Superseding Proclamation for the Town of Sunset Beach

WHEREAS, a State of Emergency has heretofore been proclaimed pursuant to the laws of North Carolina and the ordinances of the Town of Sunset Beach; and

WHEREAS, the Mayor deems it appropriate to amend the Proclamation establishing the existence of a State of Emergency as follows:

NOW, THEREFORE, pursuant to Chapters 160A, 166A and 14 of North Carolina General Statues and further, under authority of the ordinances of the Town of Sunset Beach, the undersigned does hereby amend the Proclamation of the existence of a State of Emergency for the Town of Sunset Beach, dated the 23rd day of March, 2020, at 3:13 PM as follows:

By adding to the Proclamation the following restrictions:

Leaving home and travel. Individuals may leave their residence only to perform any of the following Essential Activities:

- For Health and Safety
- For necessary supplies and services
- For outdoor activity
- For certain types of work
- To take care of others
- Place of worship
- To receive goods and services
- Place of residence
- Volunteering

Refer to the attached Executive Order No. 121 for definitions of Essential Activities.

Essential Businesses and Operations. Essential Businesses as defined by Governor Cooper are allowed to remain open; however, no long-term parking will be allowed at any business, except for the employees of the business. Long-term parking is defined as a length of time longer than one (1) hour.

Essential Businesses are as follows:

- Restaurants that provide take-out (curbside only, no public entry into the business), drive-thru or delivery
- Grocery stores
- ABC stores and beer and wine stores
- Doctors and other healthcare providers (exempt from long-term parking restriction)
- Pharmacies
- Hardware stores
- Post offices
- Office supply stores
- Gas stations and convenience stores
- Veterinarians and pet supply stores
- Hotels, airlines, buses, taxis, and rideshare services
- Places of worship
- Child care providers

Refer to the attached Executive Order No. 121 for a complete listing of Essential Businesses.

Outdoor Activities and Beach Goers. Outdoor activities are limited to walking, hiking, running, golfing and biking. Beach goers are limited to walking, running and biking. No sitting, lounging or laying out will be permitted. All public beach accesses are closed with the exception of the 12th Street and 33rd Street accesses.

Town Park and Parking. No right-of-way parking is allowed within Town limits. The Town Park parking lot is closed; however, the Town Park remains open.

Short-term rentals. Effective immediately, there shall be no new short-term rental occupancies of any nature or duration within the Town of Sunset Beach until **April 30, 2020**.

Except as hereinabove amended and superseded, the original Proclamation creating the State of Emergency in the Town of Sunset Beach, dated the 23rd day of March, 2020 at 3:13 PM, shall remain in full force and effect.

This Proclamation signed on the 30th day of March, 2020, at 3:00 PM shall be in full force and effect on the **30th** day of **March**, **2020**, at **5:00 PM**

TOWN OF SUNSET BEACH

(SEAL)

David S. Phillips
Mayor

ATTEST:

Lisa H. Coughlin
Town Clerk

Official Seal
Town of Sunset Beach NC

State of North Carolina

ROY COOPER

GOVERNOR

MARCH 27, 2020

EXECUTIVE ORDER NO. 121

STAY AT HOME ORDER AND STRATEGIC DIRECTIONS FOR NORTH CAROLINA IN RESPONSE TO INCREASING COVID-19 CASES

WHEREAS, on March 10, 2020, the undersigned issued Executive Order No. 116 which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq*. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 pandemic in the United States constitutes a national emergency, retroactive to March 1, 2020; and

WHEREAS, the undersigned has issued Executive Order Nos. 117 – 120 for the purposes of protecting the health, safety and welfare of the people of North Carolina; and

WHEREAS, on March 25, 2020, the President of the United States, pursuant to Section 401 of the Stafford Act, approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

WHEREAS, on March 27, 2020, the North Carolina Department of Health and Human Services ("NCDHHS") has documented 763 cases of COVID-19 across 60 counties, and has identified the occurrence of widespread community transmission of the virus; and

