

**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 has declared COVID-19 a Public Health Emergency of International Concern; the Centers for Disease Control and Prevention (“CDC”) has warned of the high public health threat posed by COVID-19 globally and in the United States and has 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, 117, 118, 119, 120 and 121 (“Stay at Home Order”) in response to the COVID-19 pandemic; and

WHEREAS, in consultation with health care professionals and based upon guidance from CDC and NCDHHS, arrangements must be made immediately to take such actions as are deemed necessary and appropriate 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 has determined that an imminent hazard exists and has 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;

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. Restricted Access:
 - a. Effective 1 April 2020 at 1:00 pm, all residents and non-residents of Avery County arriving for overnight stays are ordered, while present in the County, to self-quarantine for a period of 14 days or 7 days after symptoms have resolved, whichever time period is longer, if arrival was preceded by overnights outside the County. The only exceptions to this provision are the commuting “essential” workforce and emergency response responders and workers as coordinated through the Avery County Office of Emergency Management, the Avery County Emergency Management Director, the Toe River Health Department Director, and/or the Avery County Sheriff and their designees.
4. Effective 1 April 2020 at 1:00 pm, all Lodging Facilities, including, but not limited to, hotels, motels, resorts, inns, guest houses, bed and breakfasts, campgrounds, RV Parks, vacation cabins, home rentals and any and all rentals or leases by Air-BnB, Homeaway, VRBO and other rental programs or places where leases or use of any are for less than one month in duration, shall be closed in Avery County, including in its incorporated municipalities, EXCEPT the exemptions as hereinafter set forth.
 - a. Exemptions
 1. Work-Related Exemptions: This closure does not apply if a lease or extended overnight accommodation is due to work here in Avery County for business, medical, construction, emergency services or other related services. In this situation, the employee staying at the lodging facility should have their employer provide their work related identification badge or a letter from the employer stating the purpose of the work to be performed in Avery County and the expected duration of the stay.
 2. Homeless Shelter: This closure does not apply to lodging facilities needed to house the homeless in an emergency or otherwise.
 3. Emergency Facility: This closure does not apply to a lodging facility if used as an emergency facility to assist with the COVID-19 response.

- b. This provision (4) is to remain in effect until 29 April 2020 unless modified or extended.
 - c. By and with the consent of the mayors of the municipalities within Avery County, this provision pertaining to lodging facilities applies within the municipal limits of Banner Elk, Beech Mountain, Crossnore, Elk Park, Newland, Village of Grandfather and Seven Devils. Upon the consent of the mayor or Board of the Village of Sugar Mountain, this provision shall apply to such municipality.
5. 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.
 6. 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.
 7. 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.
 8. 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.
 9. This Declaration shall supersede the current Declaration in effect dated 30 March 2020 and take effect on 1 April 2020 at 1:00 pm. This Declaration shall remain in effect until modified or rescinded.

Declared this the 1st day of April 2020.

**BOARD OF COMMISSIONERS FOR THE
COUNTY OF AVERY**

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

ATTEST:

Cindy Furbyfill

Cindy Furbyfill, Clerk

