) By allowance of non-essential business to operate, employers will do all possible to prevent further spread of the virus.

A Mass gathering is still defined as any event or convening that brings together more than ten (10) persons in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, or any other confined indoor or outdoor space. This includes parades, fairs, and festivals and sports where social distancing cannot be maintained by virtue of the activity. Tennis is allowed but must meet USTA guidelines. One exception to maximum number of ten as a mass gathering, as allowed by the Governors Orders, in order to promote human dignity and limit suffering, is funerals are permitted to include no more than fifty (50) persons, while observing Social Distancing Requirements to the extent possible.

This Revised Proclamation incorporates the terms and provisions of the Governor's Executive Orders, as amended, Clarifications of the Governor's Emergency Orders from the Governor's General Counsel, restates and continues the Declaration of the State of Emergency within Mecklenburg County, the City of Charlotte and all six Municipalities and supersedes the restrictions and prohibitions of the local Proclamation entered on March 13, 2020 and March 26, 2020 with the intent that the Governor's Orders as amended, shall govern within Mecklenburg County, the City of Charlotte and all six Municipalities. The terms and duration of this Revised Proclamation shall coincide with the Governor's Executive Orders, as amended, unless this Revised Joint Proclamation is sooner revised, amended or terminated by action of the parties hereto.

Pursuant to GS 166A-19.30(a)(2), the provisions of this Proclamation shall be enforced by state and local law enforcement officers. A violation of this Proclamation may subject the violator to prosecution pursuant to GS 166A-19.30(d), and is punishable as a Class 2 misdemeanor in accordance with GS 14-288.20A.

This Revised Joint Proclamation is adopted this 29th day of April 2020 and shall take effect on the 30th day of April 2020 at 0800 am.

APPROVED AS TO FORM

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County Attorney

Chairman Board of Commissioners

Mayor, City of Charlotte

Mayor of Cornelius

Mayor of Matthews

Mayor of Davidson

Mayor of Mint Hill

Mayor of Huntersville

Mayor of Pineville

CHARLOTTE