

TOWN OF BOONE AMENDED STATE OF EMERGENCY DECLARATION

May 26, 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 the borders of Watauga County; and

WHEREAS, in light of the COVID-19 pandemic, the Mayor of Boone determined that there was 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 Town of Boone; and

WHEREAS, the Town of Boone is located within Watauga County, and Watauga County declared a state of emergency on March 14, 2020; and

WHEREAS, on March 14, 2020, pursuant to N.C.G.S. 166A-19.22(b)(2) and Town Code Chapter 101, the Mayor issued a Declaration whereby the Town of Boone consented to application within the Town limits of the Declaration of a State of Emergency issued by Watauga County; and

WHEREAS, Watauga County issued amended Declarations of a State of Emergency on March 26, March 30 and March 31 superseding the original Declaration of a State of Emergency in order to impose certain additional restrictions as described in said amendments; and

WHEREAS, the Mayor determined that said additional restrictions imposed by the County were appropriate and necessary in order to more effectively protect the lives and property of people within the Town of Boone, and issued superseding Declarations of a State of Emergency consenting to application of said Watauga County Declaration of a State of Emergency; and

WHEREAS, according to data published by the North Carolina Department of Health and Human Services, as of May 21, 2020 there have been at least 20,860 lab- confirmed cases of COVID-19 in the State of North Carolina, and at least 739 persons have died from the coronavirus; and

WHEREAS, as of this date, the manner and rate of spread of the coronavirus remains significantly uncertain; and

WHEREAS, there continues to be community spread of COVID-19 in communities throughout North Carolina and the United States, and testing infrastructure remains inadequate for authorities to fully grasp where, how and at what rate the coronavirus is spreading; and

WHEREAS, hospital administrators and health care providers have expressed concerns that unless the spread of COVID-19 is limited, existing health care facilities may be insufficient to care for those who become sick; and

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WHEREAS, slowing and controlling community spread of COVID-19 is critical to ensuring that our community's healthcare facilities remain able to accommodate those who require medical assistance; and

WHEREAS, as of May 12, 2020 North Carolina's daily case counts of COVID-19 continue to increase in the context of increased testing, demonstrating the state must remain vigilant in its work to slow the spread of the virus; and

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

WHEREAS, the risk of COVID-19 transmission remains high, particularly with regard to indoor settings with an increased likelihood of close contact; and

WHEREAS, the Town of Boone is a destination spot for 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 that the State of North Carolina or Watauga County; and

WHEREAS, evidence indicates that masks and cloth face coverings are effective to reduce airborne transmission of the coronavirus; and

WHEREAS, the Boone Town Council finds and declares that as a result of COVID-19, there 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 Town of Boone; and

WHEREAS, the Boone Town Council finds and declares that the restrictions and prohibitions imposed pursuant to this Declaration 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, N.C. Gen. Stat. §166A-19.31(b) and Town Code §101.02 authorize the Boone Town Council 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 the Boone Town Council 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, the Boone Town Council declares the following:

Section 1. This amended Declaration of a State of Emergency supersedes and replaces the previously issued Declaration of Emergency issued by the Town Council on May 21, 2020 and shall apply within the corporate limits of the Town of Boone as provided herein.

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Section 2. The following emergency restrictions and prohibitions shall apply within the corporate limits of the Town of Boone:

