



**TWELFTH 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 which has spread 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-present, Governor Roy Cooper has, to address and mitigate the threat of COVID-19 to vulnerable populations and to slow the spread of COVID-19 in North Carolina, issued Executive Orders 118-122, 124-125, 129-131, 133-136, 138-144, 146-153, 155-157, 161-165, and 169-173; 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**, from March 28-present, in response to the changing understanding of the COVID-19 pandemic and in order to better protect the health, safety, and welfare of Durham County residents, the undersigned has issued eleven amendments to that Declaration,

**WHEREAS**, on September 30, 2020, the Governor issued Executive Order 169, authorizing the opening of several new categories of businesses, subject to limits on capacity and under distancing and sanitation standards all in an effort to limit the spread of COVID-19 while still permitting the expansion of business and personal activities, which has been extended by Executive orders 170 and 176, and amended by Executive Order 176 to reduce the authorized size of indoor mass gatherings; 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**, 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 medical supplies and hospital capacity 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**, the pandemic has resulted in the cancellation of study abroad programs resulting in several hundred additional college students needing local housing; and

**WHEREAS**, since issuing the Eleventh 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, as extended and amended, 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 Eleventh Amendment 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. It does not apply within the corporate limits of 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 169 as amended by EO 176, and of EO 163 as incorporated into EO 169, 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 169, 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 Twelfth Amendment.

**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 Twelfth 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 Twelfth Amendment shall take effect at 5:00 p.m. on November 13, 2020. This Twelfth 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 Twelfth Amendment is electronically signed at this date and time: November 12, 2020, at 7:00 p.m.

  
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Wendy Jacobs, Chair  
Durham County Board of Commissioners