

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

SUPERSEDING DECLARATION OF  
LOCAL STATE OF EMERGENCY

May 22, 2020

STAY SAFE - STAY SMART  
**PHASE 2: EASING OF CERTAIN COVID-19 RESTRICTIONS**

WHEREAS, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization;

WHEREAS, in responding to the COVID-19 pandemic the Governor of North Carolina declared a State of Emergency on March 10, 2020 and a number of additional Executive Orders have been issued by the Governor for the purposes of protecting the health, safety, and welfare of the people of North Carolina;

WHEREAS, a local State of Emergency was declared by Buncombe County Commissioners on March 12, 2020, and supplemental and superseding local declarations have been issued to limit local public gatherings and the operations of specified businesses;

WHEREAS, on May 20, 2020 the Governor issued Executive Order 141 ("EO141") to further ease certain COVID-19 restrictions effective Friday, May 22, 2020 at 5:00 p.m.;

WHEREAS, this Phase 2 "moves North Carolina into a Safer At Home 'Phase 2' of easing certain COVID-19 restrictions to help revive the economy while protecting public health" as Governor Cooper said; and

WHEREAS, data indicate trends in Buncombe County COVID-19 cases and their associated burdens and this Board finds it in the best interest of the citizens and residents of Buncombe County to align with EO141.

NOW THEREFORE, pursuant to the authority contained in Chapter 21, Buncombe County Code of Ordinances and Article 1A of the N.C. Gen. Stat. Chapter 166A, the Board of Commissioners, do hereby declare and order the following:

1. The Buncombe County Stay Home – Stay Safe Superseding Declaration that went into effect on Friday, May 8, 2020 at 5:00 p.m. will continue, as written, through 5:00 p.m. on Friday, May 22, 2020.
2. Except as otherwise set forth herein, Buncombe County hereby adopts EO141 as well as the "Frequently Asked Questions for Executive Order No. 141" document dated May 20, 2020 issued by Governor Cooper's office effective at 5:00 p.m. on Friday, May 22, 2020. A copy of EO141 is attached hereto marked Attachment "A." A copy of the Frequently Asked Questions for Executive Order No. 141 is attached hereto marked Attachment "B." Attachments "A" and "B" are incorporated herein by reference is fully set forth.

3. Buncombe County has authority in accordance with Section 10 of EO141 and Section 8, Local Orders, of EO138, to impose greater restrictions or prohibitions to the extent authorized by North Carolina law. Accordingly, notwithstanding anything to the contrary contained in EO141 and the Frequently Asked Questions for Executive Order No. 141 as contained in Attachments "A" and "B" further restrictions are imposed in Buncombe County as follows:
  - a. Leisure Travel Lodging and Booking
    - i. Hotels and motels, Bed and Breakfasts, short-term rentals less than 30 days, homestays and campgrounds may book and schedule leisure travel reservations.
    - ii. The occupancy of lodging establishments with lodging capacities of greater than 10 units is limited to 50%. Establishments with capacities of 10 units or less may book to 100% occupancy.
    - iii. All lodging establishments must wait 24 hours after a room becomes vacant before beginning cleaning and disinfection.
    - iv. Cleaning of rooms after a stay must comply with the guidance outlined in EO141.
4. Organized sporting activities at Buncombe County Facilities are not permitted.
5. Food service establishments shall not allow self-service to customers. Only wait staff and food service staff following screening and sanitation requirements as set forth in EO141 may serve food and beverages to customers.
6. A Face Covering as defined in EO141 must be worn by all persons twelve (12) years of age and older in all indoor public commercial facilities, including libraries, and public transit, provided, however, that any person without a face covering will not be prevented from riding public transit. This provision applies in retail establishments, businesses and restaurants and will go into effect at 7:00 a.m. on Tuesday, May 26, 2020.

This provision does not apply in the following places or situations:

- (i) while dining in any restaurant;
- (ii) for reasons related to any individual's medical condition, disability or religious beliefs;
- (iii) in private offices;
- (iv) in areas of retail establishments, businesses and restaurants that are not open to the public;
- (v) when complying with directions of law enforcement officers;
- (vi) during any worship, religious, and spiritual gatherings, funeral ceremonies, wedding ceremonies and other activities constituting the exercise of First Amendment rights;
- (vii) in settings where it is not practical or feasible to wear a face covering when obtaining or rendering goods or services.

7. Notwithstanding the foregoing, the restrictions as set forth above do not apply to any lodging facility being used by Buncombe County, the City of Asheville or their Emergency Operation partners for Isolation and Quarantine housing or other COVID-19 related housing purposes.
8. The provisions of the March 12, 2020 Declaration of State of Emergency remain in effect.
9. By and with the consent of the mayors of the following named municipalities within Buncombe County, this Stay Safe - Stay Smart Phase 2: Easing of Certain COVID-19 Restrictions applies within the municipal limits of the City of Asheville, the Town of Woodfin, the Town of Black Mountain, the Town of Montreat, and the Town of Biltmore Forest.
10. Notwithstanding the foregoing, the restrictions set forth in Paragraph 6 above related to the mandatory use of Face Covering in indoor public places does not apply in the Town of Woodfin, Town of Black Mountain, the Town of Montreat, and the Town of Biltmore Forest.
11. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.
12. Failure to use Face Covering in any indoor public commercial facilities, including libraries, and public transit, shall not constitute a criminal offense.
13. Except as set forth above related to Face Coverings, failure to comply with this declaration is a Class 2 misdemeanor pursuant to N.C. Gen. Stat. Section 14-288.20A by and through N.C. Gen. Stat. 166A-19.31.
14. Except as to Paragraph 6 above related to the mandatory use of Face Covering in indoor public places, this Stay Safe - Stay Smart Phase 2: Easing of Certain COVID-19 Restrictions shall go into effect at 5:00 p.m. on Friday, May 22, 2020.
15. This order shall remain in effect until 5:00 p.m. on Friday, June 26, 2020 unless otherwise repealed, replaced, or rescinded.

ATTEST:

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

\_\_\_\_\_  
Lamar Joyner, Clerk

By: \_\_\_\_\_  
Brownie Newman, Chairman