

**STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE**

**SUPPLEMENTAL DECLARATION OF A
LOCAL STATE OF EMERGENCY**

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; and

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, acknowledging the gravity of the COVID-19 pandemic;

WHEREAS, symptoms of COVID-19 include fever, coughing, and shortness of breath. In some cases the virus has caused death;

WHEREAS, The virus that causes COVID-19 is easily transmitted through person to person contact, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety; and

WHEREAS, Because of the risk of the rapid community spread of the virus, and the need to protect the most vulnerable members of the community, this supplemental declaration requires all individuals anywhere in Buncombe County to stay at home, except for certain essential activities and work to provide essential business and government services or perform essential public infrastructure construction, including housing.

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. This Order takes effect at 8:00 p.m. on Thursday, March 26, 2020 and will continue through 6:00 a.m. on Thursday, April 9, 2020, subject to the limited exceptions and under the terms and conditions more particularly set forth below;
2. All individuals currently living within Buncombe County are ordered to stay at their place of residence. For the purposes of this Order, residences include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 9.

3. All businesses operating within Buncombe County, except Essential Businesses as defined below in Section 9.b, are required to cease all activities at facilities located within the County. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). To the greatest extent possible, all Essential Businesses shall comply with the Social Distancing Guidelines attached, including maintaining six-foot social distancing for both employees and the general public.
4. All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Order prohibits the gathering of members of a household or living unit.
5. Restaurants with or without drive-in or drive-through services and microbreweries, micro-distilleries, or wineries may only provide take out, delivery, or drive-through services as allowed by law.
6. Religious and worship services may only be provided by video and teleconference. Religious institutions must limit in-person staff to ten (10) people or less when preparing for or conducting video or teleconference services, and all individuals must follow the attached Social Distancing Guidelines including the six-foot social distancing, which are hereby adopted.
7. All visitors travelling to Buncombe County from areas experiencing community transmission of COVID-19 – notably New York State, Washington State and California – must self-quarantine at their residence upon arrival for 14 days before entering the community.
8. All elective medical, surgical, and dental procedures are prohibited anywhere in Buncombe County. Hospitals, ambulatory surgery centers, dental offices, and other medical facilities are directed to identify procedures that are deemed “elective” by assessing which procedures can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to COVID-19 response.
9. Definitions:
 - a. For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities” :
 - i. **For health and safety.** To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home).
 - ii. **For necessary supplies and services.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences).

- iii. **For outdoor activity.** To engage in outdoor activity, provided the individuals comply with social distancing requirements of six feet (for example, walking, biking, hiking, or running).
 - iv. **For work deemed essential.** To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order.
 - v. **To take care of others.** To care for a family member, a neighbor, a friend, or pet in another household.
- b. For purposes of this Declaration, “Essential Businesses” is defined as follows:
- i. **Essential Healthcare Operations.** Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance use disorder service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures as established in accordance with Subsection 8 of this Order.
 - ii. **Essential Government Functions.** All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. Further, nothing in this order shall prohibit any individual from performing or accessing “Essential Government Functions.” All Essential Government Functions shall be performed in compliance with social distancing requirements of six feet, to the extent possible.
 - iii. **Essential Critical Infrastructure.** Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent

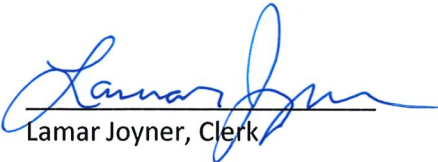
possible. Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with social distancing guidelines attached.

