

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

SUPERSEDING DECLARATION OF A
LOCAL STATE OF EMERGENCY

April 30, 2020

STAY HOME- STAY SAFE

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, a State of Emergency was declared by the Governor of North Carolina on March 10, 2020;

WHEREAS, a local State of Emergency was declared by Buncombe County Commissioners on March 12, 2020, a supplemental declaration was issued on March 19, 2020 to limit local public gatherings and the operations of specified businesses;

WHEREAS, an additional local supplemental declaration to the Local State of Emergency was issued on March 25, 2020 that established the Stay Home – Stay Safe order that went into effect on 8:00 p.m. March 26, 2020 and is effective until 6:00am on April 9, 2020;

WHEREAS, recognizing the need to mitigate community spread of COVID-19, Governor Roy Cooper issued has issued several Executive Orders in connection with COVID-19 to limit unnecessary person-to-person contact in workplaces and the community including Executive Orders ("EO") 118, 120, 121, 131 and 135;

WHEREAS, credible models and statistical forecasts show that the number of cases of COVID-19 and their associated burden will continue to increase in Buncombe County; and

WHEREAS, to mitigate community spread of COVID-19 it is necessary to continue restrictions which promote social distancing to reduce the burden on healthcare providers and facilities.

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 Thursday, April 9, 2020 at 6:00 a.m. will continue, as written, through 6:00 a.m. on Friday, May 1, 2020.

2. Except as otherwise set forth herein, Buncombe County hereby adopts the following:

- Section 1 of EO118;
- Sections 1, 2, and 3 of EO120;
- Sections 1, 2, and 3 of EO121; and
- Sections 1, 2, and 3 of EO131;

effective at 6:00 a.m. on Friday, May 1, 2020. A copy of these Sections of these Executive Orders are attached hereto in Attachment "A."

3. Section 4, Local Orders, of EO121 states, in part, that nothing therein "is intended to limit or prohibit counties and cities in North Carolina from enacting ordinances and issuing state of emergency declarations which impose greater restrictions or prohibitions to the extent authorized under North Carolina law." Accordingly, notwithstanding anything to the contrary contained in cited Sections of EO118, EO120, EO121 and EO131, further restrictions are imposed in Buncombe County as follows:

a. EO121 Section 2.C.1. Businesses that meet Social Distancing Requirements

- i. This clause does NOT apply to Buncombe County. Only those businesses and organizations specifically defined as essential in clauses 2.C.2 through 2.C.30 of EO121 may continue as essential businesses in Buncombe County.

b. EO121 Section 2.C.28. Hotels and motels

- i. Hotels and motels, short-term rentals less than 30 days, homestays and campgrounds are instructed to cancel currently scheduled leisure travel reservations and refrain from scheduling future leisure travel reservations for so long as EO121 and any updates thereto, and/or extensions thereof, remain in effect. Current guests who have already checked in, and guests who are Buncombe County residents are permitted to stay. Any employees who work for businesses or organizations defined as essential may stay in any lodging. To comply with this order, operators must document the Essential business occupation of any new residents making reservations from outside the county.

c. EO121 Section 3. Mass Gatherings

- i. There shall be no mass gatherings that exceed 10 persons in Buncombe County for so long as EO121 and any updates thereto, and/or extensions thereof, remain in effect. Physical distancing and Public Health guidance shall be followed during any such gatherings.

This does not include any gatherings defined as essential in EO121. Nothing in this order prohibits the gathering of members of a single household or living unit.

- ii. Weddings and funerals are permitted, but may include no more than ten (10) persons, including staff and clergy, while observing social distancing requirements to the greatest extent practicable.
4. The following measures will be effective in Buncombe County in addition to those contained in EO121.
- a. All visitors travelling to Buncombe County from outside the state of North Carolina, upon arrival, must quarantine at their place of residence for 14 days before entering the community. This does not include visitors travelling to Buncombe County for purposes defined as essential in EO121.
 - b. The public is strongly recommended to wear cloth face coverings in all public settings, particularly where physical distancing measures are difficult to maintain. These cloth face coverings should not be surgical masks or N-95 respirators as those are critical supplies for healthcare workers and first responders. The use of these cloth face coverings do not preclude the necessity to follow other public health guidelines regarding physical social distancing, sanitation, and hygiene best practices. Individual businesses may require customers to wear cloth face coverings.
 - c. Persons deemed to be in the high-risk category of severe illness from COVID-19 are urged to stay in their residence and reduce interaction with others to the greatest extent practical. This group includes, but is not limited to, those age 65 and older, and those with moderate to severe asthma, chronic lung disease, serious heart conditions, diabetes, chronic kidney disease undergoing dialysis, liver disease, severe obesity (body mass index of 40 or higher) or those who are immunocompromised.
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 municipalities within Buncombe County this Superseding Declaration of Local State of Emergency applies within the municipal limits of the City of Asheville, the Town of Weaverville, the Town of Woodfin, the Town of Black Mountain, the Town of Montreat, and the Town of Biltmore Forest.
7. An interpretive document has been developed to accompany this declaration and provide additional guidance.

8. The County of Buncombe must promptly provide copies of this Order by posting on the Buncombe County website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.
9. 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.
10. 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.
11. This Superseding Declaration of Local State of Emergency shall go into effect at 6:00 a.m. on Friday, May 1, 2020 and shall remain in effect until such time as it is repealed, replaced, or rescinded.

ATTEST:

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE


Lamar Joyner, Clerk

By: 
Brownie Newman, Chairman