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**EMAIL TO:** All Sheriffs  
**FROM:** Eddie Caldwell  
Executive Vice President and General Counsel  
North Carolina Sheriffs' Association  
**SENT:** April 24, 2020  
**SUBJECT:** Executive Order 135  
Extends Safety Restrictions Through May 8, 2020

On April 23, 2020, Governor Roy Cooper issued Executive Order No. 135, a copy of which is attached. This Executive Order focuses on extending safety restrictions in previous Executive Orders to prevent the spread of COVID-19, as described below.

**Restrictions on Bars and Restaurants Remain in Effect**

Sections 1, 4 and 5 of Executive Order No. 118 are extended to May 8, 2020. This means that restaurants will remain closed for dine-in service through May 8, 2020, but may continue to provide carry-out, drive through and delivery service. In addition, bars are to remain closed.

As with previous Executive Orders, Executive Order No. 135 does not direct the closure of businesses that currently provide for the sale of beer or wine for off-premises consumption and does not affect grocery stores, pharmacies, convenience stores, gas stations, and charitable food distribution sites, provided these businesses are not providing dine-in food service. ABC stores are to remain open.

**Entertainment Facilities, Gaming Establishments and Personal Care and Grooming Businesses Will Remain Closed**

Sections 1, 2, 3 and 5 of Executive Order No. 120 are also extended to May 8, 2020. This means that entertainment facilities without a retail or dining component must remain closed through May 8, 2020. Entertainment facilities that must remain closed include bowling alleys, health clubs, indoor/outdoor pools, skating rinks, indoor exercise facilities, movie theaters, spas, bingo parlors and gaming establishments.

Gaming establishments that must remain closed include any "gaming and business establishments which allow gaming activities (e.g. video poker, gaming,



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sweepstakes, video games, arcade games, pinball machines or other computer, electronic or mechanical devices played for amusement).”

If any of these entertainment facilities have a retail or dining component, those may continue to operate within current emergency restrictions. For example, if a spa has a sandwich shop, they can continue to provide take-out food service to customers.

Personal care and grooming businesses must also remain closed through May 8, 2020. This includes barber shops, beauty salons, hair salons, nail salons, massage parlors, and tattoo parlors.

### **Say at Home Order and Mass Gathering Limitations Remain in Effect**

All of the provisions contained in Executive Order No. 121 are extended through May 8, 2020. This means all people in North Carolina are ordered to continue to stay at home unless they are specifically allowed to travel as permitted in Executive Order No. 121, meaning to engage in “Essential Activities,” such as going to the store or the doctor, or engaging in outdoor activity. In addition, there is no change to “Essential Businesses and Operations,” which are allowed to continue operating as they have been throughout the pandemic.

Restrictions on “Mass Gatherings” will remain in place through May 8, 2020, meaning **no more than 10 persons** may be in a single room or single space at the same time. The description in Executive Order No. 121 of the places and spaces to which this prohibition applies is the same or very similar to what it was in previous Executive Orders.

In addition, social distancing practices will remain in effect without change.

### **Restrictions on Retail Establishments**

Sections 1 and 2 of Executive Order No. 131 are also extended to May 8, 2020. Therefore, retail establishments must continue to limit occupancy to the “Emergency Maximum Occupancy” defined as either: (1) 20% of stated fire capacity; OR (2) 5 customers for every 1,000 square feet of the location’s total square footage – this means the entire footprint of the interior building, including all retail and non-retail space. If a retail establishment reaches or expects to reach the Emergency Maximum Occupancy, it must continue to post staff at entrances and exits to enforce the limit.

In addition, retail establishments must continue to maintain clear marks indicating 6 feet of spacing between patrons in line at cash registers, and in other high-traffic areas of the store, such as deli counters or around high-demand products.

All retail establishments must continue to provide frequent and routine cleaning of “high-touch” areas (such as debit/credit card terminals) with a cleaner approved by the EPA.

Finally, retailers are still encouraged, but not required, to continue following recommendations issued in Executive Order 131, such as:

- Supply and provide education on the use of, and to encourage the use of face masks for employees who cannot maintain 6 feet of social distancing.
- Ask sick employees to stay home.
- Have staff maintain social distancing in staff only areas.

- Place hand sanitizer at entrance and exit points, and provide EPA approved sanitizing wipes for shopping carts and baskets.
- Have employees wash their hands or use hand sanitizer between interactions with customers or other employees.
- Designate a shopping time exclusively for senior citizens and “at-risk” persons.
- Post signs reminding customers and employees to social distance.
- Develop and use options for online ordering, curbside pickup, or no-contact delivery.

For high-volume retail establishments, such as grocery stores and pharmacies, additional recommendations include use of shields at register checkouts, clearly marked entrance and exit points, and assistance with routing through store aisles.

### **Additional Information**

The Executive Orders issued by Governor Roy Cooper, including Executive Order No. 135, provide that the mandates issued by the Governor shall be enforced by State and local law enforcement officers. Violations are a Class 2 misdemeanor.

The extension of the safety restrictions described above are effective immediately and will remain in effect until 5:00 p.m. on May 8, 2020, unless extended further by Governor Cooper.

