

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

**AMENDED SUPPLEMENTAL PROCLAMATION OF EMERGENCY  
FOR HENDERSON COUNTY AND ORDER**

Pursuant to authority granted to North Carolina counties under the North Carolina Emergency Management Act (Article 1 of Chapter 166A of the North Carolina General Statutes), and also pursuant to authority granted by Article II of Chapter 76 of the Henderson County Code, the Henderson County Board of Commissioners (the "Board") makes the following findings:

A. The Board adopted a Supplemental Proclamation of Emergency for Henderson County and Order (the "Board's Order") on March 27, 2020, to be effective on March 28, 2020.

B. Subsequent to the Board's action, the Governor of North Carolina adopted Executive Order 121 ("EO121").

C. Both the Board's Order and EO121 are similar, in that require the citizens of Henderson County to "stay at home", subject to certain provisions.

D. It would ease the burden on the citizens of Henderson County to have certain provisions of the Board's Order identical to similar provisions of EO121.

NOW, THEREFORE, the Board hereby amends the Board's Order, which as amended now reads as follows:

**SUPPLEMENTAL PROCLAMATION OF EMERGENCY  
FOR HENDERSON COUNTY AND ORDER**

Pursuant to authority granted to North Carolina counties under the North Carolina Emergency Management Act (Article 1 of Chapter 166A of the North Carolina General Statutes), and also pursuant to authority granted by Article II of Chapter 76 of the Henderson County Code, and pursuant to and supplementing the Proclamation of State of Emergency for Henderson County declared March 14, 2020, at 6:00 p.m., the following findings are hereby made:

Findings:

A. The undersigned issued a Proclamation of State of Emergency for Henderson County (the "March 14 Proclamation"), covering all the unincorporated areas of Henderson County, and, with the consent of the City of Hendersonville, the Town of Laurel Park, the Town of Fletcher, the Town of Mills River and the Village of Flat Rock, the incorporated areas of those municipalities.

B. Since the March 14 Proclamation, the President of the United States and the Governor of North Carolina have issued new Orders with provisions including greater restrictions on mass gatherings and certain other activities.

C. Consultation has been made with the members of the Board of Commissioners of Henderson County, and with the City of Hendersonville, the Town of Laurel Park, the Town of Fletcher, and the Town of Mills River, and the Village of Flat Rock, with local public health officials and with leaders of Margaret R. Pardee Memorial Hospital and Advent Health Fletcher Hospital.

D. Since the March 14 Proclamation, many residents of the county have been tested for the COVID-19 virus. Initially, there was a connection and correlation between positive results and out of county travel or contact with someone known or believed to have been positive; however as of this date there is increasing evidence of cases in Henderson County and neighboring counties, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission to citizens of Henderson County.

E. In areas fighting COVID-19 there is a severe shortage of medical facilities, equipment, supplies and personnel, and there is an urgent need to act to prevent or alleviate such a shortage in Henderson County.

F. It is essential to slow viral transmission among our citizens as much as possible to protect the most vulnerable and to prevent the health care system of Henderson County from being overwhelmed, and thus unable to provide proper and adequate treatment.

G. Many individuals who contract the virus display no symptoms or have mild symptoms which means they may not be aware they carry the virus. People without symptoms can transmit the disease and because evidence shows the disease is easily spread, mass gatherings can result in further transmissions of the virus.

H. As a result of this ongoing public health emergency, after the consultations above, we have determined that if further action is not taken to slow the spread of COVID-19 within Henderson County, there is an imminent threat of, or existing conditions have caused or will cause, widespread or severe damage, injury, or loss of life or property, and public safety authorities may be unable to maintain public order or afford adequate protection for lives or property.

I. It is essential to slow viral transmission in Henderson County as much as possible to protect the most vulnerable, and to prevent the local health care system from being overwhelmed.

J. This Supplemental Proclamation and Order is necessary to slow the rate of spread, and to make the best use of finite medical resources so that their capacity for treatment is not exceeded by the need created by COVID-19. Further, it is the least restrictive action available to meet these necessities based on the evidence at present.

