

# CITY OF ASHEVILLE

WHEREAS, on March 12, 2020, pursuant to the authority vested in it under N.C. Gen. Stat. § 166A-19.22, the City of Asheville declared a State of Emergency based on the public health emergency posed by COVID-19; and

WHEREAS, the City's ability to declare a State of Emergency, or modify the provisions of a previously declared State of Emergency, has been vested in the City's Mayor pursuant to Section 2-2 of the City of Asheville's Code of Ordinances; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") advises that viruses constantly change through mutation and new variants of the COVID-19 virus are expected to emerge; and

WHEREAS, the CDC reports that the Delta variant of COVID-19 is more infectious and is leading to increased transmissibility when compared to other variants, even in vaccinated individuals; and

WHEREAS, the CDC recommends that in areas of substantial or high transmission that people wear masks indoors in public to maximize protection from the Delta variant and prevent possibly spreading it to others; and

WHEREAS, data provided to the City by Buncombe County demonstrates a COVID-19 incidence rate of 219 per 100,000 per week which is an increase from 151 just a week prior, and over a two fold increase from two weeks ago; and

WHEREAS, based on these data trends, indicating substantial or high transmission rates locally, Buncombe County health officials recommend that Buncombe County and the municipalities therein adopt a mask mandate requiring adherence to the present CDC guidelines;

NOW, THEREFORE, by the authority vested in me by the laws of the State of North Carolina as the Mayor of the City of Asheville, the State of Emergency declaration issued on March 12, 2020, as well as the various amendments thereto, are amended to include the following requirements pertaining to the wearing of face coverings indoors:

1. The City of Asheville aligns in all respects with the Governor's executive orders related to COVID-19 as same are related to the pandemic, provided, however, Asheville does not adopt or align with Section 4 of Executive Order 224 because that Section relates to vaccinations or testing at Cabinet Agencies and face covering requirements at Cabinet Agencies.
2. Face coverings, as defined by Section 1.2(a) of Executive Order 224 are required to be worn indoors in any public spaces unless one of the exceptions stated below applies.
3. Face Coverings must be worn indoors if anyone else is in that space who is not a member of the same household. This order does not apply in situations where individuals are alone in an office or other similar work environment, in the home, or in outdoor settings where social distancing can be achieved.
4. This order requires Face Coverings in Restaurants and Bars unless guests are actively in the process of eating or drinking. For the purpose of this provision, "Restaurants" means permitted food establishments, under N.C. Gen. Stat. § 130A248, and other establishments that both prepare and serve food. This includes, but is not limited to, restaurants, cafeterias, food halls, dining halls, food courts, and food kiosks. "Bars" means establishments that are not eating establishments or restaurants as defined in N.C. Gen. Stat. §§ 18B-1000(2) and 18B-1000(6).
5. This order shall apply to all people at least five (5) years old, unless an exception applies. These requirements are recommended for all people over the age of two (2) years old.
6. This order may not apply due to Face Covering Exemptions set forth in Executive Order 209 or where medical or developmental conditions prohibit use.
7. Worship, religious, and spiritual gatherings, funeral ceremonies, wedding ceremonies, and other activities constituting the exercise of First Amendment rights are exempt from all the requirements of this order.

All entities and individuals engaging in these exempted activities are strongly encouraged to follow the continuing recommendations to Promote Social Distancing and Reduce Transmission, wear and require Face Coverings. Wearing a proper face covering does not replace social distancing.

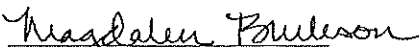
All citizens, residents and visitors are strongly encouraged to follow additional CDC and NCDHHS guidance which can be found at <https://covid19.ncdhhs.gov/guidance>.

This order shall remain in effect until September 30, 2021 or unless otherwise repealed, replaced, or rescinded, and may be extended based on data trends.

If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Asheville, North Carolina, to be affixed this 17th day of August, 2021.

ATTEST:

  
MAGDALEN BURLESON  
CITY CLERK

  
ESTHER E. MANHBIMBER  
MAYOR