



**STATE OF NORTH CAROLINA  
COUNTY OF MADISON**

**STATE OF NORTH CAROLINA COUNTY OF MADISON SUPPLEMENTAL  
DECLARATION OF A LOCAL STATE OF EMERGENCY-REVISION I**

**WHEREAS**, beginning in December 2019, a Novel Coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization; and

**WHEREAS**, a State of Emergency was declared by the Governor of North Carolina on March 10, 2020; and

**WHEREAS**, Madison County in conjunction with the Town of Marshall, Town of Mars Hill, and Town of Hot Springs declared a local State of Emergency on March 13, 2020, acknowledging the gravity of the COVID -19 pandemic; and

**WHEREAS**, a Supplemental Declaration of a Local State of Emergency was issued by Madison County on March 27, 2020 that went in to effect on March 27, 2020 at 8:00 p.m. and was effective until April 10, 2020 at 6:00 a.m.; and

**WHEREAS**, a Supplemental Declaration of a Local State of Emergency Extension was issued by Madison County on Friday, April 10, 2020 at 6:00 a.m and continues until Monday, April 20, 2020 at 6:00 a.m.

**WHEREAS**, symptoms of COVID-19 include fever, coughing, and shortness of breath. In some cases the virus has caused death; **WHEREAS**, The virus that causes COVID-19 is easily transmitted through person to person contact, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety; and

**WHEREAS**, Because of the risk of the rapid community spread of the virus, and the need to protect the most vulnerable members of the community, this supplemental declaration requires all individuals anywhere in Madison County to stay at home, except for certain essential activities and work to provide essential business and government services or perform essential public infrastructure construction, including housing; and

**WHEREAS**, it is essential to slow viral transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed; and

**NOW THEREFORE**, pursuant to the authority contained in Article 1A of the N.C. Gen. Stat. Chapter 166A, the Board of Commissioners, do hereby declare and order the following:

1. The Order supersedes all previous Orders and is subject to the terms and conditions more particularly set forth below;
2. All individuals currently living within Madison County are ordered to stay at their place of residence. For the purposes of this Order, residences include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain social distancing of at least six feet from any other person when they are outside their residence. It is recommended that residents wear a face covering, when outside of their home. All persons may leave their residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 9.
3. All businesses operating within Madison County, except Essential Businesses as defined below in Section 9.b, are required to cease all activities at facilities located within the County. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). To the greatest extent possible, all Essential Businesses shall comply with the Social Distancing Guidelines attached, including maintaining six-foot social distancing for both employees and the general public and the utilization of face coverings is encouraged.
4. All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Order prohibits the gathering of members of a household or living unit.
5. Restaurants with or without drive-in or drive-through services and microbreweries, micro distilleries, or wineries may only provide take out, delivery, or drive-through services as allowed by law.
6. Religious and worship services may offer drive-in service, video and/or teleconference. Religious institutions must limit in-person staff to ten (10) people or less when preparing for or conducting video or teleconference services, and all individuals must follow the attached Social Distancing Guidelines including the six-foot social distancing, which are hereby adopted.
7. Residents who are returning to their home in the County from outside the county after non-essential travel of more than three (3) days are to comply with a self-quarantine for 14 days after their entry into the county. During the 14-day self-quarantine, these individuals should not leave their residence and they should follow the provisions of the CDC's guidance on home isolation: <https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-prevents-pread.html>.
8. All elective medical, surgical, and dental procedures are prohibited anywhere in Madison County. Dental offices and other medical facilities are directed to identify procedures that are deemed "elective" by assessing which procedures can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to COVID-19 response.

9. Definitions:

- a. For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities":
- i. For 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 (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home).
  - ii. For 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 (for example, food, pet supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences).
  - iii. For outdoor activity. To engage in outdoor activity, provided the individuals comply with social distancing requirements of six feet (for example, walking, biking, hiking, or running).
  - iv. For work deemed essential. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order.
  - v. To take care of