

JOINT SUPPLEMENTAL PROCLAMATION OF A STATE OF EMERGENCY

Pursuant to Section 5-22 of the Rutherford County Emergency Management Ordinance, Chapter 7 of the Forest City code of Ordinances, Town of Lake Lure Ordinance 97-1-14, Chapter 12 of the Town of Rutherfordton Code of Ordinances, Town of Spindale Ordinance 93.02, Chapter 166A of North Carolina's General Statutes, and the Proclamations of States of Emergency by Rutherford County and each of the municipalities hereunder, we have determined that there continues to exist an imminent threat of widespread or severe illness, injury or loss of life resulting from the COVID-19 virus pandemic, a State of Emergency as defined in the County and municipal ordinances referenced above and under N.C. Gen. Stat. §166A-19.3(6) continues to exist in the County of Rutherford, Town of Bostic, Town of Forest City, Town of Lake Lure, Town of Rutherfordton, and the Town of Spindale based upon the following findings:

WHEREAS, COVID-19 is a serious communicable disease that can result in serious illness or death; and

WHEREAS, the Centers for Disease Control has warned COVID-19 is a high public health threat; and

WHEREAS, individuals within the State of North Carolina have been diagnosed as having contracted COVID-19; and

WHEREAS, the President of the United States of America, Donald Trump, has declared a national State of Emergency; and

WHEREAS, the Governor of North Carolina, Roy Cooper, has declared a statewide State of Emergency; and

WHEREAS, Rutherford County issued a Proclamation of a County State of Emergency on March 16, 2020; and

WHEREAS, the Town of Bostic issued a Proclamation State of Emergency on March 17, 2020; and

WHEREAS, the Town of Forest City issued a proclamation of a State of Emergency on March 17, 2020; and

WHEREAS, the Town of Lake Lure issued a Proclamation of a Town State of Emergency on March 17, 2020; and

WHEREAS, the Town of Rutherfordton issued a Proclamation of a State of Emergency on March 16, 2020; and

WHEREAS, the Town of Spindale issued a Proclamation of Town of Spindale State of Emergency on March 16, 2020; and

WHEREAS, since March 16, 2020, the number of individuals testing positive for COVID-19 is increasing within the State of North Carolina, and the number of counties within North Carolina reporting positive COVID-19 tests has dramatically increased; and

WHEREAS, the North Carolina Division of Emergency Management has activated the North Carolina Emergency Operation Center to manage public health; and

WHEREAS, on March 25, 2020, two individuals have died in North Carolina reportedly as a result of being infected with COVID-19; and

WHEREAS, local and state health departments must use all preventative and mitigation measures, which will require access to available services, personnel, equipment, and facilities to respond to COVID-19; and

WHEREAS, this proclamation is necessary to include specific and additional authority under the Rutherford County Emergency Management Ordinance in order to maintain order and protect the public health, safety and welfare and to secure life, property and government stability; and

WHEREAS, the Director of the Foothills Health District, encompassing both Rutherford and McDowell Counties, has confirmed a public health threat due to the confirmed spread of COVID-19; and

WHEREAS, there is increasing evidence of increasing positive tests of COVID-19 of citizens of North Carolina, and of increasing evidence of positive tests of citizens of North Carolina resulting not only from out of county travel or contact with individuals known or believed to be positive for COVID-19, but also from community transmission; and

WHEREAS, widespread testing of COVID-19 is not yet available in Rutherford County; and

WHEREAS, scientific and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally, and COVID-19 specifically, indicate that it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed; and

WHEREAS, many individuals who contract COVID-19 display no symptoms or have mild symptoms which means these individuals may not be aware they have contracted the virus and unknowingly transmit the virus to others, including those more vulnerable to the virus; and

WHEREAS, it is the intent of this Proclamation that the combination of prohibitions and restrictions set forth herein, taken together, result in a “Stay at Home” order where residents stay at home except for the purpose of Essential Activities, Essential Business, or Essential Government Services as set forth herein; and

WHEREAS, the Mayor of the Town of Bostic, Mayor of the Town of Forest City, the Mayor of the Town of Lake Lure, the Mayor of the Town of Rutherfordton, and the Mayor of the Town of Spindale each do consent to the application of each of the prohibitions and restrictions in this Joint Supplemental Proclamation to each of their respective municipalities pursuant to N.C. Gen. Stat §166A-19.22(b)(2); and

WHEREAS, it is the intent of Rutherford County, the Town of Bostic, the Town of Forest City, the Town of Lake Lure, the Town of Rutherfordton, and the Town of Spindale to make this Joint Supplemental Proclamation in the mutual interest of the health, safety and welfare of our citizens in our common resolve to work together to combat the spread of COVID-19 in our community.

