



**SIXTH AMENDED DECLARATION OF STATE OF EMERGENCY BY  
THE MAYOR OF THE TOWN OF SURF CITY**

**WHEREAS**, on Tuesday, March 10, 2020, Governor Cooper declared a State of Emergency to ensure that North Carolina was prepared and responding to the COVID-19 Virus; and

**WHEREAS**, on Friday, March 13, 2020, President Trump declared a National State of Emergency to address the COVID-19 Global Pandemic; and

**WHEREAS**, in response to the global spread of the virus and the disease it causes, the World Health Organization has declared COVID-19 a Public Health Emergency; the Centers for Disease Control and Prevention (CDC) has warned of the high public health threat posed by COVID-19 globally; and the North Carolina Department of Health and Human Services ("NCDHHS") confirmed cases of COVID-19 in North Carolina as of March 10, 2020.

**WHEREAS**, the Town Council of the Town of Surf City has duly adopted ordinances pursuant to the provisions of N.C.G.S. 166A Article IA to determine and declare the existence of a State of Emergency and to impose certain prohibitions and restrictions appropriate to meet the emergency; and

**WHEREAS**, on Tuesday, March 17, 2020, I, Mayor Douglas C. Medlin declared a State of Emergency for the Town of Surf City to address the COVID-19 Global Pandemic; and

**WHEREAS**, on Friday, March 20, 2020, I, Mayor Douglas C. Medlin amended the State of Emergency for the Town of Surf City (First Amendment) to address the COVID-19 Global Pandemic; and

**WHEREAS**, on Monday, March 23, 2020, I, Mayor Douglas C. Medlin amended the State of Emergency for the Town of Surf City (Second Amendment) to address the COVID-19 Global Pandemic; and

**WHEREAS**, on Thursday, March 26, 2020, I, Mayor Douglas C. Medlin amended the State of Emergency for the Town of Surf City (Third Amendment) to address the COVID-19 Global Pandemic; and

**WHEREAS**, on Friday, April 17, 2020, I, Mayor Douglas C. Medlin amended the State of Emergency for the Town of Surf City (Fourth Amendment) to address the COVID-19 Global Pandemic; and

**WHEREAS**, on Friday, May 8, 2020, I, Mayor Douglas C. Medlin amended the State of Emergency for the Town of Surf City (Fifth Amendment) to address the COVID-19 Global Pandemic;

**WHEREAS**, in consultation with the Town Council, I have determined that the State of Emergency for the Town of Surf City should be again amended to modify the restrictions contained therein.

**NOW, THEREFORE**, I, Douglas C. Medlin, Mayor of the Town of Surf City do hereby amend the Declaration of State of Emergency as follows:

**Section 1.** A State of Emergency continues to exist within the municipal limits of the Town of Surf City due to the expected impacts of COVID-19.

**Section 2.** Effective Saturday, April 17 at 8:00 AM, the existing prohibitions and restrictions are hereby modified as follows:

- **Soundside Park:** All “green space” areas and the boardwalk of the park will open. The playground and bathrooms ~~and pavilions located~~ within the park shall remain closed at this time. ~~There will be no parking available or allowed for park usage, it will only be open for foot traffic at this time.~~
- **Surf City Boat Ramp:** The boat ramp at Soundside Park is reopened. ~~Boat trailers are limited to the NC State Wildlife designated parking area only.~~
- **Surf City Disc Golf Course:** The Surf City Disc Golf Course is reopened to include the parking areas within the park. Park users are admonished to not throw discs to one another.
- Surf City Tennis Courts: The Surf City Tennis Courts at the Community Center will open (Effective May 8, 2020 at 7 a.m.)
- Surf City Dog Park: The Surf City Dog Park at the Community Center will open (Effective May 8, 2020 at 7 a.m.)
- All Other Public Parks: All playgrounds, basketball courts, restroom facilities, and other park equipment will remain closed. Public park areas will be open including areas indicated above. ~~public parks with the exception of the Surf City Disc Golf Course shall remain closed at this time.~~
- Public Beach Accesses. All Public beach accesses will open ~~be reopened as follows:~~
  - 1) ~~Public Access #18 (Roland Ave) will be open, but the shelter area will be blocked off for use.~~
  - 2) ~~Handicap parking will be available at the Welcome Center for placard handicap parking only.~~
  - 3) ~~All other parking areas for public beach accesses shall remain closed.~~
  - 4) ~~Any non-beach access related public parking must comply with the Town’s existing parking ordinances and the restrictions contained in this Fifth Amended Declaration of State of Emergency.~~

The Town Council reminds the public that all persons must continue to practice social distancing and avoid mass gatherings (defined as **the Governor’s most recently enacted Executive Order** a group of more than 10 people).

