



**CITY OF BURLINGTON, NORTH CAROLINA
AMENDMENT AND MODIFICATION OF THE
DECLARATION OF LOCAL STATE OF EMERGENCY
OF APRIL 30, 2020**

WHEREAS, the novel coronavirus (COVID-19) is a highly contagious respiratory disease that can result in serious illness or death; and

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency and Global Pandemic on March 11, 2020; and

WHEREAS, the United States Federal Government has declared a National State of Emergency due to the spread of COVID-19 and recommends that public gatherings of more than 10 people be suspended, and that those citizens who are not employees in essential businesses and industries should remain at home; and

WHEREAS, in consultation with health care professionals and based upon guidance from CDC and NCDHHS, actions must be continued that are deemed necessary and appropriate to minimize the impacts of COVID-19 and make progress towards enhanced health and safety of residents of the City of Burlington; and

WHEREAS, the City of Burlington is located within both Alamance County and Guilford County; and

WHEREAS, on March 13, 2020, Guilford County, North Carolina declared a local State of Emergency to allow Guilford County to coordinate, provide, and request additional supplies and receive mutual aid from the state and federal government; and

WHEREAS, on March 20, 2020, Alamance County, North Carolina declared a local State of Emergency to allow Alamance County to coordinate, provide, and request additional supplies and receive mutual aid from the state and federal government; and

WHEREAS, the Burlington City Council, the governing body of the City of Burlington, by and through the Mayor, pursuant to the authority set out in Chapter 166A, Article 1A, of the North Carolina General Statutes and Burlington City Code of Ordinances, Chapter 10, declared an initial State of Emergency (“SOE” or “declaration”) in the City of Burlington, effective March 27, 2020; and

WHEREAS, in said March 27, 2020 declaration, the Mayor set out the background and history

establishing the basis for imposing such a SOE within the municipal jurisdiction and set out restrictions for car washes, municipal departments and operations, funerals and burials, recreation and parks facilities, municipal hosted events, public gatherings and scheduled City Council meetings; and

WHEREAS, the Mayor issued an Amended State of Emergency on April 8, 2020 which set out additional conditions, restrictions, and prohibitions within the City of Burlington pertaining to car washes, non-essential businesses designated by the NC Department of Revenue, and retail store maximum occupancy standards; and

WHEREAS, on Monday, March 27, 2020, the Governor issued Executive Order No. 121, “Stay at Home Order and Strategic Directions for North Carolina in Response to Increasing COVID-19 Cases,” effective March 30, 2020 at 5:00p.m. continuing in effect for thirty (30) days thereafter; and

WHEREAS, the Governor issued Executive Order No. 131 on April 9, 2020, establishing, among other things, policies, procedures, and standards for retail establishments; and

WHEREAS, on April 23, 2020 the Governor issued Executive Order 135 “Extending Stay at Home Orders and Orders, Limiting Mass Gathering, Requiring Social Distancing, and Restricting Visitation at Long Term Care Facilities” shall remain in effect through May 8, 2020; and

WHEREAS, the Governor’s Executive Order No. 121, Section 4 specifically provides for local governments through municipality and county declared States of Emergency to impose restrictions and prohibitions that serve to be more stringent and restrictive than the prohibitions and restrictions established by the Governor’s Executive Orders; and

WHEREAS, the Mayor’s two previous States of Emergency declared March 27, 2020 and April 8, 2020 included provisions that served to restrict and prohibit specified activities and behaviors within the City’s jurisdiction, more stringent than those restrictions and prohibitions established in the Governor’s various Executive Orders; and

WHEREAS, in his Executive Order No. 121, the Governor ordered all North Carolina residents to “Stay At Home” and that all businesses except those declared to be “essential” to the response to COVID-19, to close in order to further the goal of minimizing instances where individuals interact with one another; and

WHEREAS, the process established by the State in Executive Order No. 121, Sections 2(f)&(g) provides for businesses to apply to the North Carolina Department of Revenue for a ruling as to whether it can be deemed to be an “essential” business, as defined in “COVID-19 Essential Businesses and Operations,” and thereby exempt from the statewide prohibition to remain open during the state imposed “Stay At Home” order; and

