



*City of Winston-Salem*

OFFICE OF THE MAYOR

POST OFFICE BOX 2511 • WINSTON-SALEM, NC 27102

J. ALLEN JOINES  
MAYOR

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

**CITY OF WINSTON-SALEM FIFTH AMENDED DECLARATION OF A  
STATE OF EMERGENCY EMPHASIZING ENFORCEMENT OF THE  
GOVERNOR'S MASK REQUIREMENTS AND CAPACITY LIMITS**

**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 5:00 p.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**, the undersigned issued a Third Amended Declaration on April 29, 2020, rescinding the Stay-At-Home Order; and

**WHEREAS**, the undersigned issued a Fourth Amended Declaration on July 16, 2020, implementing a mask requirement for city facilities; 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, at the time of the Fourth Amended Order was issued on July 14, 2020, had three thousand, seven hundred and eighty-five (3,785) laboratory confirmed positive COVID-19 cases with forty (40) deaths; and

**WHEREAS**, Forsyth County, as of November 20, 2020, has eleven thousand, seven hundred and twenty-three (11,723) laboratory confirmed positive COVID-19 cases with one hundred and fifty-six (156) deaths; and

**WHEREAS**, North Carolina, as of November 23, 2020, has three hundred and thirty-nine thousand, one hundred and ninety-four (339,194) laboratory confirmed positive COVID-19 cases with five thousand, and thirty-nine (5039) deaths; and

**WHEREAS**, the number of laboratory-confirmed positive COVID-19 cases in the United States is surging and the United States of America now has over 12 million laboratory confirmed positive COVID-19 cases; 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 continue to recommend 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, which was subsequently enhanced in additional executive orders including but not limited to, Executive Order 169 issued on September 20, 2020 and Executive Order 180 issued on November 23, 2020; and

**WHEREAS**, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, Governor Cooper has issued a series of Executive Orders including 116-122, 124-125, 129-131, 133-136, 138-144, 146-153, 155-157, 161-165, 169-173, 176-177 and 180; and

**WHEREAS**, Governor Cooper due to the increase in laboratory confirmed positive COVID-19 cases statewide has asked cities to help with enforcement of the governor's executive orders; and

**WHEREAS**, N.C.G.S. § 166A-19.30(c) in conjunction with N.C.G.S. § 166A- 19.31 and Winston-Salem City Code Section 18-21 authorizes the undersigned to prohibit and restrict the movement of people in public places; and

**WHEREAS**, N.C.G.S. § 166A-19.30(c) in conjunction with N.C.G.S. § 166A-19.31 (b)(2) and Winston-Salem City Code Section 18-21 authorizes the undersigned to prohibit and restrict the operation of offices and business establishments; and

**WHEREAS**, N.C.G. S. § 166A-19.30(c) in conjunction with N.C.G.S. § 166A-19.31(b)(5) and Winston-Salem City Code Section 18-21 authorizes the undersigned to prohibit and restrict other activities or conditions, the control of which may be reasonably necessary to protect the health and safety of persons in North Carolina during a state of emergency; and

**WHEREAS**, on November 13, 2020, Governor Cooper issued Executive Order 176 which was expressly intended to curtail the spread of COVID-19 by lowering the mass gathering limit to no more than ten (10) people indoors and no more than fifty (50) outdoors at the same time in a single confined indoor or outdoor space and extending the Governor's Phase 3 order until December 4, 2020; and

**WHEREAS**, on November 23, 2020, Governor Cooper issued Executive Order 180 which was expressly intended to curtail the spread of COVID-19 by strengthening the prior mask order set forth in Executive Order 169 by making the same enforceable against individuals,

eliminating certain exceptions and extending the Governor's Phase 3 order until December 11, 2020; and

**WHEREAS**, the Governor has requested cities in the orange category of the new COVID-19 County Alert System to undertake a number of actions including but not limited to enhanced enforcement of the mask requirements, and capacity and mass gathering limits; and

**WHEREAS**, additional entities such as the Forsyth County Department of Public Health and Greater Winston – Salem, Inc. are working with the City of Winston-Salem to educate the public and businesses regarding the Governor's executive orders, including but not limited to, the face covering or masks requirements and the emergency maximum capacity limits.

**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. Mask Order. City owned or leased facilities.** The Fourth Amended Declaration issued on July 16, 2020, is hereby reaffirmed, and amended to require a mask or face covering, regardless of social distancing, in the city facilities covered by the Fourth Amended Declaration which shall continue until rescinded. Additionally, a face covering or mask shall be worn by all people at least five (5) years old unless an exception applies. The exceptions or exemptions in said Fourth Amended Declaration are hereby amended to be consistent with Executive Order 180.

