



**TENTH AMENDMENT TO THE DECLARATION OF A  
STATE OF EMERGENCY IN DURHAM COUNTY, NC  
TO COORDINATE PROTECTIVE ACTIONS  
TO PREVENT THE SPREAD OF COVID-19  
(SAFER 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, 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 Center for Disease Control (CDC) recommendations on social distancing; and

**WHEREAS**, from March 17-April 9, 2020, 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 recommending 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, recommending conduct designed to protect the public health; and

**WHEREAS**, in response to the COVID-19 pandemic, the undersigned 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** on April 17, 2020, due to additional cases of Covid-19 being reported, the undersigned issued a Third 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** on April 24, 2020, due to additional cases of COVID-19 being reported, but the rate of infection having declined, the undersigned issued a Fourth 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, but also permitting some additional commercial activities to occur, which Order was extended into the City limits of Durham; and

**WHEREAS**, on May 8, 2020, the Governor's Executive Order 138 (EO 138) became effective, setting new standards, and relaxing some of the restrictions in an effort to permit some greater personal activity and a partial resumption of commerce; and

**WHEREAS** on May 15, 2020, due to additional cases of COVID-19 being reported, but the rate of infection having slowed down, the undersigned issued a Fifth Amendment to that Declaration permitting some additional commercial activities to occur, which Order was extended into the City limits of Durham; and

**WHEREAS**, on May 22, 2020, the Governor's Executive Order 141 (EO 141) became effective, setting new standards, and relaxing some of the restrictions in an effort to permit greater personal activity and a further resumption of commerce; and

**WHEREAS**, in Section 8 of EO 138 the Governor recognized that local authorities, particularly in urban areas, may need to enact additional restrictions than those contained in EO 138, and Section 10.C of EO 141 incorporated and adopted that provision; and

**WHEREAS**, on May 22, 2020, due to additional cases of COVID-19 being reported, and the rate of infection in Durham exceeding the State average, the undersigned issued a Sixth Amendment to that Declaration permitting some additional commercial activities to occur, but also retaining some additional restrictions, and imposing others, which Order was extended into the City limits of Durham; and

**WHEREAS**, The City and County of Durham have convened a Recovery and Renewal Task Force, to provide advisory recommendations on best public health practices to safely reopen businesses, while minimizing the potential transmission of COVID-19; and

**WHEREAS**, on May 29, 2020, upon the issuance of voluntary standards from the Roundtables operating as part of the Task Force, the undersigned issued a Seventh Amendment to the Declaration, moving from a Stay at Home standard, to a Safer at Home standard, allowing greater travel, personal, and business activities to commence, while still maintaining many protections and strongly encouraging persons at a high risk of infection to only travel for essential purposes; and

**WHEREAS**, on June 12, 2020, the undersigned issued an Eighth Amendment to that Declaration allowing greater travel, personal, and business activities to commence, while still maintaining many protections and strongly encouraging persons at a high risk of infection to only travel for essential purposes; and

**WHEREAS**, on June 26, 2020, the Governor issued Executive Order 147, extending Phase II (EO 141) through at least July 17, 2020, and imposing a statewide order to wear masks in an effort to reduce the spread of COVID-19; and

**WHEREAS**, the Governor has further extended Phase II, through Executive Orders 151, and 155, and portions of EO 141, as amended by Executive Order 163; and,

**WHEREAS**, the pandemic has resulted in the cancellation of study abroad programs resulting in several hundred additional college students needing local housing; and



**WHEREAS**, on July 9, 2020, the undersigned issued a Ninth Amendment to that Declaration, allowing greater business activities to commence, while still maintaining many protections in excess of those mandated by the Governor, and strongly encouraging persons at a high risk of infection to only travel for essential purposes; and

**WHEREAS**, on July 28, 2020, the Governor issued Executive Order 153, restricting the sales of alcohol between the hours of 11:00 pm and 7:00 am in an effort to reduce the spread of COVID-19, extending this restriction by Executive Order 162 through October 2, 2020; and

**WHEREAS**, on September 1, 2020, the Governor issued Executive Order 163, modifying and extending Executive Order 141, and authorizing the opening of several new categories of businesses, increasing the number of people allowed to gather, and modifying the conditions under which businesses might operate and face coverings are to be worn, all in an effort to limit the spread of COVID-19 while still permitting the expansion of business and personal activities;

**WHEREAS**, in areas battling COVID-19, there is a severe shortage of medical supplies for health care workers and 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 people 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**, people must, to the extent possible in the current public health crisis, and in a safe and incremental manner, resume their personal and professional activities; and

**WHEREAS**, since issuing the Ninth Amendment the undersigned, in consultation with the relevant health authorities, continues to seek ways to protect the health of our residents, facilitate efforts to battle COVID-19, and permit the safe reopening of such activities as can be allowed; and

**WHEREAS**, based on consultation with Public Health and community stakeholders the undersigned has determined that the standards set forth in Governor Cooper's current Executive Orders, are adequate 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 currently available information; and,

**WHEREAS**, based on consultation with Public Health and community stakeholders it appears at this time that there is no need for the imposition of restrictions and standards in excess of those contained in Governor Cooper's current Executive Orders.