WHEREAS, hospital administrators and health care providers have expressed concerns that unless the spread of COVID-19 is limited, existing health care facilities may be insufficient to care for those who become sick; and

WHEREAS, to mitigate community spread of COVID-19 and to reduce the burden on the state's health care providers and facilities, it is necessary to limit unnecessary person-to-person contact in workplaces and communities; and

WHEREAS, such limitations on person-to-person contact are reasonably necessary to address the public health risk posed by COVID-19; and

WHEREAS, some areas of the state have seen more rapid and significant spread of COVID-19 than others, and some but not all local authorities have taken steps to address community spread of the illness in their communities; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(i), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because needed control cannot be imposed locally because not all local authorities have enacted such appropriate ordinances or issued such appropriate declarations restricting the operation of businesses and limiting person-to-person contact in workplaces and communities; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(ii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because some but not all local authorities have taken implementing steps under such ordinances or declarations, if issued, in order to effectuate control over the emergency that has arisen; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because the area in which the emergency exists spreads across local jurisdictional boundaries and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iv), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection of lives and property of North Carolinians because the scale of the emergency is so great that it exceeds the capability of local authorities to cope with it; and

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate any Gubernatorial vested authority under the Emergency Management Act and to provide for the subdelegation of any authority; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(1) authorizes the undersigned to prohibit and restrict the movement of people in public places, including by: (a) imposing a curfew; (b) directing and compelling the voluntary or mandatory evacuation of people from an area; (c) prescribing routes, modes of transportation and destinations in connection with evacuation; (d) controlling the movement of persons within an emergency area; and (e) closing streets, roads, highways, and other areas ordinarily used for vehicular travel, except to the movement of persons necessary for recovery from the emergency; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(2) authorizes the undersigned to prohibit and restrict the operation of offices, business establishments and other places to and from which people may travel or at which they may congregate; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(5) authorizes the undersigned to prohibit and restrict activities which may be reasonably necessary to maintain order and protect lives and property during a state of emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), during a Gubernatorially declared State of Emergency, the undersigned has the power to "give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Article".

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Stay at Home

1. **Stay at home or place of residence**. All individuals currently in the State of North Carolina are ordered to stay at home, their place of residence, or current place of abode, (hereinafter "residence") except as allowed in this Executive Order. To the extent individuals are using shared or outdoor spaces when outside their residence, they must at all times and as much as reasonably possible, maintain social distancing of at least six (6) feet from any other person, with the exception of family or household members, consistent with the Social Distancing Requirements set forth in this Executive Order. All persons may leave their homes or place of residence only for Essential Activities, Essential Governmental Operations, or to participate in or access COVID-19 Essential Businesses and Operations, all as defined below.

   Individuals experiencing homelessness are exempt from this Executive Order, but are strongly urged to obtain shelter that meets Social Distancing Requirements. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location.

2. **Prohibited and permitted travel**. Only travel for Essential Activities as defined herein is permitted. People riding on public transit must comply with Social Distancing Requirements to the greatest extent feasible. This Executive Order allows travel into, within, or out of the State to maintain COVID-19 Essential Businesses and Operations and Minimum Basic Operations.

3. **Leaving the home and travel for Essential Activities is permitted**. For purposes of this Executive Order, individuals may leave their residence only to perform any of the following Essential Activities:

   i. **For health and safety**. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or persons who are unable to or should not leave their home (including, but not limited to, pets), such as, by way of example only and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional or veterinarian.

   ii. **For necessary supplies and services**. To obtain necessary services or supplies for themselves and their family or household members or persons who are unable or should not leave their home, or to deliver those services or supplies to others, such as, by way of example only and without limitation, groceries and food, household consumer products, supplies they need to work from home, automobile supplies (including sales, parts, supplies, repair and maintenance), and products necessary to maintain the safety, sanitation, and essential operation of residences or places of employment.

