



**The Town of Davidson
Board of Commissioners
Post Office Box 579
216 South Main Street
Davidson, North Carolina 28036**

**SECOND AMENDMENT TO THE PROCLAMATION OF STATE OF EMERGENCY IN
TOWN OF DAVIDSON**

Sec.1. Whereas, the North Carolina General Assembly has adopted Article 1A of Chapter 166A of the General Statutes entitled “North Carolina Emergency Management Act” (ACT) which sets forth authority and responsibility of local governments in prevention of, preparation for, response to and recovery from natural or man-made emergencies; and G.S. 166A-19.22 and G.S. 166A-19.31 which are part of the ACT authorizes municipalities to impose prohibitions and restrictions; and

Sec. 2. Whereas, based on public health concerns, the Governor declared a state of emergency on behalf of the state of North Carolina on March 10, 2020; and Governor Roy Cooper has issued several Executive Orders to address and mitigate the threat of COVID 19 to vulnerable populations and slow the spread of COVID 19 in North Carolina. The last Executive Order requiring the wearing of face coverings expired on July 30, 2021; and

Sec 3. Whereas, Mecklenburg County in conjunction with the City of Charlotte, Town of Davidson and five other towns in the County signed a Joint Proclamation of State of Emergency on March 13, 2020 and further amended said proclamation of emergency on June 31, 2020; and

Sec 4. Whereas, the novel Coronavirus (COVID-19) is a global pandemic that is easily transmitted from person to person and has created a state of emergency in the State of North Carolina and Mecklenburg County; and

Sec. 5. Whereas, Center for Disease Control and Prevention (CDC) has determined that COVID-19 is spread primarily between people in close proximity to one another and can be

transmitted through respiratory droplets produced when an infected person coughs, sneezes or talks and recommends social distancing to prevent the continued spread of the virus; and

Sec 6. Whereas, recommends wearing a face covering or non-surgical protective face masks in public settings, practicing social distancing and washing one's hands frequently as measures designed to help slow or prevent the spread of the virus and to prevent individuals who may be infected and unaware of transmitting the virus to others; and

Sec. 7. Whereas, after restrictive measures were implemented, there was a significant decline in positivity rates, however after relaxing the restrictions and with the new COVID DELTA variant strain - which is shown to be more easily spread - there has been an increase in laboratory-confirmed positive cases and hospitalizations in Mecklenburg County, at the same time the face mask-wearing and social distancing were declining; and

Sec. 8. Whereas, many people who contract the virus may be asymptomatic and not aware they carry the virus and can spread the virus (this includes post-vaccinated). People without symptoms can transmit the disease. The data shows the Delta variant is easily spread, therefore any gatherings of people without face coverings can result in the further transmission of viral infections; and

Sec. 9. Whereas, it is essential to slow the viral transmission and community spread as much as possible to protect the most vulnerable and children under 12 years old and to prevent overwhelming the healthcare system, which currently is experiencing a significant increase in hospitalization; and

Sec. 10. Whereas, Mecklenburg's County Health Director and operators of Atrium Health and Novant Health, major health care providers in the County confirm the rate of infections is at a level requiring immediate and prompt action to slow the spread and to preserve medical supplies and hospital capacity; and

Sec. 11. Whereas, on August 18, 2021, the Chairman of the Mecklenburg County Board of Commissioners, and the Mayor of the City of Charlotte in consultation with Mecklenburg County Public Health and Charlotte Emergency Management mandated that face coverings be worn in any indoor public place, business, or establishments within the City of Charlotte and unincorporated areas of Mecklenburg County regardless of vaccination status. This requirement, which applies to all individuals who are at least four years of age, commenced on Wednesday August 18, 2021 at 5:00 p.m. This mandate is in effect until September 1, 2021 or until rescinded; and

Sec. 12. Whereas, the Mecklenburg County Board of Health Rule "Requiring Face Coverings to be Worn in All Public Places" was signed by the Chairman of Mecklenburg County Board of Commissioners as a consolidated Human Services Agency (CHSA) exercising the powers pursuant to N.C.G.S. 153A-77. The Board of Health Rule will apply throughout Mecklenburg