**NOW THEREFORE BE IT FURTHER ORDAINED THAT**, while the basis for the Original Declaration of State of Emergency still exists, the restrictions and prohibitions enacted in the Original Declaration of State of Emergency and the previous Second, Third, Fourth, Fifth,



Sixth, Seventh, Eighth, and Ninth Amendments to the Declaration of State of Emergency in Durham County, are rescinded and replaced in their entirety with the provisions 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 either request or consent to have this Order apply within their jurisdiction.

**Section 2.** Except as otherwise noted in this Order, the definitions, standards, and restrictions set forth in EO 141, as extended and amended, and of EO 153 as extended, and of EO 163, are adopted and incorporated into this Order.

**Section 3.** In accordance with the General Statutes governing (1) Emergency Declarations and (2) enforcement of local ordinances, violations of this Order may be enforced using either or both of the following against responsible individuals and businesses:

- A. Criminal prosecution for violation of a Class 2 misdemeanor.
- B. Civil action seeking an appropriate equitable remedy issuing from a court of competent jurisdiction.

Notwithstanding the provisions of EO 163, this section specifically provides authority to seek equitable remedies in a civil action against businesses in order to enforce the face covering requirements adopted and incorporated into this Order.

**Section 4.** I hereby further encourage all residents, visitors, businesses, and establishments within the emergency area of Durham County to follow any and all directives and recommendations set forth by the United States Federal Government and its designated agencies such as the Center for Disease Control, the North Carolina Governor's Office, the North Carolina Department of Health and Human Services, the Durham County Department of Public Health, and any other government agency having proper jurisdiction to address this emergency within Durham County. As part of this effort, please make note of the following resources and access them to increase awareness of the actions which can be taken to reduce the spread of COVID-19 and protect everyone's health

**A. Resources for Information**

Centers for Disease Control

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

North Carolina Department of Health and Human Services

<https://covid19.ncdhhs.gov/guidance>

Durham County Department of Public Health

[www.dcopublichealth.org/COVID19](http://www.dcopublichealth.org/COVID19)



**B. Back on the Bull (backonthebull.com)**

A product of the Recovery and Renewal Task Force, comprised of public health experts, industry leaders, and the Durham Chamber of Commerce, and other community stakeholders, Back on the Bull is a public information resource which includes voluntary, self-certification processes based on public health best practices reviewed by the Durham County Director of Public Health.

This guidance offers industry-specific models of how to reopen safely and demonstrate to residents, customers, guests, and visitors, that the business is voluntarily adopting best public health practices. It is intended to be a tool to help our community feel confidence in the safety and sanitation plans of the businesses who choose to self-certify.

This guidance also provides individuals with knowledge and access to additional resources to keep themselves informed as to how they can reduce the risk of transmission to themselves, and others while increasing their level of public interaction and resuming their participation in the vibrant culture of Durham.

Durham's public health community will continue its aggressive strategies for testing, tracing, and treatment and is hopeful that those steps, in conjunction with the safety measures taken by residents and businesses, will allow Durham to continue the process of recovery and renewal.

**Section 5.** I hereby order Durham County emergency management and emergency response personnel, and all other Durham employees subject to our control to cooperate in the enforcement and implementation of the provisions of this Order, all applicable local ordinances, state, and federal laws, and the Durham County Emergency Operations Plan. I further request the cooperation and support of the Sheriff's Office and Durham Police Department in enforcing the provisions of this Tenth Amendment, violations of which are a criminal offense.

**Section 6.** In further response to this ongoing State of Emergency, and pursuant to Chapter 10 of the Durham County Code and Chapter 166A of the N.C. General Statutes, I hereby authorize the Durham City-County Planning Director to invoke the authority set forth in Section 1.11 of the Durham Unified Development Ordinance (UDO) to waive, suspend and/or cease enforcement of the UDO. This authorization includes, but is not limited to, the following:

A. Site plan submittal shall not be required prior to the issuance of building permits for new facilities or additions ("project") that are being constructed to directly address the diagnosis or treatment of COVID-19. However, a site plan showing conformance with all UDO requirements shall be submitted to the Planning Department within three months of issuance of the first building permit for a project; and,

B. The time limitations on temporary use permits issued pursuant to UDO Section 5.5.1 may be waived for educational, medical, pharmaceutical, retail, and restaurant establishments while the County COVID-19 Declaration of Emergency is in effect; and,



C. With respect to a dwelling unit rented for student occupation by a college or university, where the college or university places and manages the student-residents, the enforcement of the dwelling unit occupancy limit described in UDO Section 17.3, Defined Terms, Family, shall be suspended. This will only apply to colleges and universities that have a COVID-19 response plan in place, that agree to comply with all applicable Centers for Disease Control guidelines, and where the college or university requires that the dwelling unit occupants comply with the social distancing and face mask requirements of the more restrictive of an order issued by the Governor, or an order issued by either the City or County.

**Section 7.** A copy of this Tenth Amendment to the 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 8.** All provisions of this Tenth Amendment shall take effect at 5:00 p.m. on September 4, 2020. This Tenth Amendment and the Original Declaration shall remain in effect until rescinded or modified by the undersigned. 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, or the Response and Recovery Task Force.

This Tenth Amendment is electronically signed at this date and time: September 4, 2020, at 8:30 a.m.

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Wendy Jacobs, Chair  
Durham County Board of Commissioners