   iii. **For outdoor activity**. To engage in outdoor activity, provided individuals comply with Social Distancing Requirements and Mass Gatherings, as defined below, such as, by way of example and without limitation, walking, hiking, running, golfing, or biking. Individuals may go to public parks and open outdoor recreation areas. However, public playground equipment may increase spread of COVID-19, and therefore shall be closed. These activities are subject to the limitations on events or convenings in Section 3 of this Executive Order.

iv. **For certain types of work**. To perform work at businesses authorized to remain open under Section 2 of this Executive Order (which, as defined below, includes Healthcare and Public Health Operations, Human Services Operations, Essential Governmental Operations, and Essential Infrastructure Operations) or to otherwise carry out activities specifically permitted in this Executive Order, including Minimum Basic Operations.

v. **To take care of others**. To care for or assist a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed by this Executive Order. This includes attending weddings and funerals provided individuals comply with Social Distancing Requirements and Mass Gatherings as set forth below.

vi. **Place of worship**. Travel to and from a place of worship.

vii. **To receive goods and services**. To receive goods and services provided by a COVID-19 Essential Business or Operation.

viii. **Place of residence**. To return to or travel between one's place or places of residence for purposes including, but not limited to, child custody or visitation arrangements.

ix. **Volunteering**. To volunteer with organizations that provide charitable and social services.

Section 2. COVID-19 Essential Businesses and Operations

In order to slow the spread of COVID-19, it is necessary to reduce the instances where individuals interact with one another in a manner inconsistent with the Social Distancing Requirements set forth below. Many of those interactions occur at work. At the same time, it is necessary that certain businesses, essential to the response to COVID-19, to the infrastructure of the State and nation, and to the day-to-day life of North Carolinians, remain open.

A. In light of the above considerations, non-essential business and operations must cease. All businesses and operations in the State, except COVID-19 Essential Businesses and Operations as defined below, are required to cease all activities within the State except Minimum Basic Operations, as defined below. For clarity, businesses, including home-based businesses, may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).

B. All COVID-19 Essential Businesses and Operations are directed, to the maximum extent possible, to direct employees to work from home or telework.

C. For purposes of this Executive Order, a COVID-19 Essential Business and Operation includes the following businesses, not-for-profit organizations and educational institutions.

1. **Businesses that meet Social Distancing Requirements.** Businesses, not-for-profit organizations or educational institutions that conduct operations while maintaining Social Distancing Requirements:

   a. Between and among its employees; and

   b. Between and among employees and customers except at the point of sale or purchase.

2. **Businesses operating in CISA identified sectors.** Businesses, not-for-profit organizations or educational institutions operating in the federal critical infrastructure sectors as outlined at https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19 or any subsequent guidance issued by the U.S. Department of Homeland Security that amends or replaces said guidance.

3. **Healthcare and Public Health Operations.** Healthcare and Public Health Operations includes, but is not limited to: hospitals; clinics; dental offices; pharmacies; laboratories and laboratory service providers; public health entities, including those that compile, model, analyze and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology and agricultural biotechnology companies (including operations, research and development, manufacture, and supply chain); organizations collecting blood, platelets, plasma, and other necessary materials; obstetricians and gynecologists; eye care centers, including those that sell glasses and contact lenses; dietary supplement retailers; naturopathic healthcare providers; home healthcare services providers; local management entities/managed care organizations (LME/MCO); mental health and substance use providers; other healthcare facilities and suppliers and providers of any related and/or ancillary healthcare services; and entities that transport and dispose of medical materials and remains.

   Specifically included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.

   Healthcare and Public Health Operations also includes veterinary care and all healthcare services provided to animals.

   Healthcare and Public Health Operations shall be construed broadly to avoid any impacts to the delivery of healthcare, or public health operations broadly defined. Healthcare and Public Health Operations does not include those businesses ordered to close by Executive Order No. 120.

