

**STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE**

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

The following declaration is issued by Board of Commissioners of Buncombe County:

WHEREAS, based on public health guidance from the World Health Organization, the Centers for Disease Control and Prevention, the United States Department of Health and Human Services, and the North Carolina Department of Health and Human Services Buncombe County declared a Local State of Emergency on March 12, 2020 in an effort to promote social distancing to slow the spread of COVID-19.

WHEREAS, in just over the past week, the State of North Carolina, through the Office of the Governor, Roy Cooper, has issued Executive Order No. 116 titled "Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of Covid-19; Executive Order No. 117 prohibiting mass gatherings and directing the statewide closure of K-12 public schools to limit the spread of COVID-19; and Executive Order 118 "Limiting Operations of Restaurants and Bars and Broadening Unemployment Insurance Benefits in Response to COVID 19."

WHEREAS, the emergency response orders in place in the State of North Carolina currently prohibits mass gatherings that bring together more than one hundred (100) persons in a single room or single space at a time, such as an auditorium, stadium, arena, large conference room, meeting hall, theater, or any other confined indoor or

outdoor space. The prohibition does not extend to other defined spaces and establishments.

Whereas, this latest Executive Order is a critical step in minimizing close contact between members of the community. Close contact for COVID-19 is currently defined as contact within 6 feet for a duration of at least 10 minutes. Social Distancing is a specific strategy, proven by data to severely lessen the impact of high consequence pathogens by minimizing the opportunity for close contact encounters.

WHEREAS, per federal guidelines and guidance from the California Department of Public Health, as well as State governments including Wisconsin and Virginia, gatherings of 10 people or more are prohibited.

WHEREAS, given its specific knowledge of Buncombe County and to further safeguard its residents and community via Social Distancing, Buncombe County Public Health has determined that an imminent hazard exists and has issued guidance recommending the temporary closure of certain businesses in which members of the public may be in close contact with each other to slow the spread of COVID-19.

NOW, THEREFORE, pursuant to the authority contained in Ch. 21, Buncombe County Code of Ordinances and Article 1A of the N.C.G.S. Chapter 166A, the Board of Commissioners, do hereby declare and order the following:

- that no gatherings of Ten (10) persons or more shall take place in Buncombe County including its incorporated municipalities during the term of this Declaration of Local State of Emergency.

- that all gyms and fitness centers, indoor pools, spas, and exercise facilities, movie theaters, live performance venues, and arcades shall close for business beginning at 5:00 p.m. Thursday, March, 19, 2020.

For the avoidance of doubt, and consistent with Executive Orders 117 and 118, grocery stores, pharmacies, convenience stores, gas stations and food distribution sites, to the extent they sell or distribute prepared food, are exempt from the provisions of this Declaration. Also, a gathering of persons does not "include normal operations at airports, bus and train stations, medical facilities, shopping malls and centers. It also does not include office environments, factories, and child care centers." [Libraries are omitted from this listing of exemptions to the Executive Orders because Buncombe County Libraries are currently closed.]

Further, food banks and other food distribution sites, farmers' markets, retail and hardware operations, and rental centers in which the public are not generally in close contact with other patrons are exempt from his Declaration.

By and with the consent of the mayors of the municipalities within Buncombe County this 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.

This Declaration is in addition to the Executive Orders referenced above and should any provision hereof be declared invalid or unconstitutional by any court of any competent jurisdiction, such declaration shall not affect the validity of this Declaration

that as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

We direct that copies of this Declaration be disseminated to the mass communications media for publication and broadcast, and that a copy of this Declaration be posted at the County Courthouse and other public buildings as appropriate.

That all of the terms and conditions of that said Local State of Emergency declared on March 12, 2020 remain in force and effect.

This Declaration of Local State of Emergency for Buncombe County shall begin upon its adoption and shall remain in effect until rescinded.

Adopted this the 19<sup>th</sup> day of March, 2020.

ATTEST:

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

\_\_\_\_\_  
Lamar Joyner, Clerk

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