



ORDER AND DECLARATION OF THE CHAIRMAN OF THE GUILFORD COUNTY
BOARD OF COUNTY COMMISSIONERS IMPOSING ADDITIONAL RESTRICTIONS
AND PROHIBITIONS TO REINFORCE GOVERNOR COOPER'S EXECUTIVE ORDERS
177, 181, AND 183

WHEREAS, The North Carolina General Assembly has adopted Article 1A of Chapter 166A of the General Statutes, entitled "North Carolina Emergency Management Act", which sets forth the authority and responsibility of the Governor, State agencies, and local governments in prevention of, preparation for, response to, and recovery from natural or man-made emergencies; and

WHEREAS, N.C.G.S. §166A-19.22, which is part of the North Carolina Emergency Management Act, authorizes counties to declare a state of emergency under conditions and following procedures contained in N.C.G.S. §166A-19.22; and

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person; and,

WHEREAS, the World Health Organization declared Coronavirus Disease 2019 ("COVID-19") is a Public Health Emergency of International Concern on January 30, 2020; and

WHEREAS, the Centers for Disease Control and Prevention (the "CDC") has warned of the high public health threat posed by COVID-19 globally and in the United States and has deemed it necessary to prohibit or restrict travel to areas designated by the CDC; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 391 of the Public Health Service Act; and

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

WHEREAS, on March 13, 2020, the President of the United States issued an emergency declaration for all states, tribes, territories, and the District of Columbia, retroactive to March 1, 2020, and the President declared that the COVID-19 pandemic in the United States constitutes a national emergency; 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 in addition to Executive Order 116, Executive Order Nos.117-122, 124-125, 129-131, 133-136, 138-144, 146-153, 155-157, 161-165, 169-173, 180-181, and 183; and

WHEREAS, N.C.G.S. § 166A-19.30(c) in conjunction with N.C.G.S. § 166A- 19.31 and Chapter 7.5 of the Guilford County Ordinances authorize 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 Chapter 7.5 of the Guilford County Ordinances authorize 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.G.S. § 166A-19.30(c) in conjunction with N.C.G.S. § 166A-19.31(b)(5) and Chapter 7.5 of the Guilford County Ordinances authorize 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, health authorities, including the Centers for Disease Control, 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, on November 13, 2020 Governor Cooper issued executive order 177 which was expressly intended to curtail the spread of COVID-19 by requiring the use of face coverings by persons in North Carolina and reducing the occupancy limits of most indoor activities; and

WHEREAS, on December 8, 2020 Governor Cooper issued executive order 181 which was expressly intended to slow the spread of COVID-19 and reduce COVID-19 morbidity and mortality by implementing a modified stay at home order requiring night time closure for certain businesses and activities during overnight hours; and,

WHEREAS, on December 21, 2020 Governor Cooper issued executive order 183 authorizing delivery and carry-out of services and products as an alternative to on-site consumption and receipt; and,

WHEREAS, declaring a State of Emergency reinforcing the provisions of Governor Cooper's Executive Order 181 by imposing the restrictions and prohibitions ordered herein is necessary to protect public health, safety, and welfare of citizens in the County; and

WHEREAS, Guilford County has experienced a continued rise in cases of persons testing positive for COVID-19 and increased number of hospitalizations; and,

WHEREAS, on January 7, 2021, the CDC issued a Community Profile Report which reported Greensboro, NC showing spiking incidents of COVID-19. The report listed Greensboro, NC as being among the top 10 cities with in the nation with populations between

250,000 – 1 million with spiking incidents of COVID-19 over the first seven days of 2021. It listed Greensboro, NC with increasing cases per 100,000 (455) and lab test positivity (14.6%).

WHEREAS, certain types of businesses by their very nature present greater risks of the spread of COVID-19 because of the nature of the activity and pose greater difficulty in enforcing the regulations;

NOW, THEREFORE, pursuant to the authority vested in me as Chairman of the Guilford County Board of County Commissioners under North Carolina General Statute § 166A-19.31 and Guilford County Ordinance,

IT IS ORDERED:

That all offices and businesses in Guilford County continue to comply with Governor Cooper's Executive Orders as currently in effect, the Order and Declaration of the Chairman of the Guilford County Board of Commissioners issued March 13, 2020 and to comply with the following additional restrictions:

During the Night Time Public Closure Period, as defined in Executive Order 181, and as it may have been or may be amended, presently 10:00 PM to 5:00AM, all business except those exempted under Executive Order 181 Section 3.17 and as it may have been amended or may be amended (such exceptions presently including Retail Businesses that sell groceries, medication, fuel, or other health care supplies) must be closed so that no Guests are admitted into the premises. For these purposes, premises shall not include parking lots, sidewalks, and drive through lanes.

This Order and Declaration does not prohibit curbside pick-up, delivery, or drive-through sales to the extent permitted by Governor Cooper's current Executive Orders (and as they may have been amended or may be amended).

This Order and Declaration does not authorize any operations or conduct that is prohibited under Governor Cooper's current Executive Orders (and as they may have been amended or may be amended).

This Order and Declaration applies throughout Guilford County to the fullest extent permitted under N.C.G.S. §§166A-19.22 and 166A-19.31.

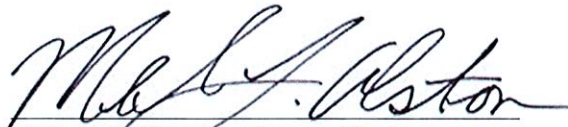
This Order and Declaration shall remain in force and effect until the earlier of: (1) The expiration of the State of Emergency declared by Guilford County on March 13, 2020; (2) The expiration or termination of the Night-Time Public Closure Period contained in Executive Order 181 (and as it may have been or may be amended); or (3) An Order terminating this Order and Declaration.

If any section, subsection, sentence, clause, or phrase of this Order and Declaration is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Order and Declaration. The undersigned hereby declares that she would have passed this Order and Declaration and each section, subsection, clause, and phrase thereof, irrespective of

the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

This Order shall become effective at 5:00 pm on Friday, January 15, 2021.

DECLARED this the 13th day of January 2021



Melvin J. "Skip" Alston, Chairman

Guilford County Board of Commissioners

ATTEST:


Robin Keller, County Clerk