4. **Human Services Operations.** Human Services Operations includes, but is not limited to: long-term care facilities; child care centers, family child care homes; residential settings and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for basic needs, including food, cash assistance, medical coverage, child care, child support services, vocational services, rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, social services, transportation and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals.

   Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

5. **Essential Infrastructure Operations.** Essential Infrastructure Operations includes, but is not limited to: food and beverage production, distribution, fulfillment centers, storage facilities; construction (including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long term care facilities, public works construction, school construction, and essential commercial and housing construction); building and grounds management and maintenance including landscaping; airport operations; operation and maintenance of utilities, including water, sewer, and gas; electrical (including power generation, distribution, and production of raw materials); distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video and telecommunications systems (including the provision of essential global, national and local infrastructure for computing services, business infrastructure, communications, and web-based services).

(including the provision of essential global, national and local infrastructure for computing services, business infrastructure, communications, and web-based services).

Essential Infrastructure Operations shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.

6. **Essential Governmental Operations.** Essential Governmental Operations means all services provided by the State or any municipality, township, county, political subdivision, board, commission or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public, and including contractors performing Essential Governmental Operations. Each government body shall determine its Essential Governmental Operations and identify employees and/or contractors necessary to the performance of those functions.

   For purposes of this Executive Order, all first responders, emergency management personnel, emergency dispatchers, legislators, judges, court personnel, jurors and grand jurors, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support COVID-19 Essential Businesses and Operations are categorically exempt from this Executive Order.

   This Executive Order does not apply to the United States government. Nothing in this Executive Order shall prohibit any individual from performing or accessing Essential Governmental Operations. Nothing in this Executive Order rescinds, amends, or otherwise modifies Section 2 of Executive Order No. 120.

7. **Stores that sell groceries and medicine**. Grocery stores, pharmacies, certified farmers' markets, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, prepared food, alcoholic and nonalcoholic beverages, any other household consumer products (such as cleaning and personal care products), and specifically includes their supply chain and administrative support operations. This includes stores that sell groceries, medicine, including medication not requiring a medical prescription, and also that sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences and COVID-19 Essential Businesses and Operations.

8. **Food, beverage production and agriculture.** Food and beverage manufacturing, production, processing, and cultivation, including farming, livestock, fishing, forestry, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption; and businesses that provide food, shelter, services and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities.

9. **Organizations that provide charitable and social services.** Businesses as well as religious and secular not-for-profit organizations, including food banks, when providing food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.

10. **Religious entities.** Religious facilities, entities, groups, gatherings, including funerals. Also, services, counseling, pastoral care, and other activities provided by religious organizations to the members of their faith community. All of these functions are subject to the limitations on events or convenings in Section 3 of this Executive Order.

11. **Media.** Newspapers, television, radio, film, and other media services.

12. **Gas stations and businesses needed for transportation.** Gas stations and auto supply, sales, tire, auto-repair, roadside assistance and towing services, farm equipment, construction equipment, boat repair, and related facilities and bicycle shops and related facilities.

13. **Financial and insurance institutions.** Bank, currency exchanges, consumer lenders, including but not limited to, pawnbrokers, consumer installment lenders and sales finance lenders, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, and institutions selling financial products. Also insurance companies, underwriters, agents, brokers, and related insurance claims and agency services.

14. **Home improvement, hardware and supply stores.** Home improvement, building supply, hardware stores, and businesses that sell building materials and supplies, electrical, plumbing, and heating materials.

15. **Critical trades.** Building and construction tradesmen and tradeswomen, and other trades, including but not limited to, plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, cleaning services, moving and relocation services, landscaping and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences and COVID-19 Essential Businesses and Operations. This includes organizations that represent employees.

16. **Mail, post, shipping, logistics, delivery, and pick-up services.** Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic beverages, goods, vehicles or services to end users or through commercial channels.

