CITY OF WINSTON-SALEM SECOND AMENDED DECLARATION OF A STATE OF EMERGENCY “STAY-AT-HOME ORDER”

WHEREAS, on March 13, 2020, the undersigned declared a state of emergency in the City of Winston-Salem, North Carolina (“Declaration”); and

WHEREAS, the undersigned, after consulting with local health care officials, issued an Amended Declaration referred to as a Stay-At-Home Order on March 25, 2020, which became effective on March 27, 2020, at 5:00 p.m. and is set to terminate on April 16th at 12:01 a.m.; and

WHEREAS, Forsyth County, at the time said Stay-At-Home Order was issued, had seventeen (17) COVID-19 cases; and

WHEREAS, as of April 13, 2020, Forsyth County has one-hundred and nineteen (119) COVID-19 cases; and

WHEREAS, Forsyth County has lost four of its citizens, with the potential of losing more, to this dreadful virus that is deadly and perplexing; and

WHEREAS, the Stay-At-Home Order appears to be having a positive impact on the rate of the spread of the virus; however, local health care officials continue to stress the need for said Stay-At-Home Order to remain in place; and
WHEREAS, local health care officials and the public health director have advised that the virus remains “…widespread throughout our community and that we must continue to take it seriously”; and

WHEREAS, local health care officials and the public health director have further advised that “…we cannot let down our guard”; and

WHEREAS, this Second Amended Declaration is necessary to slow the rate of the spread and is the least restrictive based upon the current evidence; and

WHEREAS, local health care officials have indicated that it is imperative that the Stay-At-Home Order issued by the undersigned remain in place until May 7, 2020 to further slow the rate of the spread and protect the citizens of Winston-Salem, Forsyth County; and

WHEREAS, the Governor has issued a number of executive orders including a stay-at-home order with an expiration date of April 30, 2020; and

WHEREAS, the Governor issued Executive Order No. 131 on April 9, 2020, enhancing the social distancing requirements for retail establishments for thirty (30) days effective April 13, 2020; and

WHEREAS, the Declaration and Amended Declaration “Stay-At-Home Order” issued by the undersigned are incorporated herein as if fully set forth herein; and

WHEREAS, based upon the foregoing and the continued need to slow the rate of the spread of the virus, the undersigned finds it necessary to: (1) emphasize to the retail community in Winston-Salem, Forsyth County the need to adhere to the Additional Social Distancing requirements set forth in the Governor’s April 9th Order by incorporating the same in Paragraph
I herein to be coterminous with the Governor’s April 9th Order, and (2) extend the termination date of: (a) the Declaration until rescinded by a separate action of the undersigned, and (b) the Amended Declaration “Stay-At-Home Order” issued by the undersigned to 12:01 a.m. May 7, 2020.

NOW, THEREFORE, pursuant to the authority vested in me as the Mayor of the City of Winston-Salem under N.C.G.S. § 166A-19.31 and Chapter 18 (formerly Chapter 38) of the Winston-Salem Code of Ordinances, I hereby declare and proclaim the following:

Section 1. The Declaration of a State of Emergency issued on March 13, 2020, and the Amended Declaration “Stay-At-Home Order” issued on March 25, 2020, are hereby reaffirmed and amended, and will continue, as set forth herein, within the jurisdiction of the City of Winston-Salem.

Section 2. The emergency area shall be within the corporate limits of the City of Winston-Salem.

Section 3. North Carolina General Statute 166A-19.31 and Chapter 18 (formerly 38) of the Winston-Salem Code of Ordinances allows the City of Winston-Salem to enact a variety of restrictions and prohibitions as this evolving situation warrants. In accordance therewith, I order the following:

I. Additional Social Distancing Measures.

Consistent with the Executive Order No. 131 issued by Governor Cooper on April 9th (“EO-131”), all retail establishments, as defined below, located within the city limits of the City of Winston-Salem, that were permitted to remain open pursuant to the Declaration and Amended Declaration issued by the undersigned are required to take additional steps as specified herein and in EO-131, (collectively “Additional Social
Distancing Measures”). Retail establishments that are owned and operated by another municipality, the County, the State of North Carolina or the federal government (collectively “Government Retail Establishments”) are not covered by this Second Amended Declaration, however, such Government Retail Establishments shall abide by EO-131, where applicable.

A. Definitions.

1. The term “retail establishments” shall include any business within the city limits in which customers enter to purchase goods or services, including but not limited to grocery stores, convenience stores, large-format retail stores, pharmacies, banks, hardware stores, and vehicle dealerships.

B. Emergency Maximum Occupancy.

1. The occupancy of all operating retail establishments shall be limited to no more than:
   (a) Twenty percent (20%) of the stated fire capacity; or
   (b) Five (5) customers for every one thousand (1000) square feet of the retail location’s total square footage, including non-customer-facing portions.
   This limit is the “Emergency Maximum Occupancy” for that establishment.

2. If the retail establishment has reached Emergency Maximum Occupancy or expects to reach Emergency Maximum Occupancy, it must post sufficient staff at store entrances and exits to enforce the Emergency Maximum Occupancy limit.