**NOW, THEREFORE, IN COMPLIANCE WITH THE PROCLAMATIONS OF THE PRESIDENT OF THE UNITED STATES AND THE GOVERNOR OF NORTH CAROLINA, AND AFTER CONSULTATION WITH PUBLIC HEALTH AUTHORITIES AND THE MUNICIPALITIES OF HENDERSON COUNTY, THE UNDERSIGNED HEREBY SUPPLEMENTS THE MARCH 14 PROCLAMATION AND ORDAINS AS FOLLOWS:**

I. The effective area of this Supplemental Proclamation is all the unincorporated areas of Henderson County, and, with the consent of the City of Hendersonville, the Town of Laurel Park, the Town of Fletcher, the Town of Mills River, and the Village of Flat Rock, and the incorporated areas of those municipalities.

II. The purpose of this action is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform essential services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they shall at all times reasonably comply with CDC recommendations of Social Distancing Requirements of at least six (6) feet apart. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location. For purposes of this Proclamation, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities. All provisions of this Proclamation should be interpreted to effectuate this intent.

III. The March 14 Proclamation remains in full force and effect.

IV. North Carolina General Statute 166A-19.31 and Chapter 76 of the Henderson County Code allows the County of Henderson to enact a variety of restrictions and prohibitions as this evolving situation warrants. In accordance therewith, we order the following in addition to the restrictions in Executive Order 120 signed by Governor Cooper on March 23, 2020, which is incorporated by reference herein:

A. Stay At Home: All individuals currently living within Henderson County and all the municipalities located there are restricted to their places of residence. Except as allowed in this order, all individuals in Henderson County are prohibited from (i) being or traveling upon any street, alley, or roadway or upon public property, or (ii) participating or carrying on any business activity, or keeping open places of business or entertainment and any other place of public assembly. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location. For the purposes of this Order, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.

B. Prohibited Activities: The following activities are prohibited:

1. All public and private gatherings of more than ten (10) people are prohibited, except for the limited purposes permitted by this Order. Nothing herein prohibits the gathering of members of a single household or residence.

Individuals who choose to engage in public or private gatherings of up to ten (10) people shall at all times observe Social Distancing Requirements as defined below. Any group, contact sport, team sport, or other physical activity where social distancing cannot be maintained at all times is prohibited.

All businesses and operations in the emergency area of Henderson County, except "Essential Businesses and Operations" as defined below, are to cease all activities. This requirement applies irrespective of the nature of the service or function performed by the business or organization and without regard to the organization's corporate or entity structure. Businesses and Operations that are not deemed Essential will be allowed to conduct "Minimum Basic Operations," as defined below.

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, public and private playgrounds, driving ranges, skate parks, recreation centers, funplexes, theme parks, bowling alleys,

movie and other theaters, concert and music halls, and country clubs or social clubs shall be closed to the members of the public.

C. Restrictions on nursing home, long-term care facilities and assisted living facilities operated in Henderson County pursuant to Article 6 of Chapter 131E of the North Carolina General Statutes (“Chapter 131E Facilities”):

1. Owners, administrators, operators, staff, contractors, and volunteers of Chapter 131E Facilities are prohibited from allowing residents, customers, clients, or visitors from assembly in spaces that do not permit appropriate social distancing which consists of separation of 6 or more feet between each individual.

2. Owners, administrators, operators, staff, contractors, and volunteers of Chapter 131E Facilities are prohibited from allowing a person to enter the facility and visit a resident unless each of the following criteria are met: (1) the visitor is an adult, (2) the resident has not already had a visitor that day; and (3) the visit takes place in the resident's room. This prohibition does not apply to end of life situations.