17. **Educational institutions.** Educational institutions including public and private pre-K-12 schools, colleges, and universities for purposes of facilitating remote learning, performing critical research, or performing essential functions, provided that the Social Distancing Requirements set forth below of this Executive Order are maintained to the greatest extent possible. This Executive Order is consistent with and does not amend or supersede prior Executive Orders regarding the closure of public schools.

18. **Laundry services.** Laundromats, dry cleaners, industrial laundry services, and laundry service providers.

19. **Restaurants for consumption off-premises.** Restaurants and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Schools and other entities that provide free food services to students or members of the public may continue to do so under this Executive Order when the food is provided for carry-out, drive-through or delivery. This Executive Order is consistent with and does not amend or supersede prior COVID-19 related Executive Orders restricting the operations of restaurants and temporarily closing bars.

20. **Supplies to work from home.** Businesses that sell, manufacture, or supply office supply products or other products needed for people to work from home.

21. **Supplies for COVID-19 Essential Businesses and Operations.** Businesses that sell, manufacture, support, or supply other COVID-19 Essential Businesses and Operations with the service or materials necessary to operate, including computers, audio and video electronics, household appliances; payroll processing and related services; IT and telecommunication equipment; elections personnel and election-related equipment supplies; hardware, paint, flat glass, electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; and diagnostics, food and beverages, chemicals, soaps and detergent.

22. **Transportation.** Airlines, taxis, automobile dealers, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, trains, marinas, docks, boat storage, and other private, public, and commercial transportation and logistics providers, and public transportation necessary to access COVID-19 Essential Businesses and Operations.

23. **Home-based care and services.** Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery.

24. **Residential facilities and shelters.** Residential facilities and shelters for adults, seniors, children, pets, and/or people with developmental disabilities, intellectual disabilities, victims of domestic violence, people experiencing homelessness, substance use disorders, and/or mental illness.

25. **Professional services.** Professional services, such as legal services, accounting services, insurance services, professional engineering and architectural services, land surveying services, real estate services (including brokerage, appraisal and title services) and tax preparation services.

26. **Manufacture, distribution, and supply chain for critical products and industries.** Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, communications, as well as products used or commonly sold by other COVID-19 Essential Businesses and Operations.

27. **Defense and military contractors.** Defense and military contractors that develop products, processes, equipment, technology, and related services that serve the United States military, national defense, and national security interests.

28. **Hotels and motels.** Hotels and motels, to the extent used for lodging and delivery or carry-out food services.

29. **Funeral Services.** Funeral, mortuary, cremation, burial, cemetery, and related services. These services are subject to the limitations on events or convenings in Section 3 of this Executive Order.

30. **Additional COVID-19 Essential Retail Businesses.** Additional COVID-19 Essential Retail Businesses are:

    - Electronic retailers that sell or service cell phones, computers, tablets, and other communications technology;
    - Lawn and garden equipment retailers;
    - Book stores that sell educational material;
    - Beer, wine, and liquor stores;
    - Retail functions of gas stations and convenience stores;
    - Retail located within healthcare facilities;
    - Pet and feed stores.

D. All COVID-19 Essential Businesses and Operations shall, to the extent practicable, maintain the Social Distancing Requirements set forth in this Executive Order.

E. "Social Distancing Requirements" as used in this Executive Order means:

    a. maintaining at least six (6) feet distancing from other individuals;

    b. washing hands using soap and water for at least twenty (20) seconds as frequently as possible or the use of hand sanitizer;

    c. regularly cleaning high-touch surfaces;

    d. facilitating online or remote access by customers if possible.

F. Businesses excluded from the list of COVID-19 Essential Businesses and Operations set forth in this Executive Order who believe that they may be essential may direct requests to be included to the North Carolina Department of Revenue (the "Department"). The Department may grant such request if it determines that it is in the best interest of the State to have the business continue operations in order to properly respond to this COVID-19 pandemic. The Department shall post on its website a point of contact and procedure for businesses seeking to be designated as essential. A business that has made a request to the Department to be included as a COVID-19 Essential Business or Operation may continue to operate until that request is acted upon.

