

**NORTH CAROLINA  
COUNTY OF AVERY**

**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 as of March 10, 2020.

**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.

**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.

**NOW, THEREFORE**, pursuant to the authority of the Avery County State of Emergency Ordinance contained in Book 1 Page 69 of the Avery County Book of Ordinances and Article 1A of the N.C.G.S. Chapter 166A, the Board of Commissioners declared a Local State of Emergency for Avery County beginning 20 March 2020, and the Board of Commissioners desire to extend said Local State of Emergency for Avery County upon adoption of this Declaration which shall remain in effect until rescinded.

By and with the written consent and request of the Mayors of the Municipalities within Avery County, this Declaration of Local State of Emergency applies within the municipal limits of Banner Elk, Beech Mountain, Crossnore, Elk Park, Newland, Seven Devils, Village of Grandfather and the Village of Sugar Mountain.

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 this Declaration 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.

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.

Adopted this the 25 day of March 2020.

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

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



**ATTEST:**

Cindy Turbyfill  
Cindy Turbyfill, Clerk

**NORTH CAROLINA  
AVERY COUNTY**

**SUPPLEMENTAL DECLARATION  
OF LOCAL STATE OF EMERGENCY**

**WHEREAS**, based on public health guidance from the World Health Organization, the Centers for Disease Control and Prevention, the United States Department of Health and Human Services and the North Carolina Department of Health and Human Services, Avery County declared a Local State of Emergency on 20 March 2020;

**WHEREAS**, Avery County is a small rural county of approximately 17,500 residents and with limited infrastructure;

**WHEREAS**, Avery County and is served by a small rural hospital that has limited capacity;

**WHEREAS**, in just over the past week, the State of North Carolina, through the Governor, Roy Cooper, issued Executive Order No. 116 titled "Declaration of a State of Emergency to Coordinate Response and Proactive Actions to Prevent the Spread of COVID-19; Executive Order No. 117 prohibiting mass gatherings and directing the statewide closure of K-12 public schools to limit the spread of COVID-19; Executive Order No. 118 "Limiting Operations of Restaurants and Bars and Broadening Unemployment Insurance Benefits in Response to COVID-19"; Executive Order No. 119 waiving restrictions on child care and elder care and providing DMV flexibility; Executive Order No. 120 temporary closure of certain businesses in which members of the public may be in close contact with each other and extension of statewide closure of K-12 public schools in Response to COVID-19";

**WHEREAS**, the latest Executive Order seeks to minimizing close contact between members of the community. Close contact for COVID-19 is currently defined as contact within six feet for a duration of at least ten minutes. Social Distancing is a specific strategy, proven by data to greatly lessen the impact of high consequence pathogens by minimizing the opportunity for close contact encounters;

**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 State of Emergency Ordinance and the authority vested in me as the Chairman of the Board of Commissioners of Avery County under Article 1A of Chapter 166A of the North Carolina General Statutes, it is **DECLARED**:

Effective Wednesday, March 25, 2020 at 5:00 p.m., 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. **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.

b. **Homeless Shelter:** This closure does not apply to lodging facilities needed to house the homeless in an emergency or otherwise.

c. **Emergency Facility:** This closure does not apply to a lodging facility if used as an emergency facility to assist with the COVID-19 response.

By and with the consent of the mayors of the municipalities within Avery County, this Supplemental Declaration of Local State of Emergency 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 Supplemental Declaration of Local State of Emergency shall apply to such municipality.

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.

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 Avery County Administration Building, Avery County Courthouse and other public buildings as appropriate.

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.

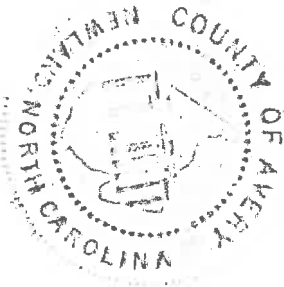
All of the terms and conditions of that said Local State of Emergency declared on 20 March 2020 remain in force and effect.

This Supplemental Declaration of Local State of Emergency for Avery County shall begin

upon its adoption and shall remain in effect through any extensions of the Local State of Emergency until the earlier of 18 April 2020 or until rescinded.

Adopted this the 25<sup>th</sup> day of March 2020.

Avery County Board of Commissioners



*Martha J. Hicks, Chair*  
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Martha J. Hicks, Chair

Attest:

*Cindy Turbyfill*  
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Cindy Turbyfill, Clerk to the Board