



City of Winston-Salem

OFFICE OF THE MAYOR

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J. ALLEN JOINES
MAYOR

**CITY OF WINSTON-SALEM
OFFICE OF THE MAYOR**

**CITY OF WINSTON-SALEM FOURTH AMENDED
DECLARATION OF A STATE OF EMERGENCY
“MASK REQUIREMENT FOR CITY-OWNED AND CITY-LEASED BUILDINGS”**

WHEREAS, the novel coronavirus disease (COVID-19) is a disease spreading across the globe causing flu-like symptoms, but with a significantly higher rate of death, particularly among those who are elderly or medically vulnerable; and

WHEREAS, on January 31, 2020, the Health and Human Services Secretary, Alex M. Azar II, declared COVID-19 to be a public health emergency in the United States; and

WHEREAS, on March 10, 2020, in order to address and mitigate the threat of COVID-19 to vulnerable populations and to slow the spread of COVID-19 in North Carolina, Governor Roy Cooper declared a state of emergency in North Carolina; and

WHEREAS, on March 13, 2020, President Trump declared the COVID-19 pandemic to be a national emergency; and

WHEREAS, on March 13, 2020, the undersigned declared a state of emergency in the City of Winston-Salem (“Declaration”) due to COVID-19; and

WHEREAS, the undersigned, after consulting with local health care officials about the impact of COVID-19 on the Winston-Salem community, issued an Amended Declaration

referred to as a Stay-At-Home Order on March 25, 2020, which became effective on March 27, 2020, at 5:00p.m; and

WHEREAS, the undersigned, after consulting with local health care officials about the continued need to slow the spread of COVID-19, issued a Second Amended Declaration extending the Stay-At-Home Order until May 7, 2020; and

WHEREAS, Forsyth County, at the time the initial Stay-At-Home Order was issued on March 25, 2020, had seventeen (17) laboratory confirmed positive COVID-19 cases; and

WHEREAS, Forsyth County, at the time the Second Amended Order was issued on April 14, 2020, had one hundred and twenty-three (123) laboratory confirmed positive COVID-19 cases with four (4) deaths; and

WHEREAS, Forsyth County, at the time of the Third Amended Order was issued on April 26, 2020, had one hundred and fifty-three (153) laboratory confirmed positive COVID-19 cases with five (5) deaths; and

WHEREAS, Forsyth County, as of July 14, 2020 has three thousand, seven hundred and eighty-five (3,785) laboratory confirmed positive COVID-19 cases with forty (40) deaths; and

WHEREAS, health authorities, including the Centers for Disease Control (“CDC”), the Surgeon General of the United States, and the North Carolina Department of Health and Human Services have recommended the use of face coverings as a means of preventing the spread of COVID-19; and

WHEREAS, Governor Cooper issued Executive Order No. 147 on June 24, 2020, a statewide mask requirement that does not cover city facilities; however, Governor Cooper strongly encouraged local governments to adopt similar policies that require face coverings; and

WHEREAS, the undersigned finds it necessary, due to the significant increase in COVID-19 cases and the recommendation of the various health authorities, to impose restrictions on the activity and actions of persons who do not wear face coverings when the use of such face coverings may protect lives and public health; and

WHEREAS, it is my desire to curtail the spread of COVID-19 within the City of Winston-Salem by requiring the use of face coverings by persons accessing buildings and enclosed structures owned or leased by the City of Winston-Salem.

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. Reaffirmation. The Declaration of a State of Emergency issued on March 13, 2020, is hereby reaffirmed, and will continue until rescinded, within the jurisdiction of the City of Winston-Salem.

Section 2. Wearing of Face Covering.

(a) **Definition.** "Face Covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A Face Covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a Face Covering has two (2) or more layers. A Face Covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels. These Face Coverings are not intended for use by healthcare providers in

the care of patients. "Surgical Mask" means American Society for Testing and Materials ("ASTM") Level 1, 2, or 3 approved procedural and surgical masks. An N95 respirator approved by the National Institute for Occupational Safety and Health ("NIOSH") (or a respirator from another country allowed by the Occupational Safety & Health Administration, the Food & Drug Administration, or the CDC) is not recommended for general public use or use in public settings, as it should be reserved for healthcare providers and other medical first responders in a health care setting. However, if worn, these respirators would meet both the Face Covering and Surgical Mask requirements of this Fourth Amended Declaration. A face shield that covers the nose and mouth also meets the Face Covering requirements of this Fourth Amended Declaration.

