NORTH CAROLINA
AVERY COUNTY

DECLARATION OF A LOCAL STATE OF EMERGENCY

The following declaration is issued by the Board of Commissioners of Avery County:

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death by the SARS-CoC-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person; and

WHEREAS, in response to the global spread of the virus and the disease it causes, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern; the Centers for Disease Control and Prevention ("CDC") warned of the high public health threat posed by COVID-19 globally and in the United States and deemed it necessary to prohibit or restrict travel to areas designated by the CDC; the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19; and the North Carolina Department of Health and Human Services ("NCDHHS") confirmed multiple cases of COVID-19 in North Carolina; and

WHEREAS, on March 10, 2020 the State of North Carolina, through the Office of the Governor, Roy Cooper, issued Executive Order No. 116 titled "Declaration of the State of Emergency to Coordinate Response and Protective Actions to Prevent the spread of COVID-19; and

WHEREAS, the State of North Carolina, through the Office of the Governor Roy Cooper, issued Executive Orders 116-120, 121 ("Stay at Home Order") *et.seq.* in response to the COVID-19 pandemic; and

WHEREAS, the State of North Carolina, through the Office of the Governor Roy Cooper, issued Executive Order 135 extending the "Stay at Home Order" until 8 May 2020 at 5:00 pm; and

WHEREAS, the State of North Carolina, through the Office of the Governor Roy Cooper, issued Executive Order 138, "Easing Restrictions on Travel, Business Operations, and Mass Gatherings: Phase 1"; and

WHEREAS, the State of North Carolina, through the Office of the Governor Roy Cooper, on 20 May 2020 issued Executive Order 141, "Easing Restrictions on Travel, Business Operations, and Mass Gatherings: Phase 2"; and

WHEREAS, in consultation with health care professionals and based upon guidance from CDC and NCDHHS, arrangements were initially made to insure that COVID-19 remains controlled and that residents and visitors in Avery County remain safe and secure; and

WHEREAS, given its specific knowledge of Avery County and to further safeguard its residents and community via Social Distancing, the Avery County Health Department initially determined that an imminent hazard existed and issued guidance recommending the temporary closure of businesses related to non-essential travel of non-resident individuals in Avery County to slow the spread of COVID-19; and

WHEREAS, the Avery County Health Department has issued further guidance regarding the implementation of policies to re-open such business related to non-essential travel of non-resident individuals in Avery County;

NOW, THEREFORE, pursuant to the authority of the Avery County Emergency Ordinance contained in Book 1 Page 69 of the Avery County Book of Ordinances and Article 1A of the North Carolina General Statutes, Chapter 166A:

1. A State of Emergency is declared in Avery County.

2. The emergency area covered by the Local State of Emergency includes, pursuant to the written request and consent of the respective Mayors of the Municipalities within Avery County, the municipal limits of Banner Elk, Beech Mountain, Crossnore, Elk Park, Newland, Seven Devils, Village of Grandfather and the Village of Sugar Mountain.

3. All individuals in Avery County are urged to practice the following measures as recommended by the CDC: avoid close contact with others by Social Distancing (keeping 6 feet of separation between individuals), washing hands frequently, and wearing a cloth face covering or other face covering.

4. It is further declared that the Emergency Management Plan adopted by Avery County, and that all applicable mutual assistance compacts and agreements are in effect and shall remain in effect until these Declarations expire or are 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.

5. This Declaration is in addition to the Executive Orders referenced above and any other Executive Orders issued, 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.

6. Any person who violates any provision of the Declaration shall be guilty of a misdemeanor in accordance with North Carolina General Statutes Sections 14-4 and 14-288.20A.

7. We direct that copies of this Declaration be dessiminated 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.

8. This Declaration shall supersede the current Declaration in effect dated 10 October 2020 and take effect on 15 October 2020 at 12:00 pm. This Declaration shall remain in effect until modified or rescinded.

Declared this the 15 day of October 2020.

BOARD OF COMMISSIONERS FOR THE COUNTY OF AVERY

By: Martha Hicks, Chair
Martha Hicks, Chair of the Board of Commissioners

ATTEST:

Cindy Turbyfill, Clerk