

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

SUPERSEDING DECLARATION OF
LOCAL STATE OF EMERGENCY

June 2, 2020

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

**FACE COVERINGS REQUIRED IN BUNCOMBE COUNTY, CITY OF ASHEVILLE, AND
TOWN OF MONTREAT**

AND

ORGANIZED SPORTS AT BUNCOMBE COUNTY FACILITIES

WHEREAS, the latest Superseding Declaration of State of Emergency issued by the Buncombe County Board of Commissioners dated May 22, 2020, and referenced as Stay Safe - Stay Smart, included requirements for Face Coverings in certain public spaces and went into effect at 7:00 a.m. on Tuesday, May 26, 2020;

WHEREAS, the requirement for Face Coverings as set forth in the May 22, 2020 order included only Buncombe County and the City of Asheville;

WHEREAS, pursuant to GS §166A-19.22, the Town of Montreat desires the said Face Covering order to apply within its jurisdiction; and

WHEREAS, organized sporting activities may be permitted at Buncombe County Facilities under certain circumstances.

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 Recitals set forth above, along with the definitions of certain terms, are incorporated herein by reference as if fully restated.
2. As set forth in Section 7 of the Buncombe County May 22, 2020 Stay Safe - Stay Smart order: 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.

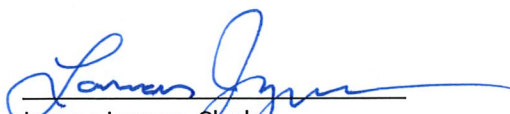
This provision does not apply in the following places or situations:

- (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.
3. By and with the consent of the mayors of the following named municipalities within Buncombe County, the Face Covering requirements contained in the said May 22, 2020 Stay Safe - Stay Smart Phase 2: Easing of Certain COVID-19 Restrictions and order as reiterated above apply within the municipal limits of the City of Asheville and the Town of Montreat.
 4. Notwithstanding the foregoing, the restrictions 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 Weaverville, and the Town of Biltmore Forest.
 5. That Paragraph 4 regarding organized sporting activities at Buncombe County Facilities is revised to read as follows:

"Organized sporting activities may be permitted at Buncombe County Facilities only with the express prior written permission of Buncombe County Recreation Services."
 6. 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.
 7. Failure to use Face Covering in any indoor public commercial facilities, including libraries, and public transit, shall not constitute a criminal offense.
 8. This order shall go into effect in the Town of Montreat upon its adoption and shall remain in Buncombe County, the City of Asheville and the Town of Montreat until 5:00 p.m. on Friday, June 26, 2020 unless otherwise repealed, replaced, or rescinded.
 9. That each and every other of the terms and conditions of the said the Buncombe County May 22, 2020 Stay Safe - Stay Smart order remain in full force and effect except as modified herein.

ATTEST:


Lamar Joyner, Clerk

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

By: 
Brownie Newman, Chairman