

**NEW HANOVER COUNTY BOARD OF COMMISSIONERS
RESTATED DECLARATION OF STATE OF EMERGENCY**

- Section 1:** On March 20, 2020, pursuant to New Hanover County Code Chapter 17, Article III, Section 17.71 and Section 17.72, and North Carolina General Statutes Chapter 166A, Article 1A, 166A-19.22, the Chair of the New Hanover County Board of Commissioners determined that a State of Emergency as defined in the New Hanover County Code Section 17.71, due to the outbreak of the COVID-19 virus, exists in New Hanover County. Further, the Chair of the New Hanover County Board of Commissioners supplemented said Declaration twice, on March 28th, 2020 and again on April 3rd, 2020. The terms of each supplemental amendment were in addition to, not in lieu of, the March 20th, 2020 State of Emergency Declaration.
- Section 2:** Pursuant to New Hanover County Code Chapter 17, Article III, Section 17.71 and Section 17.72, and North Carolina General Statutes Chapter 166A, Article 1A, 166A-19.22, the Chair of the New Hanover County Board of Commissioners has determined that a State of Emergency as defined in the New Hanover County Code Section 17.71, due to the outbreak of the COVID-19 virus, continues to exist in New Hanover County. This declaration hereby consolidates, restates, and supersedes each previous outbreak related Emergency Declaration previously issued.
- Section 3:** Additionally, North Carolina Governor Roy Cooper has issued several COVID-19 related Gubernatorial Executive Orders, including but not limited to, Nos. 116, 117, 118, 119, 120, 121, 122, 124, 125, and 131. The Chair of the New Hanover County Board of Commissioners hereby resolves that all prior Declarations are hereby rescinded and this Restated State of Emergency Declaration for New Hanover County shall be in addition to, not in lieu of, the above stated Gubernatorial Executive Orders.
- Section 4:** Therefore, the Chair of the New Hanover County Board of Commissioners declares the existence of a continuing State of Emergency in New Hanover County. Municipalities may, and are encouraged, to consent to and request application of this declaration to their respective corporate limits.
- Section 5:** The Chair of the New Hanover County Board of Commissioners hereby orders all county law enforcement officers, employees and all emergency management personnel to cooperate in the enforcement and implementation of the additional provisions of the county emergency ordinances, which are set forth below. This order and declaration is in addition to and concurrent with all public health control measures authorized in North Carolina General Statute 130A and the above stated Gubernatorial Executive Orders.
- Section 6:** **March 23, 2020 North Carolina Executive Order 120, March 27, 2020 Executive Order 121, and April 9, 2020 North Carolina Executive Order 131.** The terms set forth in the March 23, 2020 Executive Order 120, March 27, 2020 Executive Order 121, and April 9, 2020 North Carolina Executive Order 131 are hereby incorporated by reference into this Declaration. The businesses and facilities listed therein that are ordered to cease operations are hereby ordered to cease operations and close in compliance with the terms of those Executive Orders.
- Section 7: Beaches.**
Access to beaches including, but not limited to, wet and dry public trust strands is prohibited with noncompliance enforceable as a trespass and as otherwise authorized by General Statute 166A. This section does not include boat launches, docks, piers, boat slips, or boat lifts not otherwise restricted by Section 8.
- Section 8: Recreational Boating.**
The prohibition against recreational motorized boating at the following:
- All local government owned and state-owned public boat ramps;
 - Privately owned boat ramps;
 - Publically owned marinas; and
 - Privately owned marinas
- is hereby rescinded.
- Section 9: Prohibitions and Restrictions – Mass Gatherings.**
Mass gatherings are prohibited.

A mass gathering is 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, theater, or any other confined indoor or outdoor space. This includes parades, fairs, and festivals.