3. No person is allowed to visit a resident of Chapter 131E Facilities unless the visitor has been screened prior to entry for signs and symptoms of COVID-19 including but not limited to the following: fever of 100.4 or higher, cough, or difficulty breathing, contact in past 14 days with a person who has a confirmed diagnosis of COVID-19 or who is under investigation for COVID-19. All visitors may be required to take precautionary measures including, but not limited to, social distancing or wearing personal protective equipment. Any Chapter 131E Facility may deny visitation for the duration of this Emergency.

4. No person is allowed to visit a resident of Chapter 131E Facilities unless the visitor shows identification, signs into a visitor's log that includes the date and time in and time out, and provide their name and accurate contact information including phone number and email if available.

5. Operators and staff of Chapter 131E Facilities are prohibited from destroying each day's visitor log for a period of 60 days from that day.

6. Owners, administrators and operators of Chapter 131E Facilities shall ensure adequate staffing to manage all occupants of the facility to include lifting and moving uninjured occupants.

7. All Chapter 131E facilities will comply with any Orders issued under North Carolina public health laws.

D. Essential Activities: The following are deemed Essential Activities, and are excluded and exempted from the “Stay At Home” provisions of paragraph IV.A., above:

1. Health and safety: To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or persons who are unable or should not leave their home (including, but not limited to, pets), such as, by way of example only and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional.

2. Necessary supplies and services: To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, groceries and food, household consumer products, supplies they need to work from home, and products necessary to maintain the safety, sanitation, and essential operation of residences.

3. Outdoor activity. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements, as defined herein, such as, by way of example and without limitation, walking, hiking, golfing, running, cycling, or using the greenways. Individuals may go to public parks and open outdoor recreation areas. Note, however, playgrounds, including those within public parks, shall be and remain closed.

4. Permitted business functions. To perform work as permitted herein.

5. Take Care of Others: To care for a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed herein. This includes attending weddings and funerals, so long as such events comply with the other restrictions in this Order.

6. Compliance with Court Orders: Where required to comply with existing court orders where such orders have not been modified during the period of the emergency.

Notwithstanding any other provision in this document, nothing herein shall in any way be deemed to impede the Henderson County Public Health Director from issuing and enforcing quarantine and isolation orders issued under the appropriate General Statutes, or executing other duties as required.

E. Social Distancing: Any person who needs to leave their place of residence, shall at all times maintain at least a six-foot distance between themselves and any other individual, except as reasonably necessary to perform Essential Activities. In addition, such persons shall practice washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

F. [Omitted and replaced by new Paragraph IV.I., below.]

G. [Omitted and replaced by new Paragraph IV.I., below.]

H. Essential Governmental Functions: For purposes of this Supplemental Proclamation, all first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel and attorneys representing them, adult protection services and attorneys representing them, housing and shelter personnel, military, and other governmental employees working for or to support Essential Governmental Functions are categorically exempt. Essential Government Functions means all services provided by the County or any municipality, township, subdivision or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public, and including contractors performing Essential Government Functions. Each County, City, Town or Village Manager or Administrator shall determine its Essential Governmental Functions and identify employees and/or contractors necessary to the performance of those functions. This Proclamation does not apply to the Federal government or the State of North Carolina. Nothing

herein shall prohibit any individual from performing or accessing Essential Governmental Functions.

I. COVID-19 Essential Businesses and Operations. In order to slow the spread of COVID-19, it is necessary to reduce the instances where individuals interact with one another in a manner inconsistent with the Social Distancing Requirements set forth below. Many of those interactions occur at work. At the same time, it is necessary that certain businesses, essential to the response to COVID-19, to the infrastructure of the State and nation, and to the day-to-day life of North Carolinians, remain open.

a. In light of the above considerations, non-essential business and operations must cease. All businesses and operations in the State, except COVID-19 Essential Businesses and Operations as defined below, are required to cease all activities within the State except Minimum Basic Operations, as defined below. For clarity, businesses, including home-based businesses, may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).

b. All COVID-19 Essential Businesses and Operations are directed, to the maximum extent possible, to direct employees to work from home or telework.

c. For purposes of this Order, a COVID-19 Essential Business and Operation includes the following businesses, not-for-profit organizations and educational institutions.