3. The Emergency Maximum Occupancy shall be posted in a conspicuous place.

C. Social Distance Markings.
1. To encourage the minimum Social Distancing recommended by the Centers for Disease Control and Prevention ("CDC"), all operating retail establishments must clearly mark six (6) feet of spacing:
   (a) In lines at cash registers; and
   (b) In other high-traffic areas for customers, such as at deli counters and near high-volume products, inside the retail establishment.
All operating retail establishments must enforce these limitations.
2. In addition, operating retail establishments which have reached or expect to reach Emergency Maximum Occupancy must clearly mark six (6) feet of spacing in a designated line outside the establishment.

D. Cleaning and Disinfection.
All operating retail establishments shall perform frequent and routine environmental cleaning and disinfection of high-touch areas with a disinfectant approved by the Environmental Protection Agency ("EPA") for SARS-Co-2 (the virus that causes COVID-19).

E. No New Authority to Remain Open.
Nothing herein shall be deemed to authorize a business, previously closed pursuant to the Declaration or Amended Declaration "Stay-At-Home Order" issued by undersigned or any executive order of the Governor, to reopen.

F. Executive Order No. 131.
Nothing herein shall be interpreted to conflict with the maximum occupancy standards in retail establishments set forth in EO-131 or with Section 1 of said order.

G. Effective Date and Duration.
The effective date and duration of the Additional Social Distancing Requirements for retail establishments, as set forth in Paragraph I herein, shall coincide with and terminate consistent with EO-131.

II. **Recommended Policies for Retail Establishments.**

All operating retail establishments are strongly encouraged to take the following additional steps to limit the risk of spreading COVID-19, and to ensure that employees and customers maintain appropriate social distancing.

A. **Reduce Transmission Among Employees.**

1. All retail establishments are encouraged to supply, provide education on proper use, and encourage the use of cloth face coverings for all employees in positions that do not allow them to consistently maintain a six (6) foot distance from other employees or customers, subject to the availability of these products.

2. All retail establishments should instruct employees to stay home if they are sick.

3. To encourage the minimum social distancing recommended by the CDC, all retail establishments are encouraged to mark six (6) feet of spacing in high-traffic areas within the staff-only portions of the establishment’s premises.

B. **Hand Hygiene.**

1. All retail establishments are encouraged to place hand sanitizer prominently at entry and exit points, subject to availability of this product, and to have disinfecting wipes and/or sprays that are EPA approved against SARS-CoV-2 available for shopping carts and baskets.
2. All employers should have their employees wash their hands or use hand sanitizer, subject to the availability of that product, between interactions with customers and other employees.

C. **Designated Shopping Times for Seniors and At-Risk Groups.**

All retail establishments are encouraged to designate exclusive shopping times for seniors and other at-risk groups as defined by the CDC.

D. **Signage for Social Distancing.**

All retail establishments are encouraged to post signage that reminds customers and employees about required social distancing (at least six (6) feet apart).

E. **Online Ordering, Curbside Pickup, and No-Contact Checkout.**

All retail establishments are encouraged to develop and use systems that allow for online, email, or telephone ordering, no-contact curbside or drive-through pickup or home delivery, and contact-free checkout.

F. **Additional Recommendations for High-Volume Retail Establishments.**

High-volume retail establishments, such as grocery stores and pharmacies, are strongly encouraged to take the following additional measures to promote social distancing (at least six (6) feet apart) of customers and prevent the spread of respiratory droplets:

1. Use acrylic or plastic shields at cash registers.
2. Clearly mark designated entry and exit points.
3. Provide assistance with routing through aisles in the store.

III. **Instructions.**

A. **Distributions.**
I, hereby, order this Second Amended Declaration: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be posted on the City’s website; (c) to be filed with the City Secretary; and (d) to be distributed to others, as necessary, to ensure proper implementation of this Second Amended Declaration.

B. Enforcement.

I, hereby, order all City law enforcement officers and employees and all other emergency management personnel subject to the City’s control, to cooperate in the enforcement and implementation of the provisions of this Second Amended Declaration, all applicable federal, state and local laws, rules, regulations and ordinances and the Winston-Salem Forsyth County Emergency Operations Plan.

Any person violating any prohibition or restriction imposed by this Second Amended Declaration shall be guilty of a Class 2 misdemeanor in accordance with G.S. 14-288.20A. If any section, subsection, sentence, clause, or phrase of this Second Amended Declaration is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Second Amended Declaration.

IV. Effective Date.

Except as provided in Paragraph I herein, the provisions of which coincide with and will terminate when Sections 1 and 2 of EO-131 terminates, this Second Amended Declaration hereby extends the termination date of: (1) the Declaration until rescinded by a separate action of the undersigned, and (2) the Amended Declaration to 12:01 a.m.
on May 7, 2020. This Second Amended Declaration shall be reviewed and evaluated, regularly, and may be revised, amended, extended accordingly, based upon existing evidence and recommendations by the Public Health Director and City of Winston-Salem/Forsyth County Office of Emergency Management or the local health care community.

DECLARED, this, the 14th day of April, 2020 at 10:45 a.m.

Mayor, City of Winston-Salem

ATTEST:

City Secretary