Note: Violation of these restrictions may lead to re-closings and the imposition of additional restrictions.

**Section 3.** I further proclaim the continuation of the previous imposition of the following orders, prohibitions, and restrictions:

- 1) Restrictions on Certain Short-term Rentals/Honoring of Stay-At-Home Orders Issued in Other States and Countries:

The Town of Surf City hereby lifts all restrictions on short-term rentals previously implemented during this State of Emergency and implements the following restriction on short-term rentals to give full faith and credit to the authority of other States' orders:

Any and all individuals, entities, or establishments engaged in the provision of short-term rentals, vacation rentals, or other lodging accommodations or operations in exchange for consideration (collectively "Lodging"), as set forth below, in the Town of Surf City are prohibited from making or accepting new reservations or bookings from or for individuals that reside in or, within the last fourteen (14) days, have traveled to, States or Countries that are under a "stay-at-home order" Issued by the governor or any other authorized government official of that State/Country in connection with the effort to slow the spread of the COVID-19 virus. Presently, the following States within the United States of America or under "stay-at-home" orders:

<u>STATE:</u>	<u>EXPIRATION DATE:</u>
Arizona	May 15, 2020
New Hampshire	May 31, 2020
Ohio	May 29, 2020
California	No expiration date stated.
Connecticut	May 20, 2020
Delaware	May 15, 2020
District of Columbia	May 15, 2020
Hawaii	May 31, 2020
Illinois	May 30, 2020
Kentucky	No expiration date stated.
Louisiana	May 15, 2020
Maryland	No expiration date stated.
Massachusetts	May 18, 2020
Michigan	May 15, 2020
Minnesota	May 18, 2020
Nevada	May 15, 2020
New Jersey	No expiration date stated.
New Mexico	May 15, 2020
New York	May 15, 2020
Ohio	May 29, 2020
Oregon	No expiration date stated.
Vermont	May 15, 2020
Virginia	June 10,2020

The above list of States and expiration dates is based on the information presently available to the Town. Note that the expiration dates are subject to modification including rescission and extensions. The discontinuance restrictions contained in this Fifth Amended Declaration of a State of Emergency shall apply so long as the above referenced stay-at-home orders are in effect.

For purposes of this ~~Fifth Amended~~ Declaration of a State of Emergency, "Lodging" shall include the following:

- a. Any hotel, motel, villa, condominium, inn, tourist court, tourist camp, campground, bed and breakfast, residence, or any place in which rooms, lodging, or sleeping accommodations are furnished to transients for a consideration; and

- b. Any vacation rental property or other short-term rental property that involves the rental of any house, condominium, room, or other dwelling unit for a period of less than ninety (90) days if such property is advertised, represented, or held out to the public as a place regularly rented to, or available for rental to, guests or if such property has been so advertised, represented, or held out to the public at any point during the preceding thirty (30) days;

This Section 3(1) does not prohibit any individual, entity, or establishment from providing Lodging to the following:

- a. Individuals operating commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips); individuals employed by airlines; and individuals otherwise engaged in commercial transportation activities;
  - b. Individuals performing or assisting with military, healthcare, public safety, or emergency response operations, as well as any other operations or services identified by the United States Cybersecurity and Infrastructure Security Agency in its March 28, 2020 Memorandum, or any future amendments or supplements thereto, as essential to continued critical infrastructure viability.
- 2) The Town urges that all travel be limited to essential travel for property owners and residents, business owners and their respective employees and contractors, and municipal employees and contractors.
  - 3) Town Operations: The Town Manager or his designee is hereby authorized to take all lawful actions necessary to manage the Town during this State of Emergency, including, without limitation, procuring goods and services necessary to manage this emergency including but not limited to the adjustment of hours, access, and operation of all government operations, Town-owned facilities, roads, rights-of way, and parks, as deemed reasonably necessary to restrict the spread of COVID- 19 and protect Town residents, the public and municipal employees .
  - 4) I and the Town Council continue to strongly encourage everyone to comply with all CDC and State guidelines, including limiting groups ~~to no more than 10 people~~, limiting activities in public and maintaining at least six feet of distance from other people as well as comply with the Executive Orders issued by the Governor.

