



**AMENDMENT TO STATE OF EMERGENCY DECLARATION
IN THE TOWN OF BOONE**

August 20, 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 numerous and increasing cases of COVID-19 have been confirmed within Watauga County and the Town of Boone; and

WHEREAS, Watauga County and the Town of Boone have issued State of Emergency Declarations on grounds that there is 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, which was amended by order dated June 18, 2020; and said Declaration, as amended, remains in effect (hereinafter, the “Declaration”); and

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

WHEREAS, in open meeting on August 18, 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. I find and declare that it is in the best interests of Boone’s residents, workers, and visitors to amend the Declaration to include the following additional restrictions within the corporate limits of the Town of Boone:

- (a) No person may cause an obstruction or use space upon a public sidewalk for commercial purposes unless such obstruction or use permits passing pedestrians to maintain at least six (6) feet clearance from other persons, including persons dining at outside tables, persons shopping sidewalk sales, and employees supervising sidewalk sales, so that proper social distancing can be maintained. For purposes of this provision, causing an obstruction upon a sidewalk or using space on a public sidewalk for commercial purposes shall include the use of sidewalk for outdoor dining, outdoor sales or any other commercial activity. To the extent of inconsistency between this subsection (1)(a) and section 96.002 of the Town Code, the requirements of this subsection shall prevail.
- (b) 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.

Section 2. The restrictions set forth in this Amendment shall be effective within the corporate limits of the Town of Boone as of 12:00 p.m. on August 21, 2020.

Section 3. This Amendment 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; distributed to others as necessary to ensure proper implementation of this declaration; and otherwise published and distributed by the Town Clerk as required by State Law.

DECLARED this the 20th day of August, 2020.



Rennie Brantz, Mayor

ATTEST:



Nicole Harmon, Town Clerk