

**PROCLAMATION CONTINUING TOWN OF APEX STATE OF EMERGENCY  
AND TERMINATION OF WAKE COUNTY EMERGENCY RESTRICTIONS IN FAVOR  
OF STATE RESTRICTIONS**

**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 319 of the Public Health Service Act; and

**WHEREAS**, on March 5, 2020, Wake County activated the Wake County Emergency Operations Center in response to Covid-19;

**WHEREAS**, on March 10, 2020, the Governor of the State of North Carolina declared a State of Emergency as defined by N.C. Gen. Stat. 166A-19.3(6) and 166A-19.3(19) for the State of North Carolina based on the public health emergency posed by COVID-19; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak as a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories and the District of Columbia pursuant to the Robert T. Stafford Relief and Emergency Assistance Act (Stafford Act); and

**WHEREAS**, on March 13, 2020, the County of Wake, with consent of incorporation by the City of Raleigh and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell and Zebulon, declared a State of Emergency ("**March 13, 2020 Proclamation of State of Emergency**") ; and

**WHEREAS**, on March 16, 2020, the Town of Apex declared a State of Emergency ("March 16<sup>th</sup>, 2020 Proclamation Declaring a State of Emergency in the Town of Apex, North Carolina) which also requested application of the Wake County March 13, 2020 Proclamation of State of Emergency to the Town of Apex; and

**WHEREAS**, on March 22, 2020, the County of Wake with consent of incorporation by the City of Raleigh and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell and Zebulon and portions of the Towns of Angier, Clayton and Durham incorporated in the borders of Wake County, enacted a limited Proclamation of Emergency Restrictions that placed restrictions on nursing homes and long term care facilities, the operation of certain businesses (i.e. fitness clubs and salons), prohibited mass gatherings greater than 50 and restricted the use of playgrounds ("**March 22, 2020 Proclamation of Emergency Restrictions**") ; and

**WHEREAS**, on March 25, 2020, the President of the United States, pursuant to the Stafford Act, approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina, and

**WHEREAS**, on March 26, 2020, the County of Wake with consent of incorporation by the City of Raleigh and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell and Zebulon and portions of the Towns of Angier, Clayton and Durham incorporated in the borders of Wake County, superseded the March 22, 2020 order by enacting additional restrictions under a Proclamation of Emergency Restrictions which further restricted the movement and travel of all persons in public places, business activity, prohibited gatherings of persons outside the same household and implemented mandatory social distancing practices (**“March 26, 2020 Proclamation of Emergency Restrictions”**); and

**WHEREAS**, on March 27, 2020, the Governor of North Carolina issued Executive Order No. 121, implementing a statewide stay at home order (**“State Stay at Home Order”**) which placed similar restrictions on the business activity and gatherings to mitigate the spread of Covid-19, while preserving the authority for local governments to impose more restrictive emergency measures; and

**WHEREAS**, on April 9, 2020, the Governor of North Carolina issued Executive Order No. 131 which enacted specific social distancing regulations and mandatory sanitation practices for retail establishments (e.g. maximum occupancy requirements) that preempted local government restrictions, to the extent there was a conflict; and

**WHEREAS**, on April 10, 2020, the Town of Apex issued a Declaration and Consent Requesting Wake County Restrictions and Prohibitions apply within the Jurisdictional Limits of the Town of Apex, North Carolina, which amended the Wake County Chairman’s Proclamation dated March 26, 2020 as it related to Section 10 of the Proclamation but otherwise declared that all other prohibitions and restrictions imposed in the March 26, 2020 Wake County Chairman’s Proclamation remain in effect until the Proclamation, its amendments and supplements, expires or is rescinded and that ordinances, restrictions and prohibitions set forth in Proclamation apply within the Town of Apex; and

**WHEREAS**, on April 15, 2020, the County of Wake with consent of incorporation by the City of Raleigh and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell and Zebulon and portions of the Towns of Angier, Clayton and Durham incorporated in the borders of Wake County, enacted a First Amendment to Proclamation of Emergency Restrictions which clarified and modified retail restrictions, drive-in services for faith organizations and funeral services (**“April 15, 2020 First Amendment to Proclamation of Emergency Restrictions”**); and

**WHEREAS**, on April 18, 2020, the County of Wake with consent of incorporation by the City of Raleigh and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell and Zebulon and portions of the Towns of Angier, Clayton and Durham incorporated in the borders of Wake County, enacted a Second Amendment to Proclamation of Emergency Restrictions for the purpose of modifying mandatory health screen requirements for businesses (**“April 18, 2020 Second Amendment to Proclamation of Emergency Restrictions ”**); and