1. **DEFINITIONS.** For purposes of the following provisions, “Retail Business” means any business in which customers enter a space to purchase goods or services, including but not limited to grocery stores, convenience stores, large-format retail stores, pharmacies, banks, ABC stores, hardware stores, and vehicle dealerships.” “Establishment open to the public” includes portions of any place of business (including but not limited to Retail Businesses, service businesses, reception areas of professional offices, and restaurants), Town office, non-profit office, or other place where members of the public are permitted to and do enter to obtain goods, services, information or assistance. “Establishment open to the public” shall not be deemed to include County or State offices.
2. For clarification, all restrictions and prohibitions set forth in the Governor’s Executive Orders, as such may be amended from time to time, apply in the Town of Boone.
3. For clarification, the Town continues to consent to the application in the Town limits of Watauga County’s currently effective Declaration(s) of State of Emergency, for so long as said County Declaration is effective. As of 5 p.m. Friday, May 22, 2020, the restrictions and prohibitions in the County Declaration include but are not necessarily limited to the following:
 - a. all playgrounds, courts, and picnic shelters in Watauga County and its municipalities shall be closed until further notice. The closure includes school playgrounds. Childcare facilities still operating shall be exempt from this directive;
 - b. subject to certain exceptions and limitations set forth in the County’s Declaration, all lodging, short-term rentals and other fee based overnight accommodations for a period of less than thirty (30) days shall operate at no more than 50% capacity. Short-term rentals shall include, but not be limited to: Air bed and breakfasts, campgrounds, timeshare units, condos, hotels, motels, resorts, inns, RV parks, vacation cabins, home rentals, VRBO, and other rental programs or places where leases are for less than 30 days duration.
4. For the reasons and on the authority set forth, herein, the Town hereby adopts the following restrictions and prohibitions in this Declaration:
 - a. All Town meetings shall be held remotely; except that Board of Adjustment meetings are postponed for 60 days, prior to the expiration of which Town Council will consider whether and how such meetings may resume;
 - b. Social distancing (6’ per current guidance) must be maintained in all establishments open to the public, in all places of employment, and in public parks, sidewalks, streets, and on Town property, except as between persons who are members of the same household;
 - c. Social distancing shall not be required for persons engaged in personal care, grooming, and tattoo services as defined in Executive Order 141 issued by the Governor, provided that such persons shall wear masks when they cannot maintain social distancing, and shall post in a conspicuous space in the business that they cannot guarantee that masks will protect against the transmission of COVID-19 virus;
 - d. In Retail Businesses with shopping aisles, aisles shall be one-way if shoppers otherwise cannot maintain 6’ social distancing when walking the aisles in opposite directions;

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- e. To the extent reasonably available, hand sanitizer or other disinfectant shall be offered to customers of all establishments open to the public as customers enter and leave the premises;
- f. While indoors in areas open to the public or occupied by other employees, employees of establishments open to the public must wear masks or other face coverings that comply with current public health guidance (i.e., cover nose and mouth and go under chin); except that the face-covering requirement shall not apply to employees that cannot wear masks due to a medical or behavioral condition, or due to a safety concern;
- g. Employees of establishments open to the public must disinfect their hands between each interaction with a member of the public that involves exchange of a physical item that could enable surface-to-hand transmission of the coronavirus (e.g., check-out cashier handling customers' goods, money or credit cards);
- h. Restaurants may use only disposable menus provided for one-time use or menus that are disinfected between each use;
- i. Employees of establishments open to the public must be subject to a daily screening process before the employee begins work to check for COVID19 symptoms, by means of a standard interview questionnaire of symptoms. Such a screen may, but is not required to be, that offered by the NC Department of Health and Human Services. Employees should not be permitted to work if they display symptoms, and should not be allowed to return to work if they have been diagnosed with COVID-19 or are presumed positive by a medical professional due to symptoms until they meet the CDC criteria for release from isolation: (i) no fever for at least 72 hours since recovery (without the use of fever-reducing medicine); and (ii) other symptoms have improved (e.g., coughing, shortness of breath); and (iii) at least ten (10) days have passed since first symptoms;
- j. **PENALTY:** In enforcing this Declaration, law enforcement officers are specifically authorized to issue warning citations. However, repeat violations or an egregious first violation manifesting willful flouting or circumvention of this Declaration shall constitute a class 2 misdemeanor as provided at G.S. §166A-19.31(h).

Section 3. The restrictions and prohibitions set forth in this Declaration of a State of Emergency shall be effective within the corporate limits of the Town of Boone beginning on Tuesday June 2, 2020 at 2 p.m. and shall remain in effect until further notice.

DECLARED this the _____ day of _____, 2020.

Rennie Brantz, Mayor

ATTEST:

Nicole Harmon, Town Clerk

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