A mass gathering does not include normal operations at airports, bus and train stations, medical facilities, or the essential retail areas of shopping malls and centers where more than ten (10) persons are gathered. It also does not include office environments, factories, grocery stores, other essential retail establishments, or any COVID-19 Essential Business or Operation as defined by NC Gubernatorial Executive Order 121 that are not otherwise regulated or prohibited by this declaration. Religious entities are subject to these mass gathering restrictions as set forth in NC Gubernatorial Executive Order 121.

The restrictions against mass gatherings apply to Funerals; however, a mass gathering limit of fifty (50) persons shall apply to funeral services that are held outdoors and in which the Section 10 social distancing requirements are respected at all times, other than by pallbearers, when performing the duty of pallbearing.

The restrictions against mass gatherings do not apply to drive-in worship services. All vehicles are strongly encouraged to maintain a distance of at least six (6) feet from any other vehicle on all sides. All persons are strongly encouraged to stay in their vehicles, to only allow immediate family or members of the same household to occupy the same vehicle, and to ensure that their vehicles do not obstruct any street or sidewalk.

Section 10: Further Prohibitions and Restrictions – Six (6) Feet Social Distancing.

All persons, when they are using shared spaces outside of their residence, whether indoors or outdoors, shall at all times as much as reasonably possible, maintain social distancing of at least six (6) feet from any other person. Social distancing is not required to be maintained between immediate family or household members.

Section 11: Closure of Playgrounds, Team Sport Facilities, and Public Gardens. All public playgrounds, public playground equipment and exercise stations, public team sport facilities, and public gardens are hereby ordered to be closed, or continue to remain closed, and not be used. Trails and open spaces may remain open and may be used so long as mass gathering restrictions against groups of more than 10 people (See Section 9) and social distancing restrictions (See Section 10) are followed.

As used in this Declaration, team sports facility shall include any facility that facilitates athletic activity that includes the use of a ball or object that is handled by more than a single individual. Including but not limited to, and by way of example: football, basketball, volleyball, baseball, etc. For the purpose of this Declaration, tennis and pickleball shall not be considered team sports.

Section 12: Specific Closures to Further Limit Viral Transmission - Amusement. All places of public amusement, whether publicly or privately owned or operated, where people may gather, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, zoos, museums, arcades, fairs, children's play centers, playgrounds, recreation centers, team sports facilities, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, and country clubs or social clubs shall be closed to the public, including to private events with more than ten (10) people gathered including staff. Tennis and pickleball courts may remain open so long as mass gathering restrictions against groups of more than 10 people (See Section 9) and social distancing restrictions (See Section 10) are followed. Golf courses may remain open so long as social distancing requirements (See Section 10) are followed and no golf equipment is shared between golfers that are not of the same immediate family or household members.

Section 13: Specific Closures to Further Limit Viral Transmission – Non-Essential Retail. All stores, indoor or outdoor shopping malls, and retail facilities that do not provide goods that are essential for health, sustenance, clothing, shelter, safety, security, communication, mobility, and hygiene shall close all in-person shopping areas to the public. Delivery and curbside service may be implemented or continued. This restriction shall

not apply to grocery stores, pharmacies, convenience stores, hardware and building supply stores, or gas stations.

Section 14: Specific Requirements and Recommendations to Further Limit Viral Transmission – Essential Retail. All stores, indoor and outdoor shopping malls, and retail facilities that do provide goods that are essential for health, sustenance, clothing, shelter, safety, security, communication, mobility, and hygiene which are allowed to keep their in-person shopping areas open to the public shall be subject to all requirements for retail establishments set forth in Section 1 of NC Gubernatorial Executive Order 131 and shall conspicuously post at all public entrances a placard stating the emergency maximum occupancy for the retail establishment per NC Gubernatorial Executive Order 131. The occupancy number on the placard shall be readily discernible and in front of at least six (6) inches in height. All fitting or dressing rooms that are utilized to allow customers to try on clothing shall be closed to the public. Additionally, all of those retail establishments are also strongly encouraged to follow all of the recommended policies for retail establishments set forth in Section 2 of NC Gubernatorial Executive Order 131.

