



**DECLARATION OF A  
STATE OF EMERGENCY IN DURHAM COUNTY, NC  
TO PREVENT THE SPREAD OF COVID-19**

**WHEREAS**, the novel coronavirus disease-2019 (COVID-19) is a disease which has spread across the globe infecting millions of people with a significantly high rate of death, particularly among those who are elderly or medically vulnerable; and

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

**WHEREAS**, on January 31, 2020, former 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 Donald J. 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, 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, 2020-present, Governor Roy Cooper issued several Executive Orders, to address and mitigate the threat of COVID-19 to vulnerable populations and to slow the spread of COVID-19 in North Carolina, issued several dozen Executive Orders. The last one requiring the wearing of masks was allowed to expire on July 30, 2021; and

**WHEREAS**, in response to the COVID-19 pandemic, the Chair of the Durham County Board of County Commissioners (“Chair”) issued a local Declaration of State of Emergency (“Declaration”) on March 14, 2020, recommending behavior designed to protect the public health; and

**WHEREAS**, from March 28-December 10, 2020, 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 Chair issued fourteen amendments to that Declaration. In the Fourteenth Amendment, issued December 10, 2020, the Chair concluded that the restrictions in place under the then current Executive Order of the Governor were sufficient to protect the public health and therefore terminated the additional restrictions in the local order; and

**WHEREAS**, on May 20, 2021, the Chair, while recognizing that the threat of COVID-19 was still present, determined that the grant of emergency authority to the Durham Director of Planning and Development was no longer needed, and that the statewide restrictions directed by the Governor in his then current Executive Order were adequate to protect the public health, terminated the local declaration; and

**WHEREAS**, the COVID-19 virus has developed a variant, the Delta variant, which is far more contagious and fatal than others and it is the dominant form of the disease currently in our State; and



**WHEREAS**, while vaccinated persons are far less likely to contract COVID-19, the Delta variant has infected vaccinated persons and can be retransmitted to others by them as determined by the Centers for Disease Control and Prevention (CDC). Over the past month, the positive rate of infections in Durham County has doubled, from 2.3% to 4.6%, and the number of cases, to include those under the age of 18, is rising. The positive rate of infections in the State of North Carolina is 12.2%; and

**WHEREAS**, the percentage of Durham County residents who are vaccinated is approximately 59% of the entire population, leaving over 40% who are not vaccinated. The percentage of North Carolinians who are fully vaccinated is 47%, leaving over half of the State's population unvaccinated. There is no currently approved vaccine for children under the age of 12, and thousands of people travel into Durham County on a daily basis to work, shop, recreate, and seek medical care: and

**WHEREAS**, the Centers for Disease Control and Prevention and the North Carolina Department of Health and Human Services have issued guidance calling for all people, to include those are vaccinated, to wear masks in indoor spaces when they are around people they do not live with, in order to reduce the spread 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 the rate of infections in Durham County is at a level requiring prompt action to slow the spread of COVID-19 within the County 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 may be asymptomatic and may not be aware they carry the virus. People without symptoms can transmit the disease and because data 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 and community spread as much as possible to protect the most vulnerable and children under 12 years old, and to prevent the health care system from being overwhelmed; and

**WHEREAS**, prompt action now in cooperation with the public can reduce the transmission of COVID-19 and prevent the need for greater restrictions in the future.

**NOW, THEREFORE**, pursuant to the authority vested in me as the Chair of the Board of Commissioners of Durham County under Section 19.22, Chapter 166A of the North Carolina General Statutes and Chapter 10, Article III of the Durham County Code of Ordinances:

### **Section 1. State of Emergency Declared**

A State of Emergency is declared within the County of Durham, North Carolina, 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. Requirement for Face Coverings**

A. "Face Covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears and fits snugly against the side of a person's face. A Face Covering can be made of a variety of synthetic and natural fabrics,



including cotton, silk, or linen. Ideally, a Face Covering has two (2) or more layers. A Face Covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels. These Face Coverings are not intended for use by healthcare providers in the care of patients.

B. Face Coverings Required In Public Places. The undersigned enacts the following restriction on the movement of people in public places and further enacts these restrictions on the operation of offices, business establishments, and other places where people may travel or congregate. Face Coverings must be worn in any indoor public place, business, or establishment.

C. Exceptions. Face Coverings do not need to be worn by someone who:

- (1) Should not wear a Face Covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the Face Covering without assistance);
- (2) Is under five (5) years of age;
- (3) Is actively eating or drinking;
- (4) Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
- (5) Is giving a speech or performance for a broadcast, or to an audience, where they maintain a distance of at least 20 feet from the audience.
- (6) Is working at home or is in a personal vehicle;
- (7) Is temporarily removing their Face Covering to secure government or medical services or for identification purposes;
- (8) Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;
- (9) Has found that their Face Covering is impeding visibility to operate equipment or a vehicle; or
- (10) Is a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face.

Anyone who declines to wear a Face Covering for these reasons should not be required to produce documentation or any other proof of a condition. Everyone is asked to tell the truth and-if they are healthy and able to wear a mask-to wear a Face Covering so that they do not put other people at risk of serious illness and death.

Children under two (2) years of age should not wear a Face Covering.

Businesses may accommodate exceptions if someone states that an exception applies by choosing to offer curbside service, provide home delivery, or use some other reasonable measure to deliver its goods or services.



### **Section 3. Vaccinations.**

While it is possible for vaccinated persons to become infected, and pass the virus to others, the vast majority of infected persons, and the most severe cases of the illness are those who have not been vaccinated. North Carolina HHS Secretary Mandy Cohen has described this current increase in cases as a “pandemic of the unvaccinated.” Accordingly, I urge everyone to get vaccinated against COVID-19 in the hope that increased vaccinations levels will continue to reduce infection rates and additional restrictions will not be needed.

Vaccinations are available at many pharmacies, including those located in grocery stores, and at the Durham County Department of Public Health. The Department of Public Health offers vaccinations at its offices on East Main Street and through community events. Further information about obtaining a vaccination can be found on the website for Public Health provided below, or from the North Carolina Department of Health and Human Resources at [myspot.nc.gov](http://myspot.nc.gov), which has statewide information about vaccination locations.

### **Section 4. Additional Recommendations and Resources.**

I further encourage all residents, visitors, businesses, and establishments within 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 and Prevention, 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 residents can take 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)

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

**Section 6.** All provisions of this Declaration shall take effect at 5:00 p.m. on August 6, 2021. This Declaration shall remain in effect until rescinded or modified by the undersigned. It will be regularly reviewed and evaluated for continued necessity and efficacy, and may be revised, amended, and/or extended based upon the impact of the COVID-19 pandemic, existing data, and recommendations by Federal, State and local public health authorities.



This Declaration is electronically signed at this date and time: August 6, 2021, at --:00 a.m.

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Brenda A. Howerton, Chair  
Durham County Board of Commissioners