

**THIRD AMENDMENT TO  
CITY OF FAYETTEVILLE STATE OF EMERGENCY DECLARATION**

**THIRD AMENDMENT TO THE 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**

**WHEREAS**, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(1) and Chapter 9 of the City of Fayetteville, NC, Code of Ordinances authorizes the undersigned to prohibit and restrict the movement of people in public places, including by (a) imposing a curfew; (b) directing and compelling the voluntary or mandatory evacuation of people from an area; (c) prescribing routes, modes of transportation, and destinations in connection with evacuation; (d) controlling the movement of persons within an emergency area; and (e) closing streets, roads, highways, and other areas ordinarily used for vehicular travel, except to the movement of persons necessary for recovery from the emergency; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-1(b)(2) and Chapter 9 of the City of Fayetteville, NC, Code of Ordinances authorizes 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. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(5) and Chapter 9 of the City of Fayetteville, NC, Code of Ordinances authorizes the undersigned to prohibit and restrict activities which may be reasonably necessary to maintain order and protect lives and property during a state of emergency; and

**WHEREAS**, a State of Emergency Declaration for the City Limits of the City of Fayetteville was executed and imposed on the 17th day of March, 2020, in response to the pandemic of the novel coronavirus known as COVID-19; and

**WHEREAS**, an Amendment to the State of Emergency Declaration for the City Limits of the City of Fayetteville was executed and imposed on the 23rd day of March, 2020; and

**WHEREAS**, North Carolina Governor Roy Cooper issued Executive Order Nos. 117-120 for the purposes of protecting the health, safety, and welfare of the people of North Carolina; and

**WHEREAS**, on March 27, 2020, North Carolina Governor Roy Cooper issued Executive Order No. 121, Stay at Home Order and Strategic Directions for North Carolina in Response to Increasing COVID-19 Cases; and

**WHEREAS**, Executive Order No. 121 is incorporated by reference as if fully set forth herein; and

**WHEREAS**, a Second Amendment to the State of Emergency Declaration for the City Limits of the City of Fayetteville was executed on the 31st day of March, 2020, with an effective date of April 1, 2020; and

**WHEREAS**, individuals who contract the virus display no symptoms or have mild symptoms which means they may not be aware they carry the virus; and

**WHEREAS**, people without symptoms can transmit the disease and evidence shows the disease is easily spread; and

**WHEREAS**, additional actions must be taken immediately to ensure optimal mitigation of COVID-19 and that City of Fayetteville residents remain safe and secure; and

**WHEREAS**, the spread of the disease poses a threat to life, property, and the economy in the City of Fayetteville due to illness-related absenteeism, particularly among public safety personnel, healthcare personnel, and persons engaged in activities and businesses critical to the economy and infrastructure of the City of Fayetteville; and

**WHEREAS**, local and state officials must use all preventative and mitigation measures, which will require access to available services, personnel, equipment, and facilities to respond to COVID-19; and

**WHEREAS**, the undersigned has determined that additional restrictions and prohibitions are required to slow the spread of COVID-19 in the City of Fayetteville; and

**WHEREAS**, the undersigned has determined that an amendment to Section 2, Public Gatherings Prohibited, of the Second Amendment to the State of Emergency Declaration for the City Limits of the City of Fayetteville executed on the 31st day of March, 2020, with an effective date of April 1, 2020, is required.

**NOW, THEREFORE**, in addition to the restrictions set forth in Executive Order No. 121 signed by Governor Cooper on March 29, 2020, which is incorporated by reference herein, the provisions of Section 2, Public Gatherings Prohibited, of the Second Amendment to the State of Emergency Declaration for the City Limits of the City of Fayetteville is amended by repealing this section in its entirety and substituting the following:

**2. Public Gatherings Prohibited:**

(a) All public and private gatherings of any number of people, occurring outside a single household or residential unit, are prohibited. Nothing in this Declaration shall prohibit the gathering of members of a single household or single residential unit.

(b) This prohibition shall not include any operations of COVID-19 Essential Businesses or Operations as defined in the Governor's Executive Order No. 121.

THEREFORE, I, MAYOR, DO HEREBY DECLARE THIS THIRD AMENDMENT TO THE STATE OF EMERGENCY DECLARATION.

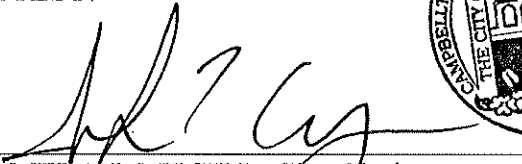
AND THAT FURTHER, THE PROVISIONS OF THE STATE OF EMERGENCY DECLARATION, AMENDMENT THE TO STATE OF EMERGENCY DECLARATION, AND THE REMAINING PROVISIONS OF THE SECOND AMENDMENT TO THE STATE OF EMERGENCY DECLARATION SHALL BE INCORPORATED HEREIN IN FULL FORCE AND EFFECT.

Executed this 3<sup>RD</sup> day of April, 2020, and effective APRIL 3, 2020.

  
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MITCH COLVIN, Mayor



ATTEST:

  
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PAMELA J. MEGILL, City Clerk  
JENNIFER L. AYRE, DEPUTY CITY CLERK