

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

SUPERSEDING DECLARATION OF
LOCAL STATE OF EMERGENCY

May 7, 2020

STAY HOME- STAY SAFE
PHASE 1: 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 5, 2020 the Governor issued Executive Order 138 ("EO138") to modify North Carolina's Stay At Home order and transitions to Phase 1 of slowly easing certain COVID-19 restrictions effective Friday, May 8, 2020 at 5:00 p.m.;

WHEREAS, this "Phase 1 is designed to be a limiting easing of restrictions that can boost certain parts of the economy while keeping important safety rules in place," as Governor Cooper said; and

WHEREAS, data indicate reasonable 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 EO138 while continuing to place certain restrictions on Leisure Travel bookings as well as to provide additional guidance.

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 1, 2020 at 6:00 a.m. will continue, as written, through 5:00 p.m. on Friday, May 8, 2020.
2. Except as otherwise set forth herein, Buncombe County hereby adopts EO138 as well as the "Frequently Asked Questions for Executive Order No. 138" document dated May 5, 2020 issued by Governor Cooper's office effective at 5:00 p.m. on Friday, May 8, 2020. A copy of EO138 is attached hereto marked Attachment "A." A copy of the Frequently Asked Questions for Executive Order No. 138 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 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 EO138 and the Frequently Asked Questions for Executive Order No. 138 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 for persons who reside in Western North Carolina counties located in the 828 Area Code. A list of Counties, Cities, Towns, Designated Locations located within the 828 Area Code is attached hereto and marked Attachment "C."
 - ii. Occupancy is limited to 50%.
 - iii. Parties who are not related or are not members of the same residential household must not occupy adjacent rooms.
 - iv. Cleaning of rooms after a stay must comply with the guidance outlined in EO138.
 - v. Food may only be provided by drive-through, take-out or delivery.
 - b. Mass Gatherings
 - i. By way of clarification and interpretation, funerals are permitted as set forth in in EO138 and the Frequently Asked Questions for Executive Order No. 138 as contained in Attachments "A" and "B." Funerals held indoors or outdoors may include up to fifty (50) persons, including staff and clergy. See EO138 (Attachment "A") Sections 6.A., 6.C., and 6.D. People attending such funeral service must follow the Recommendations to Promote Social Distancing and Reduce Transmission as much as possible, and they should circulate within the space so that there is no sustained contact between people.

- ii. By way of clarification and interpretation, worship services are permitted as set forth in in EO138 and the Frequently Asked Questions for Executive Order No. 138 as contained in Attachments "A" and "B." Worship services may include more than ten (10) persons only if the service is conducted outdoors. See EO138 (Attachment "A") Sections 6.A. and 6.C. People attending such service must follow the Recommendations to Promote Social Distancing and Reduce Transmission as much as possible, and they should circulate within the space so that there is no sustained contact between people.
4. The provisions Section 3.a., Leisure Travel Lodging and Booking, 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.
5. The provisions of the March 12, 2020 Declaration of State of Emergency remain in effect.
6. By and with the consent of the mayors of the following named municipalities within Buncombe County, this Superseding Declaration of Local State of Emergency, Stay Home - Stay Safe 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.
7. 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.
8. 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.
9. This Superseding Declaration of Local State of Emergency shall go into effect at 5:00 p.m. on Friday, May 8, 2020 and shall remain in effect until 5:00 p.m. on Friday, May 22, 2020 unless otherwise repealed, replaced, or rescinded.

ATTEST:

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

By: _____
Brownie Newman, Chairman