Section 15: Specific Closures to Further Limit Viral Transmission – Specific Merchants. For the purposes of this Declaration, the following businesses shall be subject to the same restrictions as non-essential retail set forth in Section 13 and shall close their facilities to the public. Those businesses are:

- Auto dealerships, boat dealerships and other motor vehicle sales points (not including repair or maintenance services). Auto and boat dealerships may remain open and continue sales so long as they do so in full compliance with attached Exhibit A. Additionally, a specific auto or boat sale may be allowed pursuant to a governmental request to assist with the emergency response to fight the virus.
- Hotels, Motels, and Short-term lodging (except as allowed by a governmental request to assist with the emergency response to Coronavirus or to provide lodging in support of the supply and distribution of COVID-19 Essential Businesses and Operations or in support of our communities' COVID-19 emergency response and practices utilized to fight the virus or its spread). Extended stay hotels or rental properties may continue to offer lodging for terms of no less than 28 days.
- Retail stores situated at marinas.

Section 16: Closure of Inside Carry-out Food Service. All carry-out food service that requires the customer to enter the interior of the merchant's facility is forbidden and any business so engaged shall cease such activities immediately. Delivery, drive-through and curbside food service is allowed.

Section 17: Jurisdiction. This Declaration shall be effective for the unincorporated areas of New Hanover County and within those municipalities that consent to, or otherwise authorize it to be effective within their respective jurisdictions.

Section 18: Execution of Emergency Plan. All persons and emergency management personnel within New Hanover County are ordered to comply with the emergency plan, including but not limited to further restrictions on public gatherings and business operations.

Section 19: This declaration shall become effective Monday, April 13th, 2020 at 5:00 p.m. and shall remain in effect until Wednesday, April 29th, 2020 at 5:00 p.m., unless rescinded earlier or extended.

Adopted this the 13th day of April 2020.





Julia Olson-Boseman, Chair
Board of County Commissioners



Kymberleigh G. Crowell
Clerk to the Board

Exhibit A

In addition to, and in compliance with the North Carolina Governor's COVID-19 Executive Orders, the following additional practices will be implemented with relation to auto and boat sales:

- 1) All social distancing requirements apply.
- 2) Motor vehicle sales will be conducted by appointment only.
- 3) Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.
- 4) Designate six-foot distances with signage, tape, or by other means, six-foot spacing for employees and customers to maintain appropriate distance and maintaining at least six-foot social distancing from other individuals.
- 5) Auto and boat dealership facilities shall follow the occupancy limits set forth by NC Executive Order 131.
- 6) All customer lounges shall be closed.
- 7) Tables available outside the showroom for customers who wish to conduct transaction outside of showroom.
- 8) Hand sanitizer and sanitizing products readily available for employees and customers.
- 9) No test drives permitted unless expressly requested by the purchaser and only conducted in adherence to the following requirements:
 - a. Vehicle are completely sanitized with COVID-19 approved products after every test drive with a card stating time it was driven and when it was sanitized.
 - b. No sales representative riding in vehicle with a customer.
 - c. Customer to wear gloves that are provided by dealership while test driving vehicle.
 - d. Seat mats are to be used for the test drive.
 - e. Vehicles test driven will not be driven by another potential customer for 72 hours.
- 10) To the extent legally possible, conduct off-site / home delivery of vehicles.
- 11) Adhere to CDC recommendations for maintaining a safe workplace, including the measures referenced above as well as:
 - a. Identify customers and employees who have viral symptoms and prohibit them from entering the dealership.
 - b. Require what the CDC calls "respiratory etiquette," including covering coughs and sneezes
 - c. Provide customers and employees with tissues and trash receptacles.
 - d. Prohibit employees from using other employees' phones, desks, offices, work tools and equipment.
 - e. Prohibit hand shaking and other physical contact between individuals.
 - f. Post handwashing signs around the dealership.