County, including but not limited to all Cities and Towns whether incorporate or unincorporated. This Rule was signed August 18, 2021 and, pending a 10-day notice period will be effective August 28, 2021; and

Sec 13. Whereas, in consideration of all available data related to the impacts of COVID-19 in Mecklenburg County and in the Town of Davidson, the undersigned has determined it is in the best interest of the Town to amend the Proclamation subject to the conditions set forth herein:

NOW THEREFORE, pursuant to the authority under Section 19.22 of Chapter 166.A of NCGS and the Proclamation of March 23, 2020, the provisions of this Amended Proclamation is incorporated herein with the following additional requirements:

Mask Mandate

A. Face Coverings Required in Public Places.

The Town enacts the following restriction on the operation of offices, business establishments, and other public places within the Town:

- (1) Individuals must wear Face Coverings when indoors in all businesses, establishments, and public places.
- (2) All businesses, establishments, and public places must require that all persons wear Face Coverings when indoors on their premises.

B. Exceptions. Face Coverings do not need to be worn by someone who:

- (1) Should not wear a Face Covering due to any 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);
- (2) Is under five (5) years of age;
- (3) Is actively eating or drinking;
- (4) Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
- (5) Is giving a speech or performance for a broadcast, or to an audience, where they maintain a distance of at least 20 feet from the audience;
- (6) Is working at home or is in a personal vehicle;
- (7) Is temporarily removing their Face Covering for identification purposes to secure government or medical services;
- (8) Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;

- (9) Has found that their Face Covering is impeding visibility to operate equipment or a vehicle;
- (10) Is a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face;
- (11) Is alone in an enclosed space, such as a room, office or vehicle; or
- (12) Is in settings where it is not practical or feasible to wear a Face Covering, including when obtaining or rendering goods or services, such as the receipt of dental services or while swimming.

Worship, religious, spiritual gatherings, funeral ceremonies, wedding ceremonies, and other activities constituting the exercise of First Amendment rights are exempt from all requirements of this Rule, notwithstanding any other provision of this Rule.

Anyone who declines to wear a Face Covering for these reasons should not be required to produce documentation or any other proof of a condition. Everyone is asked to tell the truth and if they are healthy and able to wear a mask-to wear a Face Covering so that they do not put other people at risk of serious illness and death.

C. Definitions

The following definitions are applicable to this Rule:

“Enforcement Officer” means the following officers or employees or their designated assistants or deputies:

- (1) Town sworn law enforcement officers;

"Face Covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears and fits snugly against the side of a person's 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, or gaiter face masks. 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. A face shield, alone, is not a “face covering.”

D. Enforcement

Authority and Discretion to Enforce. Any law enforcement officer within the Enforcement Officer’s jurisdiction, is authorized to enforce against a violation of this Rule. Enforcement under this Rule shall be in the sole discretion of the Enforcement Officer in which the violation occurs.

E. Severability.

Should any section of this Rule be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Rule as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

This proclamation amendment goes into effect on August 23, 2021 at 8:00 a.m. and will remain in effect through September 1, 2021, 11:59 p.m. or until the effective date of the Mecklenburg County Board of Health Rule Requiring Face Coverings to be Worn in All Public Places passed by the Mecklenburg County Board of Commissioners on August 18, 2021 if its effective date is earlier than September 1, 2021. If the Mecklenburg Health Rule does not go into effect prior to September 1, 2021, this Town of Davidson proclamation amendment will end on September 1, 2021 at 11:59 p.m.

This proclamation will amend the face covering provision in the First Amendment to the State of Emergency put into effect June 2020.

A copy of this Amendment to Proclamation shall be provided to the Clerk to the Board of Commissioners. Reports of the substance of its prohibitions and restrictions shall be sent immediately to the mass communications media serving the Town of Davidson and posted to the Town's website. As soon as practical, the full text of this Amendment to Proclamation shall distributed to the mass communications media serving the Town of Davidson.

Proclaimed:

Rusty Knox, Mayor
The Town of Davidson

Date

Approved as to form:

Town Attorney

DRAFT