

**STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE**

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

**STAY HOME – STAY SAFE**

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, symptoms of COVID-19 include fever, coughing, and shortness of breath. In some cases the virus has caused death;

WHEREAS, The virus that causes COVID-19 is easily transmitted through person to person contact, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety; and

WHEREAS, Because of the risk of the rapid community spread of the virus, and the need to protect the most vulnerable members of the community, this supplemental declaration requires all individuals anywhere in Buncombe County to stay at home, except for certain essential activities and work to provide essential business and government services or perform essential public infrastructure construction, including housing.

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. This Order takes effect at 8:00 p.m. on Thursday, March 26, 2020 and will continue through 6:00 a.m. on Thursday, April 9, 2020, subject to the limited exceptions and under the terms and conditions more particularly set forth below;
2. All individuals currently living within Buncombe County are ordered to stay at their place of residence. For the purposes of this Order, residences include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 9.

3. All businesses operating within Buncombe County, except Essential Businesses as defined below in Section 9.b, are required to cease all activities at facilities located within the County. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). To the greatest extent possible, all Essential Businesses shall comply with the Social Distancing Guidelines attached, including maintaining six-foot social distancing for both employees and the general public.
4. All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Order prohibits the gathering of members of a household or living unit.
5. Restaurants with or without drive-in or drive-through services and microbreweries, micro-distilleries, or wineries may only provide take out, delivery, or drive-through services as allowed by law.
6. Religious and worship services may only be provided by video and teleconference. Religious institutions must limit in-person staff to ten (10) people or less when preparing for or conducting video or teleconference services, and all individuals must follow the attached Social Distancing Guidelines including the six-foot social distancing, which are hereby adopted.
7. All visitors travelling to Buncombe County from areas experiencing community transmission of COVID-19 – notably New York State, Washington State and California – must self-quarantine at their local residence for 14 days before entering the community.
8. All elective medical, surgical, and dental procedures are prohibited anywhere in Buncombe County. Hospitals, ambulatory surgery centers, dental offices, and other medical facilities are directed to identify procedures that are deemed “elective” by assessing which procedures can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to COVID-19 response.
9. Definitions:
  - a. For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities” :
    - i. **For health and safety.** To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home).
    - ii. **For necessary supplies and services.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences).

- iii. **For outdoor activity.** To engage in outdoor activity, provided the individuals comply with social distancing requirements of six feet (for example, walking, biking, hiking, or running).
  - iv. **For work deemed essential.** To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order.
  - v. **To take care of others.** To care for a family member or pet in another household.
- b. For purposes of this Declaration, “Essential Businesses” is defined as follows:
- i. **Essential Healthcare Operations.** Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance use disorder service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures as established in accordance with Subsection 7 of this Order.
  - ii. **Essential Government Functions.** All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. Further, nothing in this order shall prohibit any individual from performing or accessing “Essential Government Functions.” All Essential Government Functions shall be performed in compliance with social distancing requirements of six feet, to the extent possible.
  - iii. **Essential Critical Infrastructure.** Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent

possible. Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with social distancing guidelines attached.

- iv. Essential Retail. Food service providers, including grocery stores, warehouse stores, big-box stores, bodegas, liquor stores, gas stations and convenience stores, farmers markets that sell food products and household staples. Food cultivation, including farming, fishing, and livestock. Businesses that ship or deliver groceries, food, goods or services directly to customers. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Gas stations, auto-supply, auto and bicycle repair, hardware stores, and related facilities. Businesses that supply products needed for people to work from home.
- v. Educational Institutions facilitating distance learning. Educational institutions, including public and private K-12 schools, colleges, and universities, for purposes of facilitating distance learning, performing critical research, or performing essential functions that are needed or appropriate for continuing operations or addressing the public health emergency, provided that social distancing is maintained to the greatest extent practicable. Each educational institution shall determine its essential functions and the employees and/or contractors necessary to the performance of those functions.
- vi. Providers of Basic Necessities to Economically Disadvantaged Populations. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals. This includes adult day cares.
- vii. Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses. Trash and recycling collection, processing and disposal; mail and shipping services; building cleaning, maintenance and security; warehouse/distribution and fulfillment; storage for essential businesses; funeral homes, crematoriums and cemeteries. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities, contractual obligations, and end of life directives. Businesses that supply other essential businesses with support or supplies needed to operate.
- viii. News Media. Newspapers, television, radio, and other media services.