NOW, THEREFORE, the Chairman of the Board of Commissioners of Rutherford County, North Carolina, the Mayor of the Town of Bostic, the Mayor of the Town of Forest City, the Mayor of the Town of Lake Lure, the Mayor of the Town of Rutherfordton, and the Mayor of the Town of Spindale, pursuant to the findings herein and after consultation with public health authorities, do, each of us, hereby, proclaim the continued existence of a State of Emergency in the County of Rutherford, the Town of Bostic, the Town of Forest City, the Town of Lake Lure, the Town of Rutherfordton, and the Town of Spindale, effectuating the authority of each part of the Rutherford County Emergency Management Ordinance and each respective municipal ordinance, and do proclaim that the restrictions set forth herein are reasonable and necessary in order to maintain an acceptable level of public order and services, and to protect lives, safety and property throughout the continuation of this State of Emergency within Rutherford County, the Town of Bostic, the Town of Forest City, the Town of Lake Lure, the Town of Rutherfordton, and the Town of Spindale.

We do further proclaim that the restrictions contained herein are based upon credible facts and data provided by medical and emergency professionals and are imposed in good faith for the health, safety and welfare of the citizens of Rutherford County and each of the municipalities herein.

We do further proclaim and hereby order all County and municipal law enforcement officers and employees and all other Emergency management personnel subject to our respective control to cooperate in enforcement and implementation of the provisions of the Rutherford County Emergency Management Ordinance, including as set forth below.

SECTION 1 EFFECT OF PROCLAMATIONS OF STATES OF EMERGENCY

The provisions of the respective Proclamations of States of Emergency for Rutherford County, Bostic, Forest City, Lake Lure, Rutherfordton, and Spindale herein shall continue to be in effect except as may be modified by this Joint Supplemental Proclamation of a State of Emergency.

SECTION 2 STAY AT HOME OR PLACE OF RESIDENCE

All persons currently within the jurisdiction of Rutherford County and each of the municipalities herein shall stay at home or at their place of residence except as allowed by this Proclamation. For the purposes of this Proclamation, homes or residences include hotels, motels, share rental units, shelters and similar facilities. Individuals may leave home for certain Essential Activities (as defined below), to work for Essential Businesses (as defined below), or provide Essential Government Services (as defined below).

Individuals whose residences are unsafe or become unsafe, especially including victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location. Individuals experiencing homelessness are exempt from this directive, but strongly urged to obtain shelter.

For purposes of this Proclamation, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others working for or to support Essential Businesses are categorically exempt from this Proclamation. Further, nothing in this Proclamation shall prohibit any individual from performing or accessing Essential Government Services.

A. Essential Activities

“Essential Activities” shall be defined as those activities for which individuals may leave their home or place of residence. Individuals may leave their home or place of residence only for the purpose of performing an Essential Activity, and only provided they follow Social Distancing Requirements (as defined below).

The following are, for the purposes of this Proclamation, all Essential Activities:

1. **For health and safety.** To engage in activities or perform tasks essential to an individual’s health and safety of self, family, household, partners or pets.
2. **For necessary supplies and services.** To obtain for themselves and their family or household members (or to deliver to others) necessary supplies such as groceries and food, household consumer products, items needed to work from home, and products needed to maintain the safety, sanitation, and essential operation of residences.
3. **For outdoor activity.** Provided compliance with Social Distancing Requirements, including walking, hiking, golfing, cycling, boating, fishing, hunting, or running.
4. **To take care of others.** To care for a family member, friend or pet in another household, and to transport them for purposes allowed in this Proclamation.
5. **For certain types of work.** For work at Essential Businesses or Essential Government Services, or performing Minimum Basic Operations (as defined below).

B. Social Distancing Requirements

“Social Distancing Requirements” shall be defined as those measures required under this Section 2.B. herein. Social Distancing Requirements shall include:

1. Maintaining a distance of no less than six feet (6’) between any and all individuals.
2. Washing hands with soap and water at least twenty (20) seconds as frequently as possible OR using hand sanitizer.
3. Covering all coughs and sneezes into the sleeve or elbow, not the hands.
4. Regularly cleaning all high-touch surfaces.
5. Not shaking hands.

SECTION 3 RESTRICTION ON THE OPERATION OF CERTAIN BUSINESSES

All businesses and operations in the jurisdiction of Rutherford County and each of the municipalities herein, except Essential Businesses, are required to cease all activities within Rutherford County and each of the municipalities herein except to perform Minimum Basic Operations. “Business” means

any for-profit, non-profit or private educational entity, regardless of the nature of the service or function they perform, or of the organization's corporate or entity structure.