If you have any questions or need any additional information about Executive Order No. 135, please contact Matthew Boyatt, NCSA Deputy General Counsel, at [mboyatt@ncsheriffs.net](mailto:mboyatt@ncsheriffs.net) or at 919-459-6467.

Thanks...Eddie C.



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### **Edmond W. (Eddie) Caldwell, Jr.**

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**North Carolina Sheriffs' Association**

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# State of North Carolina

**ROY COOPER**  
GOVERNOR

April 23, 2020

## EXECUTIVE ORDER NO. 135

### EXTENDING STAY AT HOME ORDER AND ORDERS LIMITING MASS GATHERINGS, REQUIRING SOCIAL DISTANCING, AND RESTRICTING VISITATION AT LONG TERM CARE FACILITIES

**WHEREAS**, on March 10, 2020, the undersigned issued Executive Order No. 116 which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

**WHEREAS**, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (the "Stafford Act"); and

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq.* and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 pandemic in the United States constitutes a national emergency, retroactive to March 1, 2020; and

**WHEREAS**, on March 25, 2020, the President of the United States, pursuant to Section 401 of the Stafford Act, approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

**WHEREAS**, community spread of COVID-19 continues to increase in North Carolina and nationwide, and increased testing capacity would undoubtedly show that COVID-19 is circulating in communities across North Carolina that have not yet identified a confirmed case; and

**WHEREAS**, the continued presence of community spread in North Carolina, the rapid increase in COVID-19 cases, and the rising number of COVID-19 related deaths, both globally and in North Carolina, require us to continue our measures to slow the spread of this virus during the pandemic; and

**WHEREAS**, hospital administrators and health care providers have expressed concerns that unless the spread of COVID-19 is limited, existing health care facilities may be insufficient to care for those who become sick; and

**WHEREAS**, slowing the community spread of COVID-19 is critical to ensuring that our healthcare facilities remain able to accommodate those who require intensive medical intervention; and

**WHEREAS**, as proactive steps to prevent and respond to COVID-19, and for the purposes of protecting the health, safety and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-25, 129-131, and 133-134; and

**WHEREAS**, in Executive Order No. 118, issued on March 17, 2020, the undersigned limited operations of restaurants and bars in response to COVID-19; and

**WHEREAS**, in Executive Order No. 120, issued on March 23, 2020, the undersigned placed additional limitations on mass gatherings, venues, and long term care facilities, and directed school closures; and

**WHEREAS**, in Executive Order No. 121, issued on March 27, 2020, the undersigned restricted travel, prohibited certain mass gatherings, and required social distancing to the extent individuals are using shared or outdoor spaces outside their residence; and

**WHEREAS**, Executive Order No. 121 provided that except as amended, Executive Orders Nos. 118 and 120 would continue in effect; and

**WHEREAS**, in Executive Order No. 131, issued on April 9, 2020, the undersigned established additional social distancing measures for retail establishments; and

**WHEREAS**, some of the provisions of the above-listed Executive Orders are set to expire unless the undersigned takes further action; and

**WHEREAS**, if these provisions were to expire prematurely, they could undo the important progress North Carolina has made in controlling the outbreak of COVID-19; and

**WHEREAS**, the undersigned has determined that certain provisions must remain in place until May 8, 2020; and

**WHEREAS**, as the situation in North Carolina develops, the undersigned reserves the right to extend provisions to later dates, modify existing provisions, or lift restrictions earlier than scheduled; and

**WHEREAS**, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act.

**NOW, THEREFORE**, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

**Section 1. Extensions and technical amendments**

For the reasons and pursuant to the authority set forth above and set forth in the relevant Executive Orders referenced below, the undersigned orders as follows:

Sections 1, 4, and 5 of Executive Order No. 118; Sections 1, 2, 3 and 5 of Executive Order No. 120; and all of Executive Order No. 121 are in effect, and shall remain in effect, until 5:00 pm on May 8, 2020. Sections 1 and 2 of Executive Order No. 131 are amended to expire at 5:00 pm

on May 8, 2020. The effective date provisions of Executive Orders Nos. 118, 120, 121, and 131 are amended to have the above-listed sections of those orders continue in effect through the above-listed time and date. Future Executive Orders may extend the term of these Executive Orders. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

## **Section 2. Savings Clause**

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

## **Section 3. Distribution**

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

## **Section 4. Enforcement**

- A. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers.
- B. A violation of this Executive Order may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d) and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.
- C. Nothing in this Executive Order shall be construed to preempt or overrule a court order regarding an individual's conduct (e.g., a Domestic Violence Protection Order or similar orders limiting an individual's access to a particular place).

## **Section 5. Effective Date**

This Executive Order is effective immediately. This Executive Order shall remain in effect until 5:00 pm on May 8, 2020, unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 23<sup>rd</sup> day of April in the year of our Lord two thousand and twenty.

  
\_\_\_\_\_  
Roy Cooper  
Governor

**ATTEST:**

  
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Rodney S. Maddox  
Chief Deputy Secretary of State