1. Businesses that meet Social Distancing Requirements. Businesses, not-for-profit organizations or educational institutions that conduct operations while maintaining Social Distancing Requirements:

a. Between and among its employees; and,

b. Between and among employees and customers except at the point of sale or purchase.

2. Businesses operating in CISA identified sectors. Businesses, not-for-profit organizations or educational institutions operating in the federal critical infrastructure sectors as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19> or any subsequent guidance issued by the U.S. Department of Homeland Security that amends or replaces said guidance.

3. Healthcare and Public Health Operations. Healthcare and Public Health Operations includes, but is not limited to: hospitals; clinics; dental offices; pharmacies; laboratories and laboratory service providers; public health entities, including those that compile, model, analyze and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology and agricultural biotechnology companies (including operations, research and development, manufacture, and supply chain); organizations collecting blood, platelets, plasma, and other necessary materials; obstetricians and gynecologists; eye care centers, including those that sell glasses and contact lenses; dietary supplement retailers; naturopathic healthcare providers; home healthcare services providers; local management entities/managed care organizations (LME/MCO); mental health and substance use providers; other healthcare facilities and suppliers and providers of any related and/or

ancillary healthcare services; and entities that transport and dispose of medical materials and remains.

Specifically included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.

Healthcare and Public Health Operations also includes veterinary care and all healthcare services provided to animals.

Healthcare and Public Health Operations shall be construed broadly to avoid any impacts to the delivery of healthcare, or public health operations broadly defined. Healthcare and Public Health Operations does not include those businesses ordered to close by the Governor's Executive Order No. 120.

4. Human Services Operations. Human Services Operations includes, but is not limited to: long-term care facilities; child care centers, family child care homes; residential settings and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for basic needs, including food, cash assistance, medical coverage, child care, child support services, vocational services, rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, social services, transportation and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals.

Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

5. Essential Infrastructure Operations. Essential Infrastructure Operations includes, but is not limited to: food and beverage production, distribution, fulfillment centers, storage facilities; construction (including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long term care facilities, public works construction, school construction, and essential commercial and housing construction); building and grounds management and maintenance including landscaping; airport operations; operation and maintenance of utilities, including water, sewer, and gas; electrical (including power generation, distribution, and production of raw materials); distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video and telecommunications systems (including the provision of essential global, national and local infrastructure for computing services, business infrastructure, communications, and web-based services).

Essential Infrastructure Operations shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.

6. Essential Governmental Operations. Essential Governmental Operations means all services provided by the State or any municipality, township, county, political subdivision, board, commission or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public, and including contractors performing Essential Governmental Operations. Each government body shall determine its Essential Governmental Operations and identify employees and/or contractors necessary to the performance of those functions.

For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, legislators, judges, court personnel, jurors and grand jurors, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support COVID-19 Essential Businesses and Operations are categorically exempt from this Order.

This Order does not apply to the United States government or to the North Carolina government.

7. Stores that sell groceries and medicine. Grocery stores, pharmacies, certified farmers' markets, farm and produce stands, 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, prepared food, alcoholic and nonalcoholic beverages, any other household consumer products (such as cleaning and personal care products), and specifically includes their supply chain and administrative support operations. This includes stores that sell groceries, medicine, including medication not requiring a medical prescription, and also that sell other nongrocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences and COVID-19 Essential Businesses and Operations.

8. Food, beverage production and agriculture. Food and beverage manufacturing, production, processing, and cultivation, including farming, livestock, fishing, forestry, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption; and businesses that provide food, shelter, services and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities.

9. Organizations that provide charitable and social services. Businesses as well as religious and secular not-for-profit organizations, including food banks, when providing food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.

10. Religious entities. Religious facilities, entities, groups, gatherings, including funerals. Also, services, counseling, pastoral care, and other activities provided by religious organizations to the members of their faith community. All of these functions are subject to the limitations on events or convenings in Section 3 of this Order.

