



AMENDED PROCLAMATION OF A COUNTY STATE OF EMERGENCY

Pursuant to Section 5-22 of the Rutherford County State of Emergency Ordinance and Chapter 166A of North Carolina's General Statutes, I have determined that there remains 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's State of Emergency Ordinance and under N.C. Gen. Stat. §166A-19.3(6) does continue to exist in the County of Rutherford 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 Rutherford County and in 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.

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

WHEREAS, Rutherford County, along with the Towns of Bostic, Forest City, Lake Lure, Rutherfordton and Spindale, issued a Joint Supplemental Proclamation of a State of Emergency on March 27, 2020; and

WHEREAS, the Joint Supplemental Proclamation of a State of Emergency included specific measures tailored to assist in combating the spread of COVID-19 within Rutherford County and its municipalities, including requiring individuals to stay at home other than to participate in Essential Activities, attend work at or seek to employ Essential Businesses and Essential Government Services, follow Social Distancing Requirements and avoid Nonessential Gatherings, and avoid travel other than Essential Travel; and

WHEREAS, the Joint Supplemental Proclamation of a State of Emergency is set to expire on Friday, April 17, 2020, at 6:00 a.m.; and

WHEREAS, Rutherford County issued the Proclamation of Suspension of Residential Vacation Rentals on April 3, 2020, which is set to expire on May 15, 2020, at 11:59 p.m., subject to further modification; and

County Commissioners

Bryan A. King, Chairman

Alan Toney, Vice Chairman

Michael Benfield

Eddie Holland

Greg Lovelace

Steve Garrison, County Manager

Hazel S. Haynes, Clerk to the Board

Richard Williams, County Attorney

WHEREAS, Governor Cooper issued Executive Order No. 121 on March 28, 2020, in which he set forth many of the same measures as set forth in the Joint Supplemental Proclamation of a State of Emergency, including requiring individuals to stay at home other than to participate in Essential Activities, attend work at or seek to employ Essential Businesses and Essential Government Services, follow Social Distancing Requirements and avoid Nonessential Gatherings, and avoid travel other than Essential Travel; and

WHEREAS, Governor Cooper issued Executive Order No. 131 on April 9, 2020, in which he set forth further measures designed to limit the spread of COVID-19 in retail establishments; and

WHEREAS, Governor Cooper has issued other executive orders during this time addressing other matters of importance during this pandemic, including the closure of schools, regulation of restaurants and other establishments in which human contact may spread COVID-19, and nursing homes; and

WHEREAS, Governor Cooper's executive orders address the same concerns and include many of the same measures previously adopted by Rutherford County and the Towns of Bostic, Forest City, Lake Lure, Rutherfordton and Spindale in its Joint Supplemental Proclamation of a State of Emergency; and

WHEREAS, many of the measures adopted by Governor Cooper in his executive orders are not consistent with those adopted by Rutherford County; and

WHEREAS, in order to avoid any confusion of the citizens of Rutherford County, and to maintain a single set of guidelines for emergency personnel in Rutherford County, the measures adopted in the Joint Supplemental Proclamation of a State of Emergency should be permitted to expire; and

WHEREAS, since proclaiming a State of Emergency in Rutherford County, the number of individuals testing positive for COVID-19 in Rutherford County and throughout North Carolina has continued to increase; and

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

WHEREAS, Residential Vacation Rentals continue to pose an increased risk and danger for the spread of the COVID-19 virus in Rutherford County due to the number of such Rentals for the same reasons set forth in the Proclamation of Suspension of Residential Vacation Rentals, and the potential threat of spread of COVID-19 through Residential Vacation Rentals have not been addressed by any of Governor Cooper's executive orders to date; and

WHEREAS, the Proclamation of a County State of Emergency issued on March 16, 2020, had no date of expiration and such expiration was not intended to coincide with the expiration of the Joint Supplemental Proclamation of a State of Emergency issued on March 27, 2020, but intended to expire only upon the termination of the threat to severe illness, injury or loss of life from the COVID-19 virus pandemic to the citizens of Rutherford County; and

WHEREAS, for purposes of clarification of the continued State of Emergency as set forth herein, it is necessary to confirm the matters as set forth herein.

NOW, THEREFORE, as Chairman of the Board of Commissioners of Rutherford County, North Carolina, and pursuant to the findings herein, and in compliance with the proclamations of the President of the United States of America and with the Governor of North Carolina, and after consultation with public health authorities, I, thereby, proclaim the continuing existence of a State of Emergency in the County of Rutherford.

- Section 1 I hereby order all County law enforcement officers and employees and all other Emergency management personnel subject to my control to cooperate in enforcement and implementation of the provisions of the County emergency ordinance, including as set forth below.
- Section 2 In addition to any statutory and ordinance-based authority otherwise granted herein, I do hereby make, as part of this proclamation, the following specific prohibitions and restrictions as set forth in the Emergency Management Ordinance of Rutherford County due to their necessity to maintain an acceptable level of public order and services, and to protect lives, safety of property of the citizens of Rutherford County, the said prohibitions and restrictions being the ones I indicate by initialing as follows:
- A. The State of Emergency and prohibitions and restrictions imposed herein shall apply to all areas under the jurisdiction of Rutherford County, North Carolina (hereinafter the "Prescribed Area"):
- B. The Sheriff of Rutherford County, or his designee, may deny or restrict access to such areas as he deems necessary by order, clearly posted notice or barricade indicating access to such areas is denied or restricted. The restriction or denial of access to such areas shall be such as the Sheriff or his designee deem as reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.
- Section 3 County personnel are authorized to establish emergency shelters and to expend necessary County funds to provide temporary congregate care for Rutherford County citizens.
- Section 4 County agencies shall work cooperatively to assure the needs of Rutherford County Citizens are met to the extent possible with those resources under my control.
- Section 5 **EXECUTION OF EMERGENCY PLAN.** All civilians and emergency management personnel are ordered to comply with Rutherford County's All Hazards, Emergency Operations Plan.
- Section 6 The Proclamation of Suspension of Residential Vacation Rentals shall remain in effect in accordance with the terms set forth therein.
- Section 7 This proclamation shall be posted at the Rutherford County Courthouse and distributed to mass communications media serving Rutherford County in order to bring its contents to the attention of the general public.
- Section 8 This proclamation shall become effective immediately and remain in effect until terminated by written order. Proclaimed this the 16th day of April 2020, at 3:30 pm.


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