**Section 4.** In addition to the parking restrictions contained in this Declaration of State of Emergency, all other Surf City parking ordinances remain in effect and will be enforced. These ordinances include but are not limited to the following sections of the Sur City Code of Ordinances:

- **SC Code Sec. 17-103. Parking prohibited on certain streets at certain times.**
  - a. No motor vehicle shall be parked and left unattended in those areas designated as "no parking zone" by the town council and upon which there have been erected or placed "no parking" signs by the town.
  - b. Any unattended vehicle parked in a "no parking zone" of the town may be impounded and towed by the town (or any towing service at the request of the town) and cost thereof, including and storage fees, shall be paid by the owner of such vehicle before it is released from impoundment.

- c. This section shall not apply to any federal, state, county, or municipal employees performing their duties and to emergency personnel in the performance of their official duties.
- d. A violation of this section shall be an infraction and shall be punishable by a penalty of not more than fifty dollars (\$50.00) as set forth in section 17-115. Each separate offense shall constitute a separate infraction hereunder.
- e. The following streets are designated as "no parking zones" between 7:00 p.m. and 7:00 a.m.:
  - i. Both sides of 1st Street from N. New River Drive to Canal Street.
  - ii. Both sides of 2nd Street from N. New River Drive to Canal Street.
  - iii. Both sides of N. New River Drive from 1st Street to 3rd Street.

- **SC Code Sec. 17-106. Parking on plaza.**

It shall be unlawful for any person to park any vehicle upon any portion of any street in the town known or designated as a plaza.

- **SC Code Sec. 17-107. Parking on sidewalk, etc.**

It shall be unlawful for any person to park any vehicle at any time on the sidewalk or on that portion of any street in the town lying between the curb line and the sidewalk.

- **SC Code Sec. 17-108. Parking in street intersection or in front of alley.**

It shall be unlawful for any person to park any vehicle in any street intersection or in front of any alley.

- **SC Code Sec. 17-109. Parking upon pedestrian crosswalks.**

It shall be unlawful for any person to park any vehicle upon any crosswalk designated and set apart for use by pedestrians.

- **SC Code Sec. 17-110. Parking with left side to curb.**

It shall be unlawful for any person to park any vehicle with its left side to the curb, except when permitted on one-way streets.

- **SC Code Sec. 17-111. Parking within twenty-five feet of street intersection.**

It shall be unlawful for any person to park any vehicle nearer than twenty-five (25) feet to any intersecting street.

- **SC Code Sec. 17-112. Parking in front of private driveway or so as to prevent use thereof.**

No person shall park a vehicle or permit it to stand upon any town street in front of a private driveway or park such vehicle so as to prevent entrance to or the use of such private driveway.

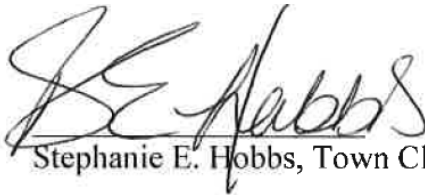
Section 5. Wearing of Face Coverings. Members of the general public are required to wear a clean face covering any time they are or will be in contact with other people who are not household members in enclosed buildings public or private spaces where it is not possible to maintain constant social distance. These spaces include, but are not limited to, grocery stores, pharmacies, and indoor business locations. While wearing the face covering, it is essential to still maintain social distance insofar as possible since social distancing is the best defense against the spread of the Coronavirus.

A face covering is a material that covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels. Acceptable, reusable face covering options for the general public include: bandanas, neck gaiters, homemade face coverings, scarves, or tightly woven fabric such as cotton t-shirts and some types of towels. It is not required to wear face coverings during outdoor exercise, or while walking or exercising with other people from as long as social distance from others is maintained.

The following people are exempt from this Section 5; Children under the age of 2, any person with a developmental disability, medical, or mental health condition that prevents them from wearing a face covering; any person with a medical condition of a nature that would be exacerbated or compromised by the wearing of a face mask. **This provision shall expire at 5pm on Friday, May 22, 2020.**

**Section 6.** This Declaration of a State of Emergency shall be effective immediately and shall remain in effect ~~until May 22, 2020~~ unless otherwise rescinded or modified by the Mayor and/or the Town Council. All previous restrictions shall remain in place unless otherwise modified as described in this Sixth Amended Declaration of State of Emergency.

**Section 7.** Any person who violates any provision of this Declaration shall be guilty of a Class 2 misdemeanor in accordance with the provisions G.S. 14-288.20A.

  
Stephanie E. Hobbs, Town Clerk





Douglas C. Medlin, Mayor

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**Bold** = New