- ix. Childcare Services. Childcare facilities providing services that enable employees exempted in this Order to work as permitted.
  - x. All Businesses may maintain Minimum Basic Operations. For purposes of this declaration, Minimum Basic Operations include the following, provided that employees comply with Social Distancing Requirements, to the greatest extent feasible, while carrying out such operations:
    - 1. The **minimum** necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.
    - 2. The **minimum** necessary activities to facilitate employees of the business being able to continue work remotely from their residences.
10. Any manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing and producing ventilators, personal protective equipment (PPE), or another good supporting medical response (e.g., sanitizer, disinfectant) is considered an "essential business" under this Order.
  11. Grocery stores, supermarkets, warehouse stores, hospitals, and medical facilities are experiencing high levels of demand for a large number of products, requiring more deliveries from manufacturers and distribution centers to serve their customers. Due to the need to deliver products as quickly and efficiently as possible during this critical timeframe, this Order hereby suspends all delivery hour restrictions for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies in Buncombe County for the next 60 days.
  12. If someone in a household has tested positive for COVID-19 or has signs and symptoms consistent with COVID-19 (i.e., fever and cough or difficulty breathing), the other occupants of the household are ordered to quarantine at home following the guidance of public health.
  13. Elderly persons and those deemed at high risk of severe illness from COVID-19 are urged to stay in their residence to the greatest extent possible, except as necessary to seek medical care. Those at high risk should seek telemedicine solutions first before travelling to a health care provider. Nothing in this proclamation prevents the Buncombe County Health Director from issuing and enforcing isolation and quarantine orders or executing other duties as required.
  14. Long-term care settings (including, but not limited to, skilled nursing facilities, adult care homes, family care homes, and assisted living facilities) are instructed by this order to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.
  15. Additionally, Buncombe County Public Health instructs all employees to remain at home if sick.

16. All lodging facilities, including campgrounds, with rentals or leases for less than one month in duration shall be closed EXCEPT for work-related accommodations, facilities housing persons experiencing homelessness and any facility being used as an emergency facility.
17. This Order shall be effective until 6:00am on Thursday April 9, 2020, or until it is either rescinded, superseded, or amended pursuant to applicable law.
18. The County of Buncombe must promptly provide copies of this Order by posting on the Buncombe County website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.
19. 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.
20. Failure to comply with this declaration is a Class 2 misdemeanor
21. This Declaration of Local State of Emergency for Buncombe County shall go into effect at 8:00 p.m. on Thursday, March 26, 2020 and will continue through 6:00am on Thursday, April 9, 2020.

ATTEST :

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

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

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

# Buncombe Stay Home – Stay Safe

## Supplemental Declaration : Interpretive Guidance

Buncombe County has issued a “Stay Home – Stay Safe” Supplemental Declaration that goes into effect Thursday, March 26, 2020 at 8:00pm. The intent of this supplemental declaration is to further minimize all opportunities for exposure and transmission of COVID-19 across the jurisdiction. This declaration directs all Buncombe County residents to “Stay Home – Stay Safe” and to limit movements outside of their homes that are not deemed essential. This declaration is valid through Thursday, April 9, 2020 at 6:00am, but will be regularly reviewed and evaluated which may lead to revision, amendment or extension.

This document is intended as interpretive guidance to assist the public’s understanding and interpretation of the Supplemental Declaration. It summarizes what Buncombe County Citizens can do and should not do. It draws distinction between essential and non-essential travel. It defines and summarizes what businesses are deemed essential vs. non-essential. It attempts to answer some Frequently Asked Questions.

