



AMENDMENT TO STATE OF EMERGENCY DECLARATION

IN THE TOWN OF BOONE

June 18, 2020

WHEREAS, the novel coronavirus SARS-CoV-2 (hereinafter, “COVID-19” or “coronavirus”) has been declared a pandemic by the World Health Organization; the Governor of North Carolina has declared a State of Emergency and imposed restrictions as delineated in certain Executive Orders; and cases of COVID-19 have been confirmed within Watauga County; and

WHEREAS, Watauga County and the Town of Boone have issued State of Emergency Declarations on grounds that there was and continues to be an imminent threat of, or existing conditions have caused or will cause, widespread or severe damage, injury, or loss of life or property, and that a declaration of emergency is necessary in order to more effectively protect the lives and property of people within the County and the Town of Boone; and

WHEREAS, the Town of Boone issued a superseding Amended State of Emergency Declaration on May 26, 2020 (hereinafter, the “Declaration”) which remains in effect; and

WHEREAS, the recitals set forth in said Declaration are incorporated herein as if set forth in full; and

WHEREAS, the Governor of North Carolina has issued Executive Order 141 relating to the COVID-19 emergency, moving the State into “Phase 2” and the re-opening of economic activity and movement of people as described in that Order; and

WHEREAS, as North Carolina's daily coronavirus case counts and hospitalizations for COVID-19 continue to increase; and

WHEREAS, there has recently been a substantial rise in the number of confirmed COVID-19 cases in Watauga County and even more significant increases in counties near to Boone, including Wilkes and Burke Counties; and

WHEREAS, the risk of COVID-19 transmission remains high, particularly in indoor settings with an increased likelihood of close contact and the sharing of air that may contain coronavirus-contaminated respiratory droplets and/or aerosols; and

WHEREAS, evidence cited by the federal Centers for Disease Control and Prevention (CDC) indicates that a significant portion of individuals with the coronavirus are asymptomatic, and that pre-symptomatic persons can transmit the virus to others before showing symptoms; and

WHEREAS, evidence indicates that masks and cloth face coverings are effective to reduce air-borne transmission of the coronavirus, and the CDC has issued guidance recommending the wearing of face coverings, especially in public settings where social distancing is difficult to maintain, together

with social distancing, sanitizing, and other preventive measures, to help slow the spread of COVID-19 (<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>); and

WHEREAS, the Town of Boone is a destination for university students, travelers and visitors from all over North Carolina and the United States, including from states with much higher per capita rates of COVID-19 infection than the State of North Carolina or Watauga County; and

WHEREAS, in open meeting on June 16, 2020, the Boone Town Council found and declared that the restrictions and prohibitions imposed pursuant to this Amendment are appropriate and necessary in order to slow and prevent the transmission of COVID-19 and more effectively protect the lives and property of people within the Town of Boone; and

WHEREAS, pursuant to N.C. Gen. Stat. §166A-19.31(b) and Town Code §101.02, as Mayor of Boone I am authorized to prohibit and restrict the movement of people in public places; to place prohibitions and restrictions on the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate; and to regulate or prohibit other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency;

NOW, THEREFORE, pursuant to the authority vested in me as Mayor under N.C.G.S. §166A-19.22, N.C.G.S. §166A-19.31, and Chapter 101 of the Town of Boone Code of Ordinances, I declare as follows:

Section 1. Pursuant to the foregoing authority, and to clarify and confirm the intent of the declarations previously issued on May 21 and May 26, a State of Emergency has been and is declared within the jurisdiction of the Town of Boone, North Carolina.

Section 2. All restrictions and prohibitions set forth in the superseding Amended Declaration of a State of Emergency issued on May 26, 2020 remain in full force and effect within the corporate limits of the Town of Boone, together with the restrictions imposed by the Governor's currently-effective Executive Order(s) relating to COVID-19.

Section 3. Based upon available information including but not limited to that set forth herein, I find and declare that it is in the best interests of Boone's residents, workers, and visitors to amend the May 26 Declaration to include the following additional restrictions:

- (a) While indoors in any commercial business or Town office, in an area that is open to the general public, all customers, employees, and any other occupants or users of such area shall wear a face covering. While wearing a face covering, social distancing (6') shall still be maintained so far as possible.

However, this provision requiring the wearing of a face covering does not apply to the following persons or in the following situations;

- i. to a person who cannot wear a face covering due to a medical or behavioral health condition, including but not limited to anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance;
- ii. to children who are under (11) years of age;
- iii. to a customer dining in a restaurant, while that customer is sitting at his or her table;

- iv. to a law enforcement officer, or to any emergency responder, who reasonably deems it necessary to remove a face covering in the course of his or her duties;
- v. to a person complying with directions issued by a law enforcement officer as provided at Session Law 2020-3 s. 4.3.(a)) (amending G.S. § 14-12.11(c));
- vi. to a person who reasonably deems it necessary to remove his or her face covering for safety reasons or in order to carry out his or her job duties.

(b) For purposes of the foregoing provisions, the following definitions apply:

- i. "Commercial business" means any for-profit business open to the general public for the purchase of goods, entertainment or services, including by way of example but not limited to: retail stores (such as grocery stores, convenience stores, hardware stores, pharmacies, ABC stores, and vehicle dealerships), restaurants, banks, and service businesses. "Commercial business" shall not be deemed to include County or State properties or facilities of any kind.
- ii. "Face covering" means a material covering the nose and mouth for the purpose of ensuring the physical health or safety of the wearer or others. See Session Law 2020-3 s. 4.3.(a)) (amending G.S. § 14-12.11). A face covering can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels. Acceptable, reusable face covering options for the general public include: bandanas, neck gaiters, homemade face coverings, scarves, or tightly woven fabric such as cotton t-shirts and some types of towels.

(c) A violation of this Section shall constitute a class 2 misdemeanor as provided at G.S. §166A-19.31(h); *provided, however*, that law enforcement officers shall first educate the offender as to the requirements set forth herein; upon a subsequent violation may issue a warning; and only in the event of repeat violations manifesting willful flouting or circumvention of this Declaration issue a criminal citation for violation of this Section; *and further provided*, that no criminal citation shall be issued for a violation of this Section until on or after 9:00 a.m. on July 11, 2020, so that residents, workers and visitors may be educated as to the requirements of this Amendment.

Section 4. The restrictions set forth in this Amendment shall be effective within the corporate limits of the Town of Boone beginning on Saturday June 20, 2020 at 9.a.m. and shall remain in effect until further notice.

Section 5. This declaration shall be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; filed with Town Clerk; and distributed to others as necessary to ensure proper implementation of this declaration.

DECLARED this the _____ day of _____, 2020.

Rennie Brantz, Mayor

ATTEST:

Nicole Harmon, Town Clerk