11. Media. Newspapers, television, radio, film, and other media services.



12. Gas stations and businesses needed for transportation. Gas stations and auto supply, sales, tire, auto-repair, roadside assistance and towing services, farm equipment, construction equipment, boat repair, and related facilities and bicycle shops and related facilities.

13. Financial and insurance institutions. Bank, currency exchanges, consumer lenders, including but not limited to, pawnbrokers, consumer installment lenders and sales finance lenders, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, and institutions selling financial products. Also insurance companies, underwriters, agents, brokers, and related insurance claims and agency services.

14. Home improvement, hardware and supply stores. Home improvement, building supply, hardware stores, and businesses that sell building materials and supplies, electrical, plumbing, and heating materials.

15. Critical trades. Building and construction tradesmen and tradeswomen, and other trades, including but not limited to, plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HV AC, painting, cleaning services, moving and relocation services, landscaping and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences and COVID-19 Essential Businesses and Operations. This includes organizations that represent employees.

16. Mail, post, shipping, logistics, delivery, and pick-up services. Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic beverages, goods, vehicles or services to end users or through commercial channels.

17. Educational institutions. Educational institutions including public and private pre-K-12 schools, colleges, and universities for purposes of facilitating remote learning, performing critical research, or performing essential functions, provided that the Social Distancing Requirements set forth below of this Order are maintained to the greatest extent possible. This Order is consistent with and does not in any way affect the Governor's Executive Orders regarding the closure of public schools.

18. Laundry services. Laundromats, dry cleaners, industrial laundry services, and laundry service providers.

19. Restaurants for consumption off-premises. Restaurants and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Schools and other entities that provide free food services to students or members of the public may continue to do so under this Order when the food is provided for carry-out, drive-through or delivery. This Order is consistent with and does not affect prior COVID-19 related Executive Orders of the Governor restricting the operations of restaurants and temporarily closing bars.

20. Supplies to work from home. Businesses that sell, manufacture, or supply office supply products or other products needed for people to work from home.

21. Supplies for COVID-19 Essential Businesses and Operations. Businesses that sell, manufacture, support, or supply other COVID-19 Essential Businesses and Operations with the service or materials necessary to operate, including computers, audio and video electronics, household appliances; payroll processing and related services; IT and telecommunication equipment; elections personnel and election-related equipment supplies; hardware, paint, flat glass, electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; and diagnostics, food and beverages, chemicals, soaps and detergent.

22. Transportation. Airlines, taxis, automobile dealers, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, trains, marinas, docks, boat storage, and other private, public, and commercial transportation and logistics providers, and public transportation necessary to access COVID-19 Essential Businesses and Operations.

23. Home-based care and services. Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery.

24. Residential facilities and shelters. Residential facilities and shelters for adults, seniors, children, pets, and/or people with developmental disabilities, intellectual disabilities, victims of domestic violence, people experiencing homelessness, substance use disorders, and/or mental illness.

25. Professional services. Professional services, such as legal services, accounting services, insurance services, professional engineering and architectural services, land surveying services, real estate services (including brokerage, appraisal and title services) and tax preparation services.

26. Manufacture, 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, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, communications, as well as products used or commonly sold by other COVID-19 Essential Businesses and Operations.

27. Defense and military contractors. Defense and military contractors that develop products, processes, equipment, technology, and related services that serve the United States military, national defense, and national security interests.

28. Hotels and motels. Hotels and motels, to the extent used for lodging and delivery or carryout food services.

29. Funeral Services. Funeral, mortuary, cremation, burial, cemetery, and related services. These services are subject to the limitations on events or convenings in Section IV.B. of this Order, except that the number of total persons attending such services is raised to fifty (50) person.