Under this Supplemental Declaration...

### **Buncombe County residents can:**

- Go to the grocery and convenience store
- Go to the pharmacy to pick up medications and healthcare necessities
- Visit a health care facility for medical services that cannot be provided virtually (call first)
- Go to a restaurant, for take-out, delivery, or drive-thru service only
- Care for or support a friend, family member, or pet
- Take a walk, ride your bike, hike, jog (as long as social distancing measures are maintained)

- Walk your pets and take them to the veterinarian
- Help others to get necessary supplies
- Receive deliveries from any business that delivers

### **Buncombe County residents should NOT:**

- Go out at all if they are sick
- Go to work, unless providing essential services as defined by this order
- Visit friends and family if there is no specific, urgent need
- Be closer than 6 feet from others if out in public
- Visit loved ones in the hospital, nursing home, skill nursing facilities, or other residential care facilities, except for limited exceptions as provided by the specific facility
- Travel, except for essential travel and activities.
- Engage in door to door solicitation

### **Activities that are considered essential:**

In General, activities that fall under these categories. Further details can be found in the Supplemental Declaration itself.

- For health and safety
- To get necessary supplies and services
- For outdoor activities (walking, hiking, golfing, running, cycling, using greenways)
- For work for essential businesses/operations
- To take care of others

### **What is the difference between “Stay Home – Stay Safe” and “Shelter in Place”?**

Under a Stay Home declaration residents can still perform essential services and conduct essential travel. Shelter in Place is a declaration that Buncombe County may use in the future. Shelter in Place only permits Emergency travel

and Emergency services, so it is fundamentally more restrictive than a Stay Home order.

### **I live outside of Buncombe County. How does this affect me?**

If you work in Buncombe County, then your business/employer must comply with this order. You are allowed to travel through Buncombe County and conduct essential activities within Buncombe County and to return home.

### **What is considered essential travel?**

- Any travel related to the provision of or access to essential activities, essential governmental functions, essential businesses and operations, or minimum basic operations.
- Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons
- Travel to or from education institutions for purposes of receiving materials for distance learning, for receiving meals, and other related services
- Travel to return to a place of residence from outside the jurisdiction
- Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement
- Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel

### **Am I allowed to travel?**

You are allowed to travel for purposes of essential business and essential activities

### **Am I allowed to go outside to exercise?**

Yes – but maintain social distancing of at least 6 feet from all others.

## **Enforcement Activities**

### **Can I get arrested for violating this order?**

All Buncombe County Law Enforcement entities will to enforce the order through education, dialogue, and seeking voluntary cooperation from all residents and businesses. If voluntary cooperation is not achieved Buncombe County Law Enforcement is equipped to enforce these restrictions through citations or misdemeanor charges. Any person violating any prohibition or restriction imposed by this order shall be guilty of a Class 2 misdemeanor.

### **How do I report a violation of this order?**

Report violations to your Local Law Enforcement Agency via Non-emergency line.

### **I live in (Woodfin/Black Mountain/Weaverville/Biltmore Forest/Montreat/Asheville) – does this order apply to me?**

Yes – this order applies to all residents within Buncombe County.

### **Does this order apply to the homeless?**

No – homeless are exempt from this restriction but are urged to find shelter.

### **Guidance on essential services under the supplemental declaration is as follows:**

Essential businesses or entities, including any for profit or non-profit, regardless of the nature of the service, the function they perform, or its corporate or entity structure, are not subject to these restrictions.

*(Essential Businesses must continue to comply with the guidance and directives for maintaining a clean and safe work environment issued by the Department of Health i.e. social distancing and sanitation practices).*

This guidance is mandated by the Buncombe County Board of Commissioners and applies to each business location individually and is intended to assist businesses in determining whether they are an essential business and steps to request such designation. With respect to business or entities that operate or provide both essential and non-essential services, supplies or support, only those lines and/or business operations that are necessary to support the essential services, supplies, or support are exempt from the restrictions.

