

CITY OF FAYETTEVILLE STATE OF EMERGENCY DECLARATION

A DECLARATION ISSUING A STATE OF EMERGENCY WITHIN THE CITY OF FAYETTEVILLE, NORTH CAROLINA, PURSUANT TO ARTICLE 1A, CHAPTER 166A, N.C.G.S.; N.C.G.S. § 166A-19.22; AND CHAPTER 9 OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE

That Whereas, the novel coronavirus known as COVID-19 is a respiratory disease that can spread from person to person and result in serious illness and death; and

Whereas, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020; and

Whereas, on March 10, 2020 North Carolina Governor Roy Cooper issued Executive Order Number 116 declaring as State of Emergency for the State of North Carolina based on the public health emergency posed by COVID-19, and issued guidance recommending the cancellation or postponement of gatherings and events likely to draw one-hundred (100) or more persons, and

Whereas, on March 13, 2020 President Donald Trump issued a national proclamation that the COVID-19 outbreak in the United States a national emergency, beginning March 1, 2020; and

Whereas, on March 14, 2020 North Carolina Governor Roy Cooper issued Executive Order Number 117 prohibiting mass gatherings of one-hundred (100) or more persons in public places and public buildings, with exceptions enumerated, and violations of the Order are punishable as a Class 2 misdemeanor in accordance with N.C. Stat. 14-288.20A; and

Whereas, the undersigned, in consultation with Cumberland County, North Carolina local public health officials, has determined it is necessary and appropriate to act to ensure that COVID-19 remains controlled and that residents of and visitors to the City of Fayetteville remain safe and secure; it is in the best interest of the public health, safety, and welfare that a **STATE OF EMERGENCY DECLARATION** be issued by the Mayor of the City of Fayetteville, North Carolina, pursuant to the authority of the Mayor as set forth in ARTICLE 1A, CHAPTER 166A, N.C.G.S.; N.C.G.S. § 166A-19.22; and CHAPTER 9 OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE;

NOW, THEREFORE, I, MAYOR, DO HEREBY DECLARE A STATE OF EMERGENCY DECLARATION WITHIN THE CITY LIMITS OF THE CITY OF FAYETTEVILLE COMMENCING AT 11:00 A.M. ON THE 16th DAY OF MARCH, 2020 AND CONTINUING UNTIL TERMINATED BY APPROPRIATE DECLARATION ISSUING THE SAME.

AND THAT FURTHER, DURING SAID STATE OF EMERGENCY DECLARATION, AS ISSUED HEREIN, THE FOLLOWING RESTRICTIONS SHALL BE IN EFFECT:

Section 1. State of Emergency

The Mayor declares a State of Emergency as defined by N.C. Gen. State 166A-19.3(6) and N.C. Gen. Stat. 166A-19.3(19) for the City of Fayetteville based on the public health Emergency posed by COVID-19.

The emergency area, as defined in N.C. Gen. Stat. 166A-19.3(7) is the entirety of the City of Fayetteville NOT under the jurisdictional control of AND contiguous to Fort Bragg Army Base.

Section 2. Limitations on Organized Assemblages on City-Owned Property

Pursuant to N.C. Gen. Stat. 166A-19.31(b)(1) and Chapter 9 of the Fayetteville City Code of Ordinances, it shall be prohibited for any organized group of one-hundred (100) or more persons to assemble on property owned by the City of Fayetteville until this declaration has been rescinded.

This prohibition shall be construed to include events hosted on City-owned property that are expected to attract one-hundred (100) or more persons. This prohibition applies only to assemblies on City-owned property, and does not regulate or limit any such gatherings on privately owned property.

Further, this Declaration incorporates in its entirety Section 1: Prohibition of Mass Gatherings as written in Governor Roy Cooper's Executive Order 117 issued on March 14, 2020.

This prohibition does not apply to government employees and other groups authorized to assemble by the City Manager.

Section 3. Term and Future Modification

The State of Emergency declared herein shall continue until it is expressly rescinded. Pursuant to Chapter 9 of the Fayetteville City Code of Ordinances, the provisions of this Declaration may be amended by the issuance of subsequent declaration as conditions warrant. Violations of the Declaration are punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. 14-288.20A

Section 4. Other actions necessary to maintain order and protect lives and property.

The Mayor may enact ordinances designed to permit the imposition of prohibitions and restrictions within the emergency area during a state of emergency declared pursuant to G.S. 166A-19.22. The mayor or the chair of the board of county commissioners of a county may impose by declaration prohibitions and restrictions under this section at a particular time as appropriate.

The types of restrictions allowed include the following: (1) the movements of people and the implementation of a curfew; (2) the operation of offices, business establishments, and other places where people may travel to or congregate; (3) the possession, transportation, sale, purchase, and consumption of alcoholic beverages; (4) the possession, transportation, sale, purchase, storage, and use of gasoline; (5) and any other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives of property during the state of emergency.

Any individual who violates any provision of an ordinance or a declaration enacted or declared pursuant to this section shall be guilty of a Class 2 misdemeanor in accordance with G.S. 14-288.20A.

Section 5. Removal of prohibitions and restrictions, and declaration termination.

The Mayor shall, by declaration, terminate the entire state of emergency declaration or remove any of the bans and restrictions when the emergency no longer requires them, or when directed to do so by the City Council. A declaration shall expire five days after the imposition unless renewed.

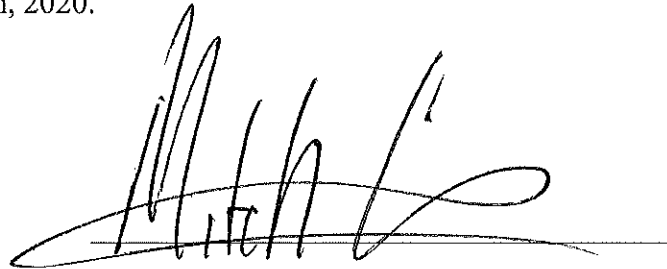
Section 6. Other provisions.

(A) The provisions of ARTICLE 1A, CHAPTER 166A, N.C.G.S.; N.C.G.S. § 166A-19.22; and CHAPTER 9 OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE, are incorporated by references as if fully set forth herein.

(B) The City directs that copies of this Declaration be disseminated to the mass communication media for publication and broadcast, and that a copy of this Declaration be posted at Fayetteville City Hall, and other City-owned buildings as appropriate.

(C) In case of the absence or disability of the Mayor, the Mayor Pro Tem or other such person as may be designated by the City Council shall have the authority to exercise all of the powers herein given the Mayor.

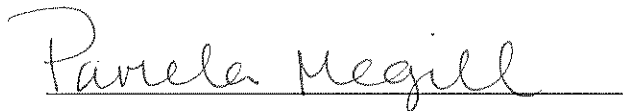
Executed and imposed this 16th day of March, 2020.



MITCH COLVIN, Mayor



ATTEST:



PAMELA MEGILL, City Clerk