G. Businesses that are not COVID-19 Essential Businesses and Operations are required to cease all activities within the State except Minimum Basic Operations, as defined below. Businesses that are not COVID-19 Essential Businesses and Operations should comply with Social Distancing Requirements, to the maximum extent possible, when carrying out their Minimum Basic Operations.

As used in this Executive Order, "Minimum Basic Operations" include the following:

i) The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or related functions.

ii) The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

H. Notwithstanding any other provision of this Executive Order, the businesses, not-for-profit organizations and educational institutions that were ordered closed by Executive Order Nos. 118 and 120 shall remain closed.

Section 3. Mass Gatherings

For the reasons and pursuant to the authority set forth above:

A. Section 1(a) of Executive Order Nos. 117 and 120 is rescinded and replaced as follows:

1. 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, or any other confined indoor or outdoor space. This includes parades, fairs and festivals.

2. A mass gathering does not include normal operations at airports, bus and train stations, medical facilities, libraries, shopping malls and centers. It also does not include any COVID-19 Essential Business or Operation as defined in this Executive Order.

3. Notwithstanding the above, and in an effort to promote human dignity and limit suffering, funerals are permitted to include no more than fifty (50) persons, while observing Social Distancing Requirements to the extent practicable.

4. Pursuant to N.C. Gen. Stat. §§ 166A-19.30(a)(2), -19.30(c) the provisions of this section shall be enforced by state and local law enforcement officers.

The remainder of Executive Order Nos. 117 and 120 continue to be in effect.

Section 4. Local Orders

A. The undersigned recognizes that the impact of COVID-19 has been and will likely continue to be different in different parts of North Carolina. Urban areas have seen more rapid and significant spread than most rural areas of the state. As such, the undersigned acknowledges that counties and cities may deem it necessary to adopt ordinances and issue state of emergency declarations which impose restrictions or prohibitions to the extent authorized under North Carolina law, such as on the activity of people and businesses, to a greater degree than in this

Executive Order. To that end, nothing herein is intended to limit or prohibit counties and cities in North Carolina from enacting ordinances and issuing state of emergency declarations which impose greater restrictions or prohibitions to the extent authorized under North Carolina law.

B. Notwithstanding the language in paragraph (A) of this Section, no county or city ordinance or declaration shall have the effect of restricting or prohibiting COVID-19 Essential Governmental Operations of the State as determined by the State.

C. Nothing in this Executive Order rescinds, amends, or otherwise modifies Section 2 of Executive Order No. 120.

Section 5. Savings Clause

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 6. Enforcement

A. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers.

B. A violation of this Executive Order may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d), and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.

C. Nothing in this Executive Order shall be construed to preempt or overrule a court order regarding an individual's conduct (e.g., a Domestic Violence Protection Order or similar orders limiting an individual's access to a particular place).

Section 7. Effective Date

This Executive Order is effective Monday, March 30, 2020, at 5:00pm, and shall remain in effect for thirty (30) days from that date or unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 27th day of March in the year of our Lord two thousand and twenty.

Roy Cooper
Governor

ATTEST:

Rodney S. Maddox
Chief Deputy Secretary of State

Frequently Asked Questions for North Carolina's Stay At Home Order
March 27, 2020

On Friday, March 27, 2020 Governor Roy Cooper signed Executive Order 121, ordering North Carolinians to remain in their homes except for performing essential work and essential activities such as taking care of others, obtaining necessary supplies, and for health and safety purposes.

This Stay at Home Order will help slow the spread of COVID-19 and prevent the medical system from being overwhelmed by keeping individuals from being exposed to the virus and keeping those who have the virus from spreading it to others.