Businesses may continue any operations consisting exclusively of employees or contractors performing activities at their own residences (i.e. working from home).

A. Essential Businesses

“Essential Businesses” shall be defined as those businesses permitted to remain operational and open to the public during the period of this Proclamation. Essential Businesses are encouraged to so operate and remain open to the public provided they, to the greatest extent possible, enforce Social Distancing Requirements and meet any other requirement within this Proclamation.

The following are, for the purposes of this Proclamation, all Essential Businesses:

- 1. Stores that sell groceries or medicine.** Grocery stores, pharmacies, farmers' markets, farm and produce stands, food banks, supermarkets, convenience stores and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish and poultry, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries, medicine (including medication not requiring a medical prescription), and that also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Businesses and Essential Government Services.
- 2. Food cultivation.** Farming, livestock and fishing and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption, and businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities.
- 3. Manufacturing, distribution and supply chain for critical products and industries.** Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, health care, chemicals and sanitation, waste pickup and disposal, agriculture, food and beverage, transportation, energy, petroleum and fuel, mining, construction, national defense, communications, and such other products as used by other Essential Businesses, Minimum Basic Operations of other businesses, and Essential Government Services.
- 4. Organizations that provide charitable and social services.** Businesses and religious and nonprofit organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged, people with disabilities, or otherwise needy individuals.
- 5. Healthcare and public health operations.** Hospitals, medical clinics, medical centers, dental and eye care clinics and other healthcare providers necessary to avoid impacts to delivery of healthcare, broadly defined. This specifically does NOT include fitness and exercise gymnasiums, spas, salons, barber shops, tattoo parlors and similar businesses and facilities.
- 6. Media.** Newspapers, television, radio and other media services.

7. **Gas stations and businesses needed for transportation.** Gas stations and auto-supply, auto-repair, and related facilities and bicycle shops and related facilities.
8. **Financial and insurance institutions.** Banks, currency exchanges, consumer lenders, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, insurance companies, insurance agencies, and institutions selling financial products.
9. **Hardware and supply stores.** Hardware stores and businesses that sell electrical, plumbing, heating material, firearms and ammunition.
10. **Critical trades.** Plumbers, electricians, exterminators and other service providers only while providing services necessary to maintain safety and sanitation for residences, Essential Businesses, Minimal Basic Operations of other businesses, and Essential Government Services.
11. **Mail, post, shipping, delivery and pick-up services.** Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, goods or services to end users or through commercial channels.
12. **Educational institutions.** Public and private pre-K-12 schools, colleges and universities for purposes of facilitating distance learning, performing critical research, or performing essential functions provided that Social Distancing Requirements are maintained to the greatest extent possible. Students without access to wi-fi or internet services at their homes are permitted to travel to and remain upon school property for purposes of accessing school-provided wi-fi for distance learning purposes provided all Social Distancing Requirements are maintained and further provided each student returns home as soon as they have completed all that is necessary from the wi-fi access for educational purposes.
13. **Laundry services.** Laundromats and laundry service providers.
14. **Restaurants for consumption off-premises.** Restaurants and other facilities the prepare and serve food but only for delivery, drive-through, carry-out or such other means for consumption off-premises of the facility. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Proclamation on the condition that the food is provided on a pick-up and takeaway basis only.
15. **Transportation.** Airlines, taxis, transportation network providers (such as Uber or Lyft), marinas, docks, boat storage, and other private, public, and commercial transportation and logistics providers necessary for Essential Activities.
16. **Home-based care and services.** For adults, seniors, children, or people with disabilities, substance abuse or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services such as meal delivery.
17. **Residential facilities and shelters.** For adults, seniors, children, pets, or people with disabilities, substance abuse, or mental illness.
18. **Professional services.** Legal, accounting and real estate services.
19. **Childcare facilities.**

20. Hotels and motels. Hotels and motels to the extent used for [permitted] lodging and delivery or carry-out food services.

21. Funeral services. Funeral, mortuary, cremation, burial, cemetery, and related services.

22. Solid Waste. Waste removal and recycling services.

B. Outdoor Services

Those businesses that operate primarily outdoors or in structures under construction (for example: construction related contractors, lawn maintenance, boat repair or maintenance), golf courses, outdoor parks (excluding playgrounds) provided they enforce Social Distancing Requirements.

C. Minimum Basic Operations.

“Minimum Basic Operations” shall be defined as such minimum activity needed to maintain the value of business inventory, ensure security, process payroll and benefits, or for related functions; and, in addition, such minimum activity necessary to facilitate employees working from home. Minimum Basic Operations may be performed by any business, including those not defined as Essential Businesses, provided they comply with all Social Distancing Requirements.