(b) **Requirement.** All persons, who attempt to enter a building, enclosed structure or facility owned or leased by the City of Winston-Salem ("City Building"), are hereby required to wear a clean face covering at all times while in a City Building, where it is not possible to consistently maintain and adhere to the CDC's six-foot social distancing recommendation. The term City Building shall include, but shall not be limited to, any and all City-owned and City-leased buildings, parking decks, the Winston-Salem Transit Center including transit vehicles. The list of City-owned and City-leased facilities that are covered by this face covering requirement can be found at www.cityofws.org under COVID-19 Updates. To the extent feasible, the City will also post signs at the City-owned buildings and City-leased facilities covered by this Fourth Amended Declaration.

This face covering requirement shall not apply to City owned or leased open-air facilities such as basketball shelters, swimming pools, picnic shelters, gazebos, tennis courts, the Woodland Cemetery shelter, the uncovered/open air portions of the Truist (formerly BB&T) Ballpark, and the Reynolds Park golf course. While a face covering will not be required for such open-air

facilities, individuals are strongly encouraged to adhere to CDC's six-foot social distancing recommendation.

While wearing the face covering, it is essential to still maintain social distance insofar as possible since social distancing is the best defense against the spread of the COVID-19. While supplies last, the City may provide, voluntarily, a mask to persons wishing to enter a City Building.

(c) **Exemptions.** Face coverings are not required:

- For those whose religious beliefs prevent them from wearing a Face Covering.
- For those who cannot wear a face covering due to a medical or behavioral condition or disability (including but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the face covering without assistance);
- For children under 11 years old;
- While a person is actively eating or drinking;
- While a person is strenuously exercising;
- While a person is seeking to communicate with someone who is hearing impaired in a way that requires the mouth to be visible;
- When complying with directions of law enforcement officers; and
- While a person is temporarily removing his or her Face Covering to secure government or medical services or for identification purposes.

Anyone who declines to wear a Face Covering for one of the aforementioned reasons should not be required to produce documentation or any other proof of a condition. However, the City may elect to provide access or service to said person through alternative means such as the telephone,

email, or other electronic means rather than in-person. Children under two (2) years of age should not wear a Face Covering.

This Fourth Amended Declaration shall not apply to City employees who are covered by the City of Winston-Salem personnel policies and procedures implemented and enforced by the City Manager and his designees.

Section 3. Applicability. This Fourth Amended Declaration shall apply to all City Buildings, as forth herein, within the city limits. This Fourth Amended Declaration does not supplant or override any of the Governor's executive orders. The intent is to address City buildings and amenities that are not covered by such orders. To the extent there is a conflict between this Fourth Amended Declaration and any of the Governor's executive orders, the Governor's executive orders shall prevail.

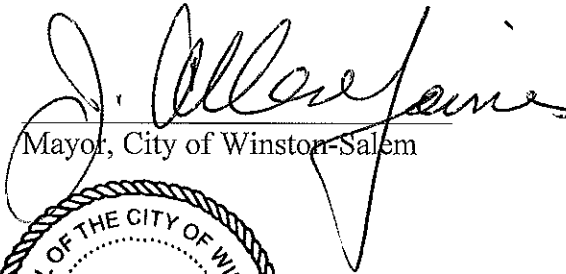
Section 4. Implementation. The intent of this declaration is to encourage voluntary compliance with the requirements established herein. Any person required to wear a mask, who enters a City Building without a mask, and who refuses to place a mask on after being informed of this requirement, may be instructed to leave a City Building by the City Manager or his designee(s), the Mayor, Mayor Pro Tempore or a Member of the Winston-Salem City Council. Refusal to leave shall be grounds for law enforcement personnel to enforce trespassing laws and any other laws that a person may violate. Law enforcement and other public safety and emergency management personnel are strongly encouraged to educate and encourage voluntary compliance with this Fourth Amended Declaration. The City Manager or his designee is hereby granted the authority to update, unilaterally, the list of City Buildings covered by this Fourth Amended

Declaration, without my amending the same, by posting the updated list on the same website as noted in Section 2 above.

Section 5. Distribution. I, hereby, order this Fourth 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 Clerk or Deputy City Clerk; and (d) to be distributed to others, as necessary, to ensure proper implementation of this Fourth Amended Declaration.

Section 6. Effective Date and Time. This Fourth Amended Declaration shall take effect at 5:00 p.m., July 16, 2020 and shall remain in effect until modified or rescinded.

DECLARED, this, the 16 day of July, 2020 at 1:55 P.M.


Mayor, City of Winston-Salem

ATTEST:


Deputy City Clerk