- iv. Essential Retail. Food service providers, including grocery stores, warehouse stores, big-box stores, bodegas, liquor stores, gas stations and convenience stores, farmers markets that sell food products and household staples. Food cultivation, including farming, fishing, and livestock. Businesses that ship or deliver groceries, food, goods or services directly to customers. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Gas stations, auto-supply, auto and bicycle repair, hardware stores, and related facilities. Businesses that supply products needed for people to work from home.
- v. Educational Institutions facilitating distance learning. Educational institutions, including public and private K-12 schools, colleges, and universities, for purposes of facilitating distance learning, performing critical research, or performing essential functions that are needed or appropriate for continuing operations or addressing the public health emergency, provided that social distancing is maintained to the greatest extent practicable. Each educational institution shall determine its essential functions and the employees and/or contractors necessary to the performance of those functions.
- vi. Providers of Basic Necessities to Economically Disadvantaged Populations. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals. This includes adult day cares.
- vii. Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses. Trash and recycling collection, processing and disposal; mail and shipping services; building cleaning, maintenance and security; warehouse/distribution and fulfillment; storage for essential businesses; funeral homes, crematoriums and cemeteries. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities, contractual obligations, and end of life directives. Businesses that supply other essential businesses with support or supplies needed to operate.
- viii. News Media. Newspapers, television, radio, and other media services.

- ix. Childcare Services. Childcare facilities providing services that enable employees exempted in this Order to work as permitted.
 - x. All Businesses may maintain Minimum Basic Operations. For purposes of this declaration, Minimum Basic Operations include the following, provided that employees comply with Social Distancing Requirements, to the greatest extent feasible, while carrying out such operations:
 - 1. The **minimum** necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.
 - 2. The **minimum** necessary activities to facilitate employees of the business being able to continue work remotely from their residences, for example one employee going to the office for administrative work so that all others may continue to work remotely.
10. Any manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing and producing ventilators, personal protective equipment (PPE), or another good supporting medical response (e.g., sanitizer, disinfectant) is considered an "essential business" under this Order.
11. Grocery stores, supermarkets, warehouse stores, hospitals, and medical facilities are experiencing high levels of demand for a large number of products, requiring more deliveries from manufacturers and distribution centers to serve their customers. Due to the need to deliver products as quickly and efficiently as possible during this critical timeframe, this Order hereby suspends all delivery hour restrictions for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies in Buncombe County for the next 60 days.
12. If someone in a household has tested positive for COVID-19 or has signs and symptoms consistent with COVID-19 (i.e., fever and cough or difficulty breathing) they are instructed to self isolate at home, the other occupants of the household are ordered to quarantine at home following the guidance of public health.
13. Elderly persons and those deemed at high risk of severe illness from COVID-19 are urged to stay in their residence to the greatest extent possible, except as necessary to seek medical care. Those at high risk should seek telemedicine solutions first before travelling to a health care provider. Nothing in this proclamation prevents the Buncombe County Health Director from issuing and enforcing isolation and quarantine orders or executing other duties as required.
14. Long-term care settings (including, but not limited to, skilled nursing facilities, adult care homes, family care homes, and assisted living facilities) are instructed by this order to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.

15. All lodging facilities, including campgrounds, with rentals or leases for less than one month in duration shall be closed EXCEPT for work-related accommodations, facilities housing persons experiencing homelessness and any facility being used for isolation and quarantine purposes. Current residents at campgrounds are permitted to stay, but campgrounds should not allow new patrons to enter and establish themselves. Current residents at hotels, motels, and bed and breakfasts and other short-term rentals are permitted to stay, but these facilities should cancel any leisure travel reservations for the duration of this declaration. Any employees who work for a business or organization deemed essential can stay in any lodging.
16. This Order shall be effective until 6:00 a.m. on Thursday April 9, 2020, or until it is either rescinded, superseded, or amended pursuant to applicable law.
17. An interpretive document has been developed to accompany this declaration and provide additional guidance.
18. 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.
19. 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.
20. Failure to comply with this declaration is a Class 2 misdemeanor
21. This Declaration of Local State of Emergency for Buncombe County shall go into effect at 8:00 p.m. on Thursday, March 26, 2020 and will continue through 6:00 a.m. on Thursday, April 9, 2020.

ATTEST :


Lamar Joyner, Clerk

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

By: 
Brownie Newman, Chairman