Below are frequently asked questions and answers. In addition, individuals should check with local governments to determine whether additional restrictions have been imposed in their local jurisdictions to limit the spread of COVID-19. Please note that Executive Order 121 modifies some sections of previous Executive Orders, but sections not modified are still in effect.

This information is subject to change in light of new CDC guidance and additional Executive Orders or local government declarations.

FAQs for Stay at Home Order

This Order permits the following businesses to remain open:

- Restaurants that provide take-out, drive-thru, or delivery
- Grocery stores
- ABC stores and beer and wine stores
- Doctors and other healthcare providers
- Pharmacies
- Hardware stores
- Post offices
- Office supply stores
- Gas stations and convenience stores
- Veterinarians and pet supply stores
- Hotels, airlines, buses, taxis, and rideshare services
- Places of worship

- Child care providers (that are following the required NCDHHS procedures)

For a full list of essential businesses, please see the Order.

What does "Stay at Home" mean?
It means people should stay at their residence and limit social interactions and travel for essential activities or essential business purposes.

When does the Order take effect?
The Order takes effect on Monday, March 30 at 5:00 PM.

When will this Order be lifted?
This Order is valid for 30 days through April 29, 2020 but can be revised or extended.

Is this Executive Order mandatory or is it just guidance?
This Order is mandatory. All persons and other entities are required to comply if they do not fall within the exemptions that are specified in the Order.

How will this Executive Order be enforced?
Governor Cooper is seeking voluntary cooperation from all state residents and businesses to ensure the health and safety of our communities. If voluntary cooperation is not achieved, state and local law enforcement officers have the authority to enforce the Order.

Various local counties and cities have issued their own shelter in place orders. How do the state and local orders correlate with one another?
People in North Carolina must abide by this statewide Order. To the extent that a local order contains more restrictive requirements, the more restrictive local Order must be followed.

Can I leave my home to visit friends or family members?
Individuals may leave their homes to care for a family member or friend, or to help their family member or friend get essential goods or receive necessary health care. Individuals should not visit with friends or family members if there is no urgent need.

What if I require medical attention?
Individuals may leave their homes to receive necessary medical care. If you have symptoms of COVID-19, please follow guidance (https://www.ncdhhs.gov/divisions/public-health/coronavirus-disease-2019-covid-19-response-north-carolina/what-covid-19) provided by the North Carolina Department of Health and Human Services. If you have mild symptoms, stay home and call your doctor.

Can I leave my home to exercise?
People are encouraged to maintain healthy lifestyles, including outdoor recreational activity, such as walking pets and jogging. While exercising, individuals should maintain social distancing and continue to take protective measures to maintain their personal health and wellbeing.

Does this Order prohibit outside group exercise?
As long as the group abides by the mass gatherings provision in the Order (no more than 10 people) and maintains adequate social distancing, this activity is not prohibited, but it is strongly discouraged.

What if my home is not a safe environment?
Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternate location, which can include a hotel or shelter.

Can I take my kids to the park?
Unless your local jurisdiction has closed parks, people may go to public parks and open outdoor recreation areas while following social distancing and mass gathering guidelines. Public playgrounds and their equipment are closed for use statewide.

Are the entertainment, personal care, and grooming businesses that are closed under Executive Order 120 supposed to remain closed?
Businesses prohibited from operating under Executive Order 120 shall remain closed.

What businesses may remain open?
Essential businesses as defined in the Order may remain open. Other non-essential businesses must remain closed unless permitted by the Secretary of Revenue.

Establishments required to close under previous executive orders must remain closed.

Does my business need any documentation to continue operating?
Businesses and not-for-profit organizations that are deemed essential as defined by the Order do not need any documentation from the State to continue operations. Employees are not required to have specific documentation to report to work under this Order.

