

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

SUPERSEDING DECLARATION OF
LOCAL STATE OF EMERGENCY

December 11, 2020

BUNCOMBE COUNTY ALIGNMENT WITH GOVERNOR'S EXECUTIVE ORDERS

**ENHANCED LOCAL PROHIBITIONS AND RESTRICTIONS TO PROTECT LIVES IN
RESPONDING TO THE COVID-19 PANDEMIC**

WHEREAS, the novel coronavirus known as COVID-19 is a respiratory disease that can spread from person to person and result in serious illness or death; and

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020; and

WHEREAS, the Centers for Disease Control and Prevention (the "CDC") has warned of the high public health threat posed by COVID-19 globally and in the United States and has deemed it necessary to prohibit or restrict travel to areas designated by the CDC; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 391 of the Public Health Service Act; and

WHEREAS, on March 10, 2020 Governor Roy Cooper issued Executive Order Number 116 declaring a State of Emergency for the State of North Carolina based on the public health emergency posed by COVID-19; and

WHEREAS, Governor Cooper has, as circumstances have changed over time, issued a number of modifications to the statewide emergency declaration, including Executive Order Nos. 117-122, 124-125, 129-131, 133-136, 138-144, 146-153, 155-157, 161-165, 169-173, 176-177 and 180; and

WHEREAS, Municipalities and Counties within the State of North Carolina have the authority pursuant to N.C. Gen. Stat. § 166A-19.22 to issue local state of emergency declarations; and

WHEREAS, on March 12, 2020, the City of Asheville and Buncombe County each declared local states of emergency relating to the COVID-19 pandemic; and

WHEREAS, the City of Asheville and Buncombe County have each amended their local state of emergency declarations from time to time as needed in order to address the changing conditions of the COVID-19 pandemic; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.31(b)(2) and Section 21-70 and Section 30-26, et seq., of the Buncombe County Code of Ordinances, the undersigned Chair of the Buncombe County

Board of Commissioners has the authority to regulate by proclamation the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.31(b)(1) and Section 21-70 of the Buncombe County Code of Ordinances, the undersigned Chair of the Buncombe County Board of Commissioners has the authority to regulate by proclamation the movements of people in public places; and

WHEREAS, in North Carolina in recent weeks, COVID-19-associated hospitalizations have been at record highs, and daily deaths attributable to COVID-19 have been at or near record highs; and

WHEREAS, face coverings are a low-cost and highly effective way of mitigating the spread of COVID-19, and, if adopted widely by all North Carolinians, may help to prevent further re-closures of the state's businesses and operations; and

WHEREAS, Governor Cooper has called on municipalities and Counties within the State to help in the enforcement of the State's face covering requirements; and

WHEREAS, pursuant to Section 7.3, Effect on local Emergency Management Orders, the County and City Administrations may adopt ordinances and issue state of emergency declarations which impose restrictions or prohibitions to the extent authorized under North Carolina law, such as on the activity of people and businesses, to a greater degree than in the Governor's Executive Order.

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. Buncombe County aligns in all respects with the Governor's executive orders related to COVID-19 prohibitions and restrictions including Face Coverings in all settings as described in such executive orders. In addition, local government offices and agencies must have their on-site workers wear Face Coverings when they are indoors. In addition, unless an exception applies, these offices and agencies must require Face Coverings for any outdoor work within six (6) feet of another person. Local government offices and agencies must also follow the requirements for Retail Businesses established in the Executive Orders unless necessary to complete that office's mission.
2. The provisions of the Buncombe County March 12, 2020 Declaration of State of Emergency regarding Local State of Emergency and activation of the local Emergency Management Plan shall remain in effect until otherwise repealed, replaced, or rescinded.
3. By and with the consent of the mayors of the following named municipalities within Buncombe County, this Order 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.
4. 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.

5. This Superseding Declaration of Local State of Emergency is effective at 5:00 p.m. on Friday, December 11, 2020, and such alignment with current or future revised executive orders, as may be applicable, shall remain in effect unless otherwise repealed, replaced, or rescinded.
6. Electronic Signature. This Declaration may be executed in one or more counterparts by PDF or other electronic transmission, each of which shall be deemed an original and which, when taken together, shall constitute one document.


IN WITNESS WHEREOF, the undersigned County Chair has set his hand and caused the corporate seal to be affixed this 11th day of December 2020.

ATTEST:

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE



Lamar Joyner, Clerk

By: 

Brownie Newman, Chairman