

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

August 18, 2021

**DECLARATION OF  
LOCAL STATE OF EMERGENCY**

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**BUNCOMBE COUNTY ALIGNMENT WITH GOVERNOR'S EXECUTIVE ORDERS  
and  
REQUIREMENTS FOR FACE COVERING IN PUBLIC SPACES**

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, Governor Cooper has, as circumstances have changed over time, issued a number of modifications to the statewide emergency declaration, including Executive Order Nos.117-122, 124-125, 129-131, 133-136, 138-144, 146-153, 155-157, 161-165, 169-173, 176-177, 180-181, 183-185, 188-193, 195, 197-198, 200, 204-207, 209-212, 215-217, 219-221, and 224;

WHEREAS, the Centers for Disease Control and Prevention ("CDC") advises that viruses constantly change through mutation and new variants of viruses are expected to occur.

WHEREAS, the CDC reports that the Delta variant is more infectious and is leading to increased transmissibility when compared to other variants, even in vaccinated individuals.

WHEREAS, the CDC recommends that in areas of substantial or high transmission that people wear masks indoors in public to maximize protection from the Delta variant and prevent possibly spreading it to others;

WHEREAS, current incidence rates in Buncombe County demonstrate an incidence rate of 261 per 100,000 per week which is an increase from 151 two weeks prior and a six-fold increase from one month prior; about 89 new cases are entering the public health workflow each day, and this is an increase from about 50 two weeks prior;

WHEREAS, based on these data trends, indicating substantial or high transmission rates locally, Buncombe County public health officials recommend that Buncombe County follow this CDC guidance; and

WHEREAS, this Board finds it in the best interest of the citizens and residents of Buncombe County to align with CDC guidance and with the Governor's executive orders.

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. A Local State of Emergency for Buncombe County is adopted beginning upon adoption of this Declaration (hereinafter "order") and shall remain in effect until repealed, replaced, or rescinded.
2. Buncombe County aligns in all respects with the Governor's executive orders related to COVID-19 as same are related to the pandemic, provided; however, Buncombe County does not adopt or align with Section 4 of Executive Order 224 because that Section relates to vaccinations or testing at Cabinet Agencies and face covering requirements at Cabinet Agencies.
3. Pursuant to authority set forth in Executive Order 224, Section 2.4.a., face coverings are required of all Buncombe County citizens, residents and visitors in any indoor spaces in public spaces to maximize protection from the Delta variant and prevent possibly spreading it to others.
  - a. Indoor public places means business establishments, offices and workplaces, public transportation facilities and vehicles, and any indoor place the public is invited or allowed to enter and gather.
  - b. For restaurants, bars, and other food establishments, this includes that all guests wear face coverings at their tables unless actively drinking or eating.
  - c. "Restaurants" means permitted food establishments, under N.C. Gen. Stat. § 130A-248, and other establishments that both prepare and serve food. This includes, but is not limited to, restaurants, cafeterias, food halls, dining halls, food courts, and food kiosks
  - d. "Bars" means establishments that are not eating establishments or restaurants as defined in N.C. Gen. Stat. §§ 18B-1000(2) and 18B-1000(6).
4. Face Coverings must be worn indoors if anyone else is in that space who is not a member of the same household. This order does not apply in situations where individuals are

alone in an office or other similar work environment, in the home, or in outdoor settings where social distancing can be achieved.

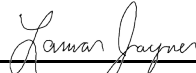
5. This order shall apply to all people at least five (5) years old, unless an exception applies. These requirements are recommended for all people over the age of two (2) years old.
6. This order may not apply due to Face Covering Exemptions set forth in Executive Order 209 or where medical or developmental conditions prohibit use.
7. All operators and owners of indoor public spaces are strongly recommended to implement social distancing practices within spaces to further minimize the risk of spread in addition to the face covering requirement.
8. Worship, religious, and spiritual gatherings, funeral ceremonies, wedding ceremonies, and other activities constituting the exercise of First Amendment rights are exempt from all the requirements of this order.
9. All entities and individuals engaging in these exempted activities are strongly encouraged to follow the continuing recommendations to Promote Social Distancing and Reduce Transmission by wearing and requiring Face Coverings. Wearing a proper face covering does not replace social distancing.
10. All citizens, residents and visitors are strongly encouraged to follow additional CDC and NCDHHS guidance which can be found at <https://covid19.ncdhhs.gov/guidance>.
11. This order shall remain in effect until September 30, 2021 or unless otherwise repealed, replaced, or rescinded, and may be extended based on data trends.
12. By and with the consent of the mayors of the following named municipalities within Buncombe County, this order applies within the municipal limits of the City of Asheville, the Town of Montreat, the Town of Woodfin, and the Town of Weaverville.
13. It is further ordered that the Emergency Management Plan adopted by Buncombe County, and that all applicable mutual assistance compacts and agreements are in effect and shall remain in effect until this order expires or is rescinded. All Emergency Management and Health and Medical Services personnel are hereby ordered to cooperate in the implementations of the provisions of the County's Emergency Management Plan.
14. We direct that copies of this order be disseminated to the mass communications media for publication and broadcast, and that a copy of this order be posted at the County Courthouse and other public buildings as appropriate.


15. 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.
16. Electronic Signature. This order may be executed in one or more counterparts by PDF or other electronic transmission, each of which shall be deemed an original and which, when taken together, shall constitute one document.
17. This order is effective upon its adoption.

Adopted this the 18<sup>th</sup> day of August, 2021.

ATTEST:

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

  
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Lamar Joyner, Clerk

By:   
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Brownie Newman, Chairman