What if my business is not listed as essential and I cannot conduct business operations and maintain social distancing between employees?
If your business is not included in the list of Essential Businesses and Operations and you believe it is essential, you can submit an application to the North Carolina Department of Revenue (NCDOR). NCDOR will review applications to determine whether the business is necessary to properly respond to this COVID-19 pandemic. NCDOR will post on its website a point of contact and procedures for businesses seeking an essential designation.

What if my business does not fall within an exception and must close?
Businesses that are required to cease all activities are still allowed to continue Minimum Basic Operations. These operations include activities necessary to maintain the value of the business's inventory; preserve the condition of the business's physical plant and equipment; ensure security; process payroll and employee benefits, or related functions; and, activities to support employees who are working remotely. However, employees must comply with social distancing requirements, to the extent possible, while carrying out such operations.

If my business was previously required to close under an Executive Order or a local Stay at Home order, are there any circumstances under this Order that would allow me to re-open?
No.

Does this Order prohibit operations of child care centers and other child care providers?
No. Although child care providers are urged to remain open for first responders and essential employees, they are also open to the general public. All open child care providers must follow the NCDHHS emergency child care operations and financing guidance.

Are religious functions allowed?
Religious gatherings are subject to the mass gathering ban and may not have more than 10 people. Participants should practice social distancing.

Are weddings allowed?
Weddings are subject to the mass gathering ban and may not have more than 10 people. Participants should practice social distancing.

Are funerals allowed?
Funerals are time-sensitive events and may not have more than 50 people. Participants should practice social distancing.

Can I still attend religious services?
The Order allows individuals to attend their places of worship if they follow the mass gathering ban and do not have more than 10 people assembled. Social distancing should be practiced. Places of worship are encouraged to stream their services online to accommodate people complying with the Order.

Are car dealerships open during the emergency?
Car dealerships, and other places that sell automobiles, are essential businesses that may provide relief for those who have transportation issues during the emergency and are permitted to remain open.

Can I still mail items and get deliveries?
Yes. The postal service and private mail and delivery services are essential businesses and will remain open.

Can I still go to my substance abuse treatment groups (e.g. Alcoholics Anonymous or Narcotics Anonymous) or other group counseling sessions?
Group counseling sessions are subject to the mass gathering ban and may not have more than 10 people. Participants attending in person should practice social distancing. Group counseling services are urged to conduct meetings remotely if they are equipped to do so. Groups should make accommodations for remote support to the maximum extent feasible.

Can I visit loved ones in the hospital, nursing home, skilled nursing facility, or other residential care facility?
You may visit a hospital or other healthcare facility only to obtain health care services and supplies. Do not visit a nursing home, skilled nursing facility, residential care facility or any other long term care facility unless it is an end-of-life visit.

Can I carry out a court-ordered visit with my kids?
Yes. To the extent possible, maintain social distancing with individuals other than your child and limit meetings to places and activities that are permitted under this Order, such as outdoor parks.

What if I still have to go to work?
Businesses have been encouraged to implement remote working policies for their employees. If you have been designated essential by your employer, you should continue to go to work and practice social distancing to the extent possible.

Where can I report a business that is operating in violation of the Order?
Governor Cooper is seeking voluntary cooperation from all state residents and businesses to ensure the health and safety of our communities. If voluntary cooperation is not achieved, state and local law enforcement officers have the authority to enforce the Order.

Are gun stores allowed to operate?
Gun stores implementing social distancing requirements for employees and customers as defined in the order may remain open.

Are golf courses allowed to stay open?
Golf courses implementing social distancing requirements for employees and customers as defined in the order may remain open.

What is the current number of people that can gather under the mass gathering requirements?
A mass gathering is defined as no more than ten (10) people.

What are social distancing requirements?

- Maintaining at least a six foot distance from other individuals;
- Washing hands using soap and water for at least twenty seconds as frequently as possible or the use of hand sanitizer;

- Regularly cleaning high-touch surfaces;
- Facilitating online or remote access by customers if possible.