

STATE OF NORTH CAROLINA  
COUNTY OF SWAIN

**SUPPLEMENTAL DECLARATION OF A LOCAL STATE OF EMERGENCY**

Board of Commissioners of Swain County issues the following Declaration:

WHEREAS, based on public health guidance from the World Health Organization (“WHO”), the Centers for Disease Control and Prevention (“CDC”), the United States Department of Health and Human Services, and the North Carolina Department of Health and Human Services Swain County declared a Local State of Emergency on March 17, 2020 in an effort to promote social distancing to slow the spread of COVID-19.

WHEREAS, the State of North Carolina, through the Office of the Governor, Roy Cooper, has issued the following: Executive Order No. 116 on March 10, 2020 titled "Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of Covid-19; Executive Order No. 117 on March 14, 2020 prohibiting mass gatherings and directing the statewide closure of K-12 public schools to limit the spread of COVID19; and Executive Order 118 on March 17, 2020 “Limiting Operations of Restaurants and Bars and Broadening Unemployment Insurance Benefits in Response to COVID 19.”

WHEREAS, the emergency response orders in place in the State of North Carolina currently prohibit mass gatherings that bring together more than one hundred (100) persons in a single room or single space at a time, such as an auditorium, stadium, arena, large conference room, meeting hall, theater, or any other confined indoor or outdoor space. The prohibition does not extend to other defined spaces and establishments. However, on March 16, 2020, the North Carolina Department of Health and Human Services recommended that there be no gatherings of 50 people or more. And, per CDC guidelines, gatherings of more than 10 people are not recommended.

WHEREAS, pursuant to the CDC cases of COVID-19 are reported in every state and many areas are experiencing community- spread and transmission of the disease.

WHEREAS, “flattening the curve” or slowing the spread of COVID-19 is critically important in order to minimize the strain on our local health care system and medical facilities.

WHEREAS, restricting the size of gatherings in Swain County and restricting non-essential travel to Swain County are viable methods to slow or limit the spread of COVID19 within Swain County.

WHEREAS, given thier specific knowledge of Swain County and to further safeguard its residents and community, Swain County officials have determined that an imminent hazard exists and has issued guidance recommending restrictions on gatherings of people and the temporary closure of certain businesses related to travel of non-resident

individuals in Swain County in order to slow the spread of COVID-19 within Swain County.

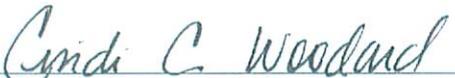
NOW, THEREFORE, pursuant to the authority contained in Article 1A of Chapter 166 of the North Carolina General Statutes the Board of Commissioners does hereby declare and order the following:

- 1) Effective Tuesday, March 24, 2020 at 12:00 noon no gatherings of more than ten (10) persons shall take place in Swain County including its incorporated municipality during the term of this Declaration of Local State of Emergency. For the avoidance of doubt and for clarification, and consistent with Executive Orders 117 and 118, medical facilities, grocery stores, pharmacies, convenience stores, gas stations and food distribution sites, to the extent they sell or distribute prepared food, are exempt from the provisions of this Declaration. Further, food banks and other food distribution sites, farmers' markets, retail and hardware operations, and rental centers in which the public is not generally in close contact with other patrons are exempt from this Declaration.
- 2) Effective Tuesday, March 24, 2020 at 12:00 noon all hotels, motels, resorts, inns, guest houses, bed-and-breakfasts, campgrounds, RV parks, vacation cabin and 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 Swain County including in its incorporated municipality, EXCEPT exemptions as hereinafter set forth.
  - a. Exemptions related to the one-month duration of lease and/or uses apply to legitimate work-related stays. Business owners, contractors, and emergency service workers who expect to have employees needing to make reservations for a stay in Swain County during the term of this Declaration shall provide employer's work related identification badge along with a letter from the employer stating the purpose of the work to be performed in the County and the expected duration of the stay. If the employer does not have proper identification for their employee(s), then they will need to contact the County Manager's office to provide information required under this Declaration.
- 3) By and with the consent of the Mayor of the Town of Bryson City within Swain County, this Declaration of Local State of Emergency applies within the municipal limits of the Town of Bryson City.
- 4) 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.

- 5) This Declaration of Local State of Emergency for Swain County shall begin upon its adoption or provisions are effective as of the dates prescribed and said Declaration shall remain in effect until the earliest of the following: (a) termination by the Swain County Board of Commissioners; or (2) the state of emergency terminates.
- 6) That all of the terms and conditions of that said local State of Emergency declared on March 17, 2020 remains in force and effect.
- 7) Any person who violates any provision of this Declaration shall be guilty of a Class 2 misdemeanor in accordance with N.C.G.S. Secs. 166A-19.31 and 14-288.20A.
- 8) 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, County Administration Building, and other public buildings as appropriate.

Adopted this the 23<sup>rd</sup> day of March, 2020.

ATTEST:

  
CINDI WOODARD, Clerk to the Board

BOARD OF COMMISSIONERS  
FOR THE COUNTY OF SWAIN

By:   
BEN BUSHYHEAD, Chairman

BY CONSENT:

  
TOM SUTTON,  
Mayor of the Town of Bryson City