### **Section 3. Wearing of Face Covering.**

The face covering or mask requirements of the Governor's Executive Orders, including but not limited to Executive Orders 169 and 180, incorporated herein, are hereby subject to enforcement pursuant to this Fifth Amended Declaration, which enforcement shall be circumscribed by the same exceptions set forth in the Governor's Executive Orders. As such, individuals and all offices, organizations, and businesses are hereby ordered to comply with the Governor's Executive Orders that remain in effect including, but not limited to, Executive Order 180 which sets forth the Governor's most recent mask or face covering requirements. The Winston-Salem Police Department and its officers are hereby authorized to enhance their enforcement of the Governor's Executive Orders, including Executive Orders 169 and 180, through education and voluntary compliance efforts with the issuance of a citation, hereby authorized, and being the option of last resort in accordance with Section 5 herein.

### **Section 4. Capacity and Emergency Maximum Occupancy Limits.**

The Capacity and Emergency Maximum Occupancy requirements, including but not limited to the posting requirements, of the Governor's Executive Orders, incorporated herein, are hereby subject to enforcement pursuant to this Fifth Amended Declaration. As such, all offices, organizations and businesses are hereby ordered to comply with the Governor's Executive Orders that remain in effect, including but not limited to Executive Orders 169 and 180, which set forth Capacity and Emergency Maximum Occupancy limits, including the posting requirements, for offices, organizations and businesses to remain open. The Winston-Salem Fire Department, its Fire Marshal and inspectors are hereby authorized to undertake enforcement of the Capacity and Emergency Maximum Occupancy requirements, including but not limited to the posting requirements, set forth in the Governor's Executive Orders including but not limited

to Executive Orders 169 and 180 through education and voluntary compliance efforts with the issuance of a citation, hereby authorized, being the option of last resort in accordance with Section 5 herein.

**Section 5. Enforcement.**

The Winston-Salem Police Department and the Winston-Salem Fire Department are hereby authorized to: (a) educate individuals, offices, organizations and businesses regarding this Fifth Amended Declaration and the Governor's Executive Orders, including 169 and 180, regarding Face Coverings and Masks, Capacity and Emergency Maximum Occupancy limits, (b) seek voluntary compliance, and (c) issue a citation to the appropriate individual(s), office(s) organization(s) and business(es) for any and all violations that are not remedied after efforts to educate and seek voluntary compliance have been made. If voluntary compliance is not achieved, then the appropriate officials of both the Winston-Salem Police Department and the Winston-Salem Fire Department are authorized to issue a citation(s) for the appropriate violation(s). In the event that WSFD, the Fire Marshal or inspectors are unable to undertake the responsibility of issuing citations for violations associated with the Capacity or Emergency Maximum Occupancy limits, the Winston-Salem Police Department shall assume that responsibility.

Pursuant to N.C.G.S. §§ 14-288.20A and 15A-1340.23, a violation of the Governor's Executive Orders, enforced by the provisions herein, constitutes a Class 2 Misdemeanor with a maximum penalty of 60 days in jail and a fine of \$1,000. Each violation shall constitute a separate offense.

Nothing in this Fifth Amended Declaration shall be construed to usurp any authority of the Winston-Salem Police Department to enforce any of the restrictions or prohibitions that

remain in effect under any of the Governor's Executive Orders or the undersigned's amended orders.

**Section 6. Additional measures.**

The City Attorney's and the City Manager's offices are hereby directed to investigate the viability and legal authority for additional enforcement measures such as the imposition of civil penalties and civil enforcement by other city staff and to prepare the appropriate ordinance amendment for City Council approval in January 2021.

**Section 7. Winston-Salem/Forsyth County School System.**

All fines and penalties collected shall be forwarded to the Winston-Salem Forsyth County School System.

**Section 8. Applicability.**

This Fifth Amended Declaration shall apply within the city limits of the City of Winston-Salem. The Governor's executive orders shall prevail in the event of a conflict between this Fifth Amended Declaration and any of the Governor's executive orders.

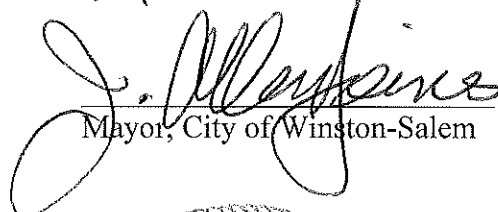
**Section 9. Distribution.**

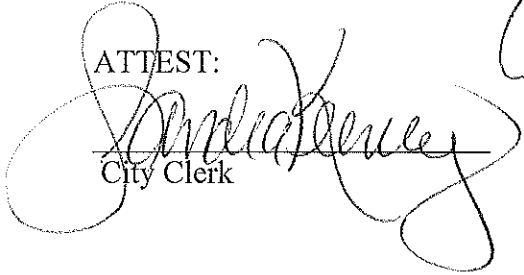
I, hereby, order this Fifth Amended Declaration: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be posted on the City's website; (c) to be filed with the City Clerk or Deputy City Clerk; and (d) to be distributed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



**Section 10. Effective Date and Time.** This Fifth Amended Declaration shall take effect at 5:00 p.m., November 25, 2020 and shall remain in effect until modified or rescinded.

DECLARED, this, the 24 day of November, 2020 at 4:15 .P.M.

  
Mayor, City of Winston-Salem

ATTEST:  
  
City Clerk