SECTION 4 ESSENTIAL GOVERNMENT SERVICES

“Essential Government Services” shall be defined as all services classified as essential by federal, state or local governments, including public authorities, public school and public charter school systems and ABC Commission. Each relevant unit of government shall continue all Essential Government Services.

SECTION 5 PROHIBITION OF NONESSENTIAL GATHERINGS OF TEN OR MORE PERSONS.

“Nonessential Gathering” shall be defined as any event or convening that brings together ten (10) or more people in a single room or single space at the same time, whether indoors or outdoors. A “single space” shall include facilities such as an auditorium, stadium, arena, conference room, meeting hall, theater or any other confined space whether indoor or outdoor.

A Nonessential Gathering does not include businesses and operations associated with maintaining federally identified critical infrastructure or operations and conducting essential activities. Federally identified critical infrastructure components consist of manufacturing, assembly, maintenance or operation of communications systems, defense industrial base operations, operation of dams, operation and maintenance of energy industries and distribution, food and agriculture, financial institutions, government facilities, water supply, wastewater treatment, nuclear reactors and material waste, information technology, transportation systems, healthcare and public health, critical manufacturing, chemical manufacturing, emergency services, social services and retail providers or essential goods such as grocery stores, pet stores, hardware stores, pharmacies, retailers and no for profits providing commodities or services essential for basic living. More specifically, for the purposes of this Proclamation, other businesses excluded from this prohibition of gatherings of ten (10) or more people include Essential Businesses and Essential Government Services.

SECTION 6 RESTRICTIONS ON THE USE OF PUBLIC AMUSEMENTS

All places of public amusement where people may gather, whether indoors or outdoors, including but not limited to: locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, recreation centers, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, country clubs, and social clubs shall be closed to the public.

SECTION 7 PROHIBITED AND PERMITTED TRAVEL

All travel, including, but not limited to, travel by automobile, motorcycle, scooter, train, plane or public transit, except Essential Travel (as defined below) and Essential Activities or as otherwise permitted in this Proclamation, is prohibited. People riding on public transit must comply with Social Distancing Requirements to the greatest extent possible. This Proclamation permits travel into or out of Rutherford County and each of the municipalities herein to maintain Essential Businesses and Minimum Basic Operations.

A. Essential Travel

"Essential Travel" shall be defined as travel for any of the purposes set forth in this Section 7.A. Individuals engaged in Essential Travel must comply with all Social Distancing Requirements.

1. Any travel necessary or related to the provision of or access to Essential Activities, Essential Government Services, Essential Businesses, or Minimum Basic Operations.
2. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
3. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
4. Travel to return to home or place of residence from outside the jurisdiction.
5. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.
6. Travel required for non-residents to return to their place of residence outside the jurisdiction of Rutherford County.

B. Self Quarantine

All individuals travelling to Rutherford County or each of the municipalities herein from areas experiencing community transmission of COVID-19 (especially including the states of California, New York and Washington) must self-quarantine at their home or place of residence for a period of fourteen (14) days commencing immediately upon their arrival in Rutherford County or each of the municipalities herein before entering the community.

This Proclamation will be in effect commencing March 28, 2020, at 6:00 a.m. and be valid through April 17, 2020, at 6:00 a.m., but will be regularly reviewed and evaluated and may be revised, amended, or extended accordingly based upon existing evidence and recommendations by the Health Director, Emergency Management, and federal and state authorities.

Any person violating any prohibition or restriction imposed by this Proclamation shall be guilty of a Class 2 misdemeanor in accordance with N.C. Gen. Stat. §14-288.20A.

If any section, subsection, sentence, clause, or phrase of this Proclamation is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Proclamation. We do, each of us, hereby declare that we each would have issued this Proclamation and each section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

This proclamation shall be posted at the Rutherford County Courthouse and distributed to mass communications media serving Rutherford County and each of its municipalities in order to bring its contents to the attention of the general public.

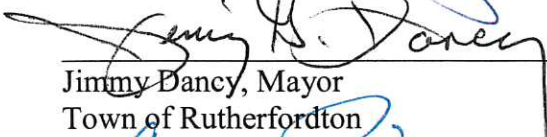
This Proclamation is issued this the 27th day of March, 2020, at 10:00 a.m.



Bryan A. King, Chairman,
Rutherford County Board of Commissioners




Steve Holland, Mayor
Town of Forest City




Jimmy Dancy, Mayor
Town of Rutherfordton



R. Mickey Bland, Mayor
Town of Spindale



Carol Pritchett, Mayor
Town of Lake Lure



Mitch Harrill, Mayor
Town of Bostic