WHEREAS, pursuant to the Governor’s Executive Order No. 121 Sections 2(f)&(g), businesses excluded from the list of “COVID-19 Essential Businesses and Operations” may apply to the North Carolina Department of Revenue (“NCDOR”) to request to be considered an “essential business” and may remain operational pending a decision by the NCDOR; and

WHEREAS, the NCDOR is systematically, through form letters, responding to applicants declaring them to be “not essential” in that “your business does not qualify to be designated essential under Sections 2(c)(2)-(30) of the Executive Order.” However, NCDOR then indicates that the applicant may continue to operate conditioned upon it following minimum measures of social distancing requirements between and among employees and employees and customers, except at the point of sale or purchase all contrary to the clear language of Executive Order 121 Sections 2(f)&(g); and,

WHEREAS, the City found such responses from NCDOR to be confusing to the business community resulting in inequitable treatment of business operations that were similarly situated, and that such perfunctory responses by NCDOR served to undermine the City’s efforts to protect the health, safety and well-being of the residents and visitors of Burlington; and

WHEREAS, in the Mayor’s April 8, 2020 declaration, such businesses in the City of Burlington deemed “non-essential” by NCDOR were required to close and remain closed except for minimum basic operations as defined in Executive Order 121 Section 2(g), regardless of their adherence to social distancing standards; and,

WHEREAS, in the Burlington Police Department’s (“BPD”) efforts to enforce the restrictions and prohibitions established in the Governor’s Executive Orders and the Mayor’s SOE of March 27, 2020 and April 8, 2020, BPD officers observed various behaviors and actions in the City’s jurisdiction that were in violation of said orders and were clearly counter to the purpose and intent of the state and local orders, that being to limit exposure to the virus by way of effective social distancing and sanitizing practices. Specifically, the confusion resulting from the NCDOR’s letters to various “non-essential” businesses has proven problematic from an enforcement perspective; and

WHEREAS, operators, patrons, and employees of car washes, both drive-thru and self-service, have reported and local law enforcement observed that basic social distancing and public health measures were failing to be observed by car washes in Burlington in that patrons were serially utilizing equipment without regard to sanitizing between patrons and that operators and employees were serially entering in the interiors of patrons’ vehicles to perform cleaning and vacuuming work; and,

WHEREAS, local funeral homes in the City of Burlington have readily adopted and adhered to restrictions pertaining to general gathering and have utilized the same as best practices in their operations with funeral services and graveside ceremonies resulting in effective social distancing precautions; and,

WHEREAS, continued concern has been expressed by local public health professionals, patrons of businesses, and local law enforcement that social distancing and public safety measures are not being practiced in the most efficient manner throughout the City and that such behaviors are serving to put at undue risk the public at large; and

WHEREAS, based upon the Daily Situation Report from by Alamance County Emergency Management team, the number of individuals infected with the COVID-19 virus and those

hospitalized for treatment has begun to stabilize in Alamance County; and

WHEREAS, the spread of the disease continues to pose a threat to the health and safety of residents as well as the healthcare community and first responders; however, since the entry of the original and Amended States of Emergency, new data suggests that while the number of infections continues to increase the curve is decreasing, indicating that the interventions are having the desired effect such that several of the City's more restrictive provisions of the original and Amended States of Emergency may be removed; and

WHEREAS, based on the Daily Situation Reports from the Alamance County Emergency Management team, the more restrictive measures imposed by the City of Burlington in part have resulted, in comparatively fewer COVID-19 infected and hospitalized individuals in Alamance County in relation to statistics of neighboring counties; and,

WHEREAS, as a result of the continued emergency, I have determined that the existing conditions, and anticipated conditions, continue to pose a direct threat to the health and safety of residents and employees of the City of Burlington; and

WHEREAS, declaring a local State of Emergency and imposing the restrictions and prohibitions ordered herein are necessary to maintain order and protect the public health, safety, and welfare and secure property.

NOW, THEREFORE, pursuant to the authority vested in me as Mayor of the City of Burlington, North Carolina, pursuant to Chapter 166A North Carolina General Statutes and Burlington City Code Section 10-26:

Section 1. The two States of Emergency declared by the Mayor, one on March 27, 2020 and the other effective April 8, 2020, are hereby rescinded within the jurisdiction of the City of Burlington, and the City adopts the restrictions and prohibitions of the Governor's various Executive Orders, subject to the more restrictive conditions and prohibitions specified below in Section 4; and

Section 2. The emergency area covered by this State of Emergency shall be the entire jurisdiction of the City.

