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**Orange County Board of Commissioners
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AMENDMENT TO THE DECLARATION OF STATE OF EMERGENCY IN ORANGE COUNTY

Sec.1. The undersigned declared the existence of a state of emergency in Orange County pursuant to North Carolina General Statute (“NCGS”) 166A-22 on March 13, 2020 and revised said declaration of emergency on March 25, 2020, April 23, 2020, May 6, 2020, May 21, 2020, June 10, 2020, and June 26, 2020 (the “Declarations”).

Sec. 2. The Governor of North Carolina, through Executive Order 138 (“EO 138”), began moving the state into Phase 1 of the state’s planned COVID-19 recovery on May 8, 2020; through Executive Order 141 (“EO 141”) began moving the state into Phase 2 on May 22, 2020; and through Executive Order 147 (“EO 147”) mandated the wearing of face coverings throughout North Carolina.

Sec. 3. The undersigned adopted a revised declaration of emergency incorporating the terms of EO 141, with minimal changes, having an effective date of May 22, 2020 and amended that declaration on June 10, 2020 to extend the effective date of the Declarations through August 31, 2020 and to require face coverings in Orange County and adopted EO 147 on June 26, 2020 while maintaining several Orange County specific restrictions. The undersigned has determined that further restrictions are necessary to help slow the spread of COVID-19 and makes the following Findings in support thereof:

- i. North Carolina entered Phase 1 of reopening on May 8th; and
- ii. Since Orange County entered Phase 1 of reopening the number of cases in the County has surged from 273 on May 8th to 850 on July 8th; and
- iii. EO 141 allowed restaurants to reopen with limited capacity and specific rules applicable thereto; and
- iv. The Governor of North Carolina has ordered bars and other businesses that involve indoor gatherings to remain closed; and

- v. Some businesses and organizations are beginning to host outdoor activities and events and allow gatherings of more than 25 people; and
- vi. Several restaurants are remaining open to the early morning hours with limited food service and primarily alcohol service; and
- vii. There is little to no physical/social distancing among those gathering in some restaurants at these late hours; and
- viii. The primary product being sold and consumed at these late hours is alcohol rather than food; and
- ix. The Centers for Disease Control and Prevention and the North Carolina Department of Health and Human Services indicate the consumption of alcohol in excess leads those consuming to engage in risky behaviors and generally lowered inhibitions; and
- x. Risky behavior and lowered inhibitions are likely to lead to the failure to follow physical distancing recommendations and face covering requirements; and
- xi. Students and staff of the University of North Carolina at Chapel Hill (“UNC”) are expected to return to Orange County from other areas of the nation and world, some having been in areas of greater risk and exposure than currently exists in Orange County; and
- xii. There is a tendency of this student age–group population to engage in more socialization and to gather in large numbers; and
- xiii. UNC Administration has requested local officials take action to address the influx of large numbers of students who will increase the stress on local health care infrastructure in the event of a surge in COVID cases; and
- xiv. In order to help slow the spread of COVID-19 it is imperative that everyone in Orange County engage in physical distancing of at least six feet, use face coverings as required and to the greatest extent possible, and that mass gatherings be strictly limited to 10 indoors and 25 outdoors; and
- xv. Pursuant to NCGS 166A-31 and Chapter 14, Article II of the Orange County Code of Ordinances the Chair of the Board of Commissioners has the

authority during a declared state of emergency to restrict, among other things, the movement of people in public places, the sale, transfer, and consumption of alcohol, and the operation of business establishments.

Sec. 4. In consideration of all available data related to the impacts of COVID-19 in Orange County and of the Findings set out in Section 3 above the undersigned, in consultation with the Orange County Health Director, has determined it is in the best interest of the residents of Orange County to impose the following additional restrictions to help slow the spread of COVID-19 in Orange County:

- i. Restaurants and private clubs shall be closed to the onsite consumption of food and beverages and no customers shall be present for the onsite consumption of food and beverages between 10:00 pm and 5:00 am; and
- ii. Restaurants may continue drive through, delivery, and pick-up services after 10:00 pm so long as there is no onsite consumption of food and beverages; and
- iii. Restaurants, breweries, wine shops, private clubs, bars, and any other businesses or organizations that sell alcohol for onsite consumption may not sell alcohol between 10:00 pm and 7:00 am and no customers shall be present for onsite consumption of alcohol between 10:00 pm and 7:00 am; and
- iv. Restaurants, private clubs, and other food and beverage service businesses may not provide offsite table service for the consumption of food and beverages in Orange County between 10:00 pm and 5:00 am; and
- v. Restaurants, private clubs, bars, and other food and beverage service businesses shall not allow sitting or standing at bars for food and beverage consumption and shall not allow patrons to touch shared surfaces such as bar counters or game equipment such as pool tables, darts, and pinball machines, etc.; and
- vi. All outdoor activities, gatherings, or events of more than 25 people are prohibited. Worship, religious and spiritual gatherings, funeral ceremonies, wedding ceremonies, and gatherings for health and safety, for work, to obtain goods, and to obtain government services are exempt from this Sec. 4(vi).
- vii. The restrictions and prohibitions found in Section 4 of the June 26, 2020 Amendment to the Declaration of a State of Emergency in Orange County

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remain in effect in Orange County until they are amended or modified or the Orange County Declaration of Emergency is terminated except that Section 4(ii) is modified as follows: The mandatory mitigation measures set out in EO 138, Section 7B.2., as originally adopted, apply to all long-term care facilities described in EO 138, Section 7A.3., as originally adopted, which are situated in Orange County and shall continue to apply until such time as the Orange County Declaration of a State of Emergency in Orange County is amended, modified, or terminated.

Sec. 5. Pursuant to the authority granted by Chapter 14 of the Orange County Code of General Ordinances and Chapter 166A of the N.C. General Statutes, the prohibitions and restrictions specified in Section 4 shall continue to remain in full force and effect during the ongoing state of emergency. This Amendment does not apply to state government offices or local education agencies, which are governed directly by the Executive Orders.

Sec. 6. A copy of this Amendment shall be provided to the Clerk to the Board of Commissioners. Reports of the substance of its prohibitions and restrictions shall be sent immediately to the mass communications media serving Orange County. As soon as practicable, the full text of this Amendment shall be distributed to the mass communications media serving Orange County. A copy of this Amendment shall be posted conspicuously on the Orange County website at www.orangecountync.gov. Notice and a signed copy of this Amendment to the Declarations shall be submitted to the Department of Public Safety WebEOC.

Sec. 7. This Amendment is effective at 5:00 pm on Friday July 10, 2020.



Penny Rich, Chair
Orange County Board of Commissioners

July 9, 2020
Date