



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 EIGHTH AMENDED DECLARATION OF A STATE OF EMERGENCY INSTITUTING A CITY-WIDE FACE COVERING REQUIREMENT

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, undersigned issued a Fifth Amended Declaration on November 24, 2020 emphasizing enforcement of the Governor's mask requirements and capacity limits;

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, and 176-177; 180-181, 183-185, 188-193, 195, 197-198, 200, 204-207, 209-212 and 215; and

WHEREAS, COVID-19 vaccines are now widely available at no cost to all eligible North Carolinians who wish to receive one, and all eligible individuals are encouraged to get vaccinated; and

WHEREAS, on May 13, 2021, the U.S. Centers for Disease Control and Prevention ("CDC") issued new Interim Public Health Recommendations for Fully Vaccinated People; and

WHEREAS, the Governor issued Executive Order 215 on May 14, 2021, effective May 24, 2021 at 1:30 p.m., lifting the face covering requirements in most settings and lifting the capacity restrictions and social distancing requirements in all settings; and

WHEREAS, the undersigned, based upon recommendations of the CDC, lifted the face covering requirements for City owned and leased buildings and issued a Sixth Amended Declaration on May 21, 2021; and

WHEREAS, the CDC recently issued guidance advising that the Delta variant is very contagious and that face coverings should be worn indoors, regardless of one's vaccination status; and

WHEREAS, the undersigned issued the Seventh Amended Declaration on July 30, 2021 requiring face coverings to be worn indoors, regardless of vaccination status, in all City owned and leased facilities; and

WHEREAS, Winston-Salem has seen a significant increase in the number of positive COVID-19 cases; and

WHEREAS, the undersigned, after consulting with the local medical community, finds it necessary to institute a City-wide face covering requirement, regardless of one's vaccination status, to help slow the spread of COVID-19 and its variants.

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, and the Seventh Amended Declaration issued on July 30, 2021 are 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 Eighth Amended Declaration. The phrase "Face Covering" is used interchangeably with "mask". A face shield that covers the nose and mouth also meets the Face Covering requirements of this Eighth Amended Declaration.

(b) **Requirement.** All persons, irrespective of vaccination status, who are present within the jurisdiction of the City of Winston-Salem, are required to wear a clean face covering any time they are, or will be, in contact with other people who are not household members, in public or

private indoor spaces. These spaces include, but are not limited to, grocery stores, pharmacies, business locations, restaurants, bars, gyms, and fitness centers. While wearing the face covering, it is essential to still maintain distance insofar as possible since social distancing is an effective defense against the spread of COVID-19 and its variants. The wearing of a face covering when outdoors is strongly encouraged when social distancing is not possible.

(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 a child under 5 years old and whose parent, guardian, or responsible person has been unable to place and maintain a face covering safely on a child's face;
- 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;
- While a person is temporarily removing his or her Face Covering to secure government or medical services or for identification purposes;
- When in a private, individual office;
- When giving a speech or performance or a broadcast, or to an audience, where they maintain a distance of at least 20 feet from the audience;

- When working at home or in a personal vehicle;
- When wearing a face covering at work would be a risk, as determined by local, state, or federal regulations or workplace safety guidelines;
- When wearing a face covering would impede visibility to operate equipment or a vehicle; and
- For worship, religious, spiritual gatherings, funeral ceremonies, wedding ceremonies, and other activities constituting the exercise of First Amendment rights.

Anyone who declines to wear a Face Covering for one of the aforementioned reasons will not be required by this Order to produce documentation or any other proof of a condition. However, nothing in this Order should be interpreted to preclude a business or any other third party from requiring such documentation. Children under two (2) years of age should not wear a Face Covering.

This Eighth Amended Declaration shall not apply to the Federal, State or Forsyth County government.

Section 3. Enforcement.

The City Manager's Office is hereby authorized to designate City staff to enforce the Eighth Amended Declaration, including the issuance of civil penalties pursuant to Section 18-21(l) of the Winston-Salem Code of Ordinances, for any and all violations that are not remedied after voluntary compliance is sought.

Section 4. Applicability. This Eighth Amended Declaration shall apply within the city limits of the City of Winston-Salem.

Section 5. Distribution. I, hereby, order this Eighth 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 Eighth Amended Declaration.

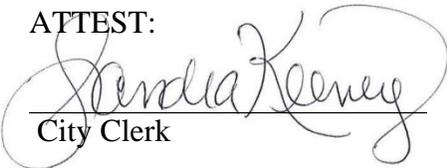
Section 5. Effective Date and Time. This Eighth Amended Declaration shall take effect Friday, August 20, 2021 at 5:30 p.m. and shall remain in effect until modified or rescinded.

DECLARED, this, the 16th day of August, 2021.



Mayor, City of Winston-Salem

ATTEST:



City Clerk

