

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

SUPERSEDING DECLARATION OF  
LOCAL STATE OF EMERGENCY

August 6, 2020

**EXTENSION OF PHASE 2  
and  
ALIGNMENT WITH EXECUTIVE ORDER NOs 155 and 153**

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, the Governor has entered a number of executive orders to address the pandemic and by Executive Order 155 ("EO155") dated August 6, 2020 the Governor extended Executive Order No. 141, as amended, until 5:00 p.m. on September 11, 2020 and amended provisions of Executive Orders Nos. 141, 147, and 151 to continue in effect through the above-listed time and date;

WHEREAS, the Governor also imposed temporary restrictions regarding alcoholic beverage sales for onsite consumption by Executive Order No. 153 ("EO153") which, in part, orders that the sale of service of alcoholic beverages for onsite consumption shall cease between 11:00 p.m. and 7:00 a.m. effective 11:00 p.m. on July 31, 2020 through 11:00 p.m. on August 31, 2020;

WHEREAS, recognizing the impacts of the pandemic are different in different parts of the State, the Governor's EO153 specifically authorizes local governments to impose greater restrictions or prohibitions for entities authorized to sell and serve alcoholic beverages on the sale of alcoholic beverage for onsite consumption to a greater degree than EO153; and

WHEREAS, based on data 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 EO153 and EO155 at this time.

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 restrictions imposed by EO155 which becomes effective at 5:00 p.m. on Friday, August 7, 2020 and shall remain in effect until 5:00 p.m. on Friday, September 11, 2020 unless otherwise repealed, replaced, or rescinded.
2. Reserving the right as authorized by said EO153 to impose greater restrictions or prohibitions on the sale of alcoholic beverages consistent with North Carolina law, Buncombe County aligns in all respects with the restrictions imposed by EO153 which became effective at 11:00 p.m. on July 31, 2020 and remains in effect until 11:00 p.m. on August 31, 2020 unless otherwise repealed, replaced, or rescinded.
3. 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.
4. Except as to the Buncombe County March 12, 2020 Declaration of State of Emergency this Extension of Phase 2 and Alignment with Executive Order Nos. 155 and 153 shall go into effect at 5:00 p.m. on Friday, August 7, 2020 and shall remain in effect until 5:00 p.m. on Friday, September 11, 2020 unless otherwise repealed, replaced, or rescinded.
5. By and with the consent of the mayors of the municipalities within Buncombe County this **Extension of Phase 2 and Alignment with Executive Order Nos. 155 and 153** applies within the municipal limits of the City of Asheville, the Town of Black Mountain, the Town of Montreat, the Town of Woodfin, and the Town of Biltmore Forest.
6. 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 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 until otherwise repealed, replaced, or rescinded.

Adopted this the 6<sup>th</sup> day of August, 2020.

ATTEST:

  
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Lamar Joyner, Clerk

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

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