**WHEREAS**, on April 23, 2020, the Governor of North Carolina issued Executive Order 135 extending and modifying various restrictions and exemptions issued in Executive Orders 117-134 and extending the State Stay at Home Order through May 8, 2020; and

**WHEREAS**, the Wake County Proclamation of Emergency Restrictions, as amended, is set to expire on April 30, 2020; and

**WHEREAS**, the Mayor of the Town of Apex based upon guidance from the CDC and NCDHHS has determined that there is a continued need for the Proclamation Declaring a State of Emergency in the Town of Apex, North Carolina to remain in place and that the restrictions enacted in the Town's Proclamation and the Governor's Executive Orders have demonstrated effectiveness; and

**WHEREAS**, it has been determined that at this time the restrictions enacted in the Governor's Order adequately protect the health and safety of the Town of Apex residents without a separate Wake County Proclamation of Emergency Restrictions or Town consent to said Proclamation, and uniformity of restrictions shall improve public understanding and adherence to restrictions.

**NOW, THEREFORE**, pursuant to the authority contained in Article 1A of N.C. Gen. Stat. Chapter 166A, and Chapter 7 of the Town of Apex Code of Ordinances, I, Jacques K. Gilbert, Mayor of the Town of Apex, do hereby proclaim that for the safety and welfare of residents:

1. This Proclamation shall have no effect on the Proclamation Declaring a State of Emergency in the Town of Apex activated March 16, 2020. The Proclamation Declaring a State of Emergency in the Town of Apex shall continue in effect within the entire jurisdiction of the Town of Apex subject to the following restrictions, prohibitions and proclamations herein until amended or rescinded pursuant to N.C. Gen Stat. 166A-19.22(c).

2. The Town's Declaration and Consent Requesting Wake County Restrictions and Prohibitions Apply Within the Jurisdictional Limits of the Town of Apex, North Carolina, dated March 22, 2020, March 26, 2020, and April 15<sup>th</sup>, 2020 as well as the Town's consent to the **March 22, 2020 Proclamation of Emergency Restrictions, March 26, 2020 Proclamation of Emergency Restrictions, April 15, 2020 First Amendment to Proclamation of Emergency Restrictions, and April 18, 2020 Second Amendment to Proclamation of Emergency Restrictions** previously enacted by Wake County and any amendments thereto **shall terminate at 11:59 p.m. on April 30, 2020** within the Town of Apex.

3. For the purpose of aligning with the Governor's Executive Orders pertaining to COVID-19 (currently Nos. 117- 135) and establishing uniformity and consistency with the State prohibitions and guidelines, I hereby adopt and incorporate all restrictions and

prohibitions contained in the Governor's Executive Orders as related to the activity of people and businesses, and mandate they be followed within the entire jurisdiction of the Town of Apex for the time period of their effective dates, which shall include any extensions, amendments of, or future Governor's Executive Orders. This Proclamation may be amended if it is determined that the health and safety of Town of Apex residents are not adequately protected based upon existing evidence and recommendations by health care professionals, guidance from the CDC, NCDHHS, the Wake County Human Services Director, Wake County Office of Emergency Management and State officials.

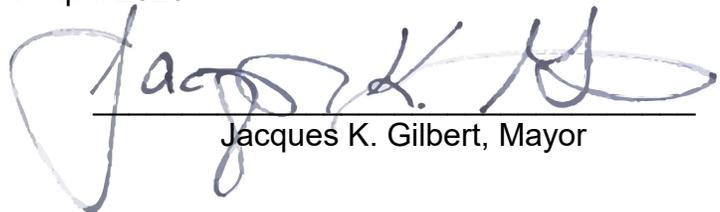
4. I hereby order all Town law enforcement officers and employees and all other emergency management personnel subject to the Town's control to cooperate in the enforcement and implementation of the provisions of this Proclamation, all applicable local ordinances, state and federal laws, and the Town of Apex Emergency Operations Plan or Policy until this Proclamation expires or is Rescinded.

5. I hereby order this Proclamation: (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 filed with Clerk to the Apex Town Council and (c) to be distributed to others as necessary to ensure proper implementation of this Proclamation.

6. Any person violating any prohibition or restriction imposed by this Proclamation shall be guilty of a Class 2 misdemeanor in accordance with N.C. Gen Stat. §14-288.20A.

7. If any section, subsection, sentence, clause, or phrase of this Proclamation is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Proclamation.

**PROCLAIMED** this the 29<sup>th</sup> day of April 2020.



Jacques K. Gilbert, Mayor