Section 3. This Amended Declaration of April 30, 2020 is to ensure that the maximum number of people implement social distancing when visiting "essential businesses" and those businesses allowed to continue operations pursuant to NCDOR's direction, having followed the procedures set out in Executive Order 121 Sections 2(f)&(g). When people need to leave their places of residence, whether to obtain or perform essential services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably comply with CDC recommendations of social distancing requirements of at least six (6) feet apart, but businesses have a responsibility to provide as safe an environment as possible by taking these required steps and should consider voluntarily implementing the encouraged steps. All provisions of this Amended Declaration of April 30, 2020 should be interpreted to effectuate this intent.

Section 4. In addition to the provisions and prohibitions set out in the Governor's Executive Orders, the following shall remain in full force and effect, in the City of Burlington:

1. **Car Washes** – Car washes in the City of Burlington may remain open and operating for exterior car washes only. With drive-thru car washes, patrons shall remain in the vehicle. Internal vacuuming stations/islands may remain operational for patron use only. Sanitizer must be provided by the operator and readily available onsite to enable the cleaning and sanitizing of washing and vacuuming equipment (handles, wands, hoses, etc.) after each use of the equipment. In no instance shall car wash staff/employees enter a patron’s vehicle.
2. **Hours of operation** - The City Manager shall have the authority to adjust hours for all municipal departments, to include reduced hours of operations, cessation of operations, or the provisions of employees to work from a distance.
3. **Funerals and Burials** - The following provisions shall apply to all private and public cemeteries:
 - a. Graveside burials shall be restricted to include no more than 10 individuals at the cemetery gravesite;
 - b. Prohibit the use of walled tents, lap blankets, seat covers, or water coolers at services and take measures to require and promote social distancing;
 - c. This does not restrict the number of attendees participating from the confines of their vehicles for gravesite burial services; and,
 - d. Funeral homes are encouraged to use webcasting and streaming applications to broadcast services.
4. **Recreation and Parks Facilities** - All indoor recreation centers are hereby closed, and all recreation programs are hereby canceled, pending the revocation of the Declaration, or a finding by the City Manager that individual facilities may be operated, or that programs may be reinstated, prior to the revocation of this Declaration. Outdoor public parks will remain open. Public and private communal playgrounds are to be closed. No organized play is to be permitted at City sports fields or courts. All rentals of City Recreation and Parks Department properties are cancelled. These restrictions do not pertain to golf courses or other outdoor recreation facilities where six feet of social distancing can be easily accomplished.
5. **Events** - All events being held on public grounds or hosted by the City of Burlington have been postponed pending a decision by the City Manager or the revocation of this Declaration.
6. **Gatherings** - All public and private social gatherings of more than ten (10) people, are hereby prohibited. A social gathering is defined as any event or convening that brings together more than 10 persons in a single room or single space at the same time. A single space may include facilities such as an auditorium, stadium, arena, conference room, meeting hall, theater or any other confined indoor or outdoor space.

Section 5. Pursuant to NCGS 166A-19.30(a)(2), these provisions shall be enforced by the Burlington Police Department and other law enforcement agencies with jurisdictional authority in the City of Burlington.

Section 6. I hereby order the City of Burlington law enforcement officers, employees, and all

other emergency management personnel subject to our control to cooperate in the enforcement and implementation of the provisions of this Amended Declaration of April 30, 2020, as well as the provisions, restrictions, and prohibitions set out in all Executive Orders of the State of North Carolina's Governor.

Section 7. The duration of this Amended Declaration of April 30, 2020 shall be in place through May 8, 2020 at 5:00pm and hereafter shall coincide with the Governor's Executive Orders, as amended, unless sooner revised, amended, or terminated by the Mayor.

Declared this 30th day of April, 2020.



Ian Baltutis, Mayor
City of Burlington, NC

Attest:



Beverly D. Smith, Interim City Clerk,
City of Burlington, NC