30. Additional COVID-19 Essential Retail Businesses. Additional COVID-19 Essential Retail Businesses are:

- Electronic retailers that sell or service cell phones, computers, tablets, and other communications technology;
- Lawn and garden equipment retailers;
- Book stores that sell educational material;
- Beer, wine, and liquor stores;
- Retail functions of gas stations and convenience stores;
- Retail located within healthcare facilities;
- Pet and feed stores.

J. Outdoor Businesses or Services. Until otherwise ordered, those businesses that operate primarily outdoors or in structures under construction (e.g., construction related contractors, lawn maintenance, equipment repair or maintenance, etc.), and that consistently practice Social Distancing Requirements, are permitted to operate as if they were an Essential Business.

K. Alternate Offering of Non-Essential Goods and Services. Any business providing non-essential goods and services may continue to operate, provided they do so by delivery, mail order, or virtual/web service only, with no in-store customer traffic, and provided further they otherwise comply with this Order, any order from the President or federal government, and any order from the Governor or state government. This provision is to be read in harmony with any other applicable orders, and shall not permit any business to operate that is otherwise prohibited by another lawful order.

L. Minimum Basic Operations for All Businesses. Provided they comply with Social Distancing Requirements, any business may have staff present to perform the following Minimum Basic Operations, which includes performing:

- a. Minimum activity needed to maintain value of business inventory, ensure security, process payroll and benefits, or for related functions;
- b. Minimum activity to perform any function permitted by this Order; or
- c. Minimum activity needed to facilitate employees working from home.

M. Travel:

1. All travel, including, but not limited to, travel by automobile, motorcycle, scooter, train, plane, or public transit, except Essential Travel and Essential Activities as defined herein or otherwise defined in this Order, is prohibited. People riding on public transit must comply with Social Distancing Requirements to the greatest extent feasible. This Order allows travel into or out of Henderson County to maintain Essential Businesses and Operations and Minimum Basic Operations.

2. Essential Travel. For purposes of this Order, "Essential Travel" includes travel for any of the following purposes:

- a. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses and Operations, or Minimum Basic Operations.
- b. Travel to care for elderly, minors, dependents, persons with disabilities, other vulnerable persons, or pets.
- c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
- d. Travel to return to a place of residence from outside Henderson County.
- e. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.
- f. Travel required for non-residents to return to their place of residence outside Henderson County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

N. Required measures: Essential Businesses and Operations and businesses engaged in Minimum Basic Operations must take proactive measures to ensure compliance with Social Distancing Requirements, including where possible all of the following:

1. Designate six-foot distances. Designating with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance.
2. Hand sanitizer and sanitizing products. Having hand sanitizer and sanitizing products readily available for employees and customers.
3. Separate operating hours for vulnerable populations. Implementing separate operating hours for elderly and vulnerable customers.
4. Online and remote access. Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.

V. This Proclamation is issued in accordance with, and incorporates by reference, the March 14 Proclamation, and the State of Emergency issued by the Governor on March 10, 2020. It may be revised, amended, or supplemented by the Board of Commissioners at any subsequent meeting.

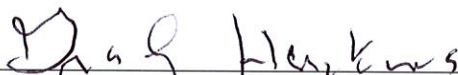
VI. Any person willfully and intentionally violating any prohibition or restriction imposed by this proclamation as authorized by the Joint Proclamation of State of Emergency shall be guilty of a Class 2 misdemeanor in accordance with G.S. 14-288.20A.

VII. 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 the Proclamation.

VIII. A copy of this Supplemental Proclamation and Order shall be provided to the Clerk to the Board of Commissioners. Reports of the substance, of its prohibitions and restrictions shall be sent immediately to the mass communications media serving Henderson County. As soon as practicable, the full text of this Supplemental Proclamation and Order shall be distributed to the mass communications media serving Henderson County.

This Supplemental Proclamation was adopted this 27<sup>th</sup> day of March, 2020, by the Board of Commissioners of Henderson County and was amended with immediate effect on March 31, 2020.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

By:  \_\_\_\_\_  
GRADY HAWKINS, Chairman

Attest:

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TERESA WILSON, Clerk to the Board of Commissioners