For purposes of this supplemental declaration, "Essential Business," means:

### **1. Essential Health Care Operations, Including:**

- research and laboratory services
- hospitals
- walk-in-care health facilities
- emergency veterinary and livestock services
- elder care
- medical wholesale and distribution
- home health care workers or aides for the elderly
- doctor and emergency dental
- nursing homes, or residential health care facilities or congregate care facilities
- medical supplies and equipment manufacturers and providers
- blood drive and blood collection sites

### **2. Essential Infrastructure, Including:**

- utilities including power generation, fuel supply and transmission
- public water and wastewater
- telecommunications and data centers
- airports/airlines

- transportation infrastructure such as roads, bus, rail, or for-hire vehicles, garages
- hotels, and places of accommodation

### **3. Essential Manufacturing, Including:**

- food processing, manufacturing agents, including all foods and beverages
- chemicals
- medical equipment/instruments
- pharmaceuticals
- sanitary products
- telecommunications
- microelectronics/semi-conductor
- agriculture/farms
- household paper products

### **4. Essential Retail, Including:**

- grocery stores including all food and beverage stores
- pharmacies
- convenience stores
- farmer's markets
- gas stations
- restaurants/bars (but only for take-out/delivery)
- hardware and building material stores
- pawn shops

### **5. Essential Services, Including:**

- trash and recycling collection, processing and disposal
- mail and shipping services
- laundromats

- building cleaning and maintenance
- child care services
- auto repair
- warehouse/distribution and fulfillment
- funeral homes, crematoriums and cemeteries
- storage for essential businesses
- animal shelters

## **6. News Media**

## **7. Financial Institutions, Including:**

- banks
- insurance
- payroll
- accounting
- services related to financial markets

## **8. Providers of Basic Necessities to Economically Disadvantaged Populations, Including:**

- homeless shelters and congregate care facilities
- food banks
- human services providers whose function includes the direct care of patients in state-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in state-licensed residential facilities; those operating community shelters and other critical human services agencies providing direct care or support

## **9. Construction, Including:**

- skilled trades such as electricians, plumbers

- other related construction firms and professionals for essential infrastructure, to include public works, roads and bridges, or for emergency repair and safety purposes

#### **10. Defense**

- defense and national security-related operations supporting the U.S. Government or a contractor to the US government, to include the Defense Industry Base's (DIB) Essential Critical Infrastructure

#### **11. Essential Services Necessary to Maintain the Safety, Sanitation and Essential Operations of Residences or Other Essential Businesses, Including:**

- law enforcement
- fire prevention and response
- building code enforcement
- security
- emergency management and response
- building cleaners or janitors
- general maintenance whether employed by the entity directly or a vendor
- automotive repair
- disinfection

#### **12. Vendors that Provide Essential Services or Products, Including Logistics and Technology Support, Child Care and Services:**

- logistics
- technology support for online services
- child care programs and services
- government owned or leased buildings
- essential government services

If the function of your business is not covered above, but you believe that it is essential or it is an entity providing essential services or functions, you may request designation as an essential business from Buncombe County Government.

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## **FOR ANY BUNCOMBE COUNTY BUSINESS LOOKING FOR EXEMPTION DURING A SHUTDOWN**

Buncombe County has a process to evaluate businesses and allow them the ability to continue operations as an essential business **IF** they are deemed to be essential by following this process. Businesses not explicitly covered in this guidance are assumed to be non-essential until they are confirmed as essential by Buncombe County Government.

Send email to [business@buncombecounty.org](mailto:business@buncombecounty.org)

1. In the email, provide the following:
  - a. Business Name
  - b. Point of Contact, including:
    - i. Name
    - ii. Email address
    - iii. Phone number
    - iv. Mailing address
  - c. Nature of their business and why they should be deemed essential
  - d. Business website address

Please be aware that this is a new process and Buncombe County is experiencing a high volume of requests, so the response could be delayed.

**Requests by businesses to be designated an essential function as described above, should only be made if they are NOT covered by the guidance.**