

WHEREAS, N.C.G.S. Chapter 166A, formally titled the North Carolina Emergency Management Act, authorizes a municipality to take action in prevention of, preparation for, response to, and recovery from natural or man-made disasters and to reduce the vulnerability of its people and property to damage, injury, and loss of life and property; and

WHEREAS, in accordance with Kitty Hawk Town Code Chapter 10--Emergency Management, a State of Emergency was declared to exist in Kitty Hawk on March 16, 2020 at 12:00 noon by Mayor Gary Perry, near simultaneous with the Governor's enactment of a state of emergency declaration at the State level; and,

WHEREAS, North Carolina State Law and the Town Code, upon the aforesaid declaration of a State of Emergency, authorize the Mayor to effect restrictions on the operation and use of business establishments that are frequented by visitors to protect the health and well-being of Kitty Hawk citizens, property owners, and members of the business community;

WHEREAS, due to the nature of the cause of the current State of Emergency, being the infectious disease known as COVID-19, actions necessary to protect the public health have had damaging effects on the economic well-being of the citizens of the State of North Carolina, and to the people of the Town of Kitty Hawk; and

WHEREAS, due to the direct and indirect effects of COVID-19, our local economy has been drastically impacted in a negative manner and continues to falter to the detriment of our citizens and property owners; and

WHEREAS, using innovative methods, and often at reduced capacity, some retailers and professional-type offices have been able to continue operations to meet the needs of their customers and clients; and

WHEREAS, COVID-19 restrictions at the State level are being lifted or modified, allowing for the re-opening of businesses with the hope and intent that the economy will begin to recover; and

WHEREAS, there remain specific areas of Kitty Hawk's business community that require immediate support and assistance; and

WHEREAS, members of the food service industry, including but not limited to restaurants defined as establishments that serve seated patrons, are now allowed to resume and re-open their businesses but only at reduced capacity to maintain social-distancing guidelines for the continued protection of the public health; and

WHEREAS, for restaurants, social-distancing guidelines could result in a reduction in serving capacity to the extent it is not economically feasible to re-open and serve the citizens and seasonal visitors of Kitty Hawk; and

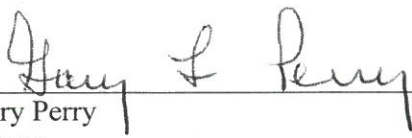
WHEREAS, the continued aforesaid impacts of COVID-19 require unprecedented action by the Town of Kitty Hawk in enacting temporary waivers that will allow for sustainable, yet safe, operation of local businesses.

NOW THEREFORE, I, Mayor Gary Perry, hereby declare that:

1. For so long as the State of North Carolina continues to require capacity restrictions on business establishments in light of COVID-19, applicable sections of the Kitty Hawk Town Code may be temporarily suspended to allow for:
 - a. Temporary outdoor service of restaurant patrons through utilization of up to twenty-five percent (25%) of the existing parking area relative to the business establishment.
2. In utilizing said outdoor serving areas, the business establishment's total seating capacity may not exceed the capacity requirements incumbent upon the establishment in normal business operations.
3. In utilizing said outdoor serving areas, the business establishment may engage in the use of tents or other appropriate coverings of any outdoor seating areas utilized by that business establishment.
4. All uses named within this Declaration shall comply with any and all applicable laws and regulations not waived herein including, but not limited to, Dare County Health and Human Services regulations and Emergency Services regulations.
5. This Declaration may be modified from time to time, as is necessary in light of revisions to the State order governing capacity restrictions.
6. This Declaration shall automatically expire upon the termination of the State and Town of Kitty Hawk declarations of State of Emergency.

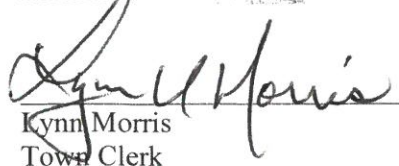
This 19th day of May 2020.





Gary Perry
Mayor
Town of Kitty Hawk

ATTEST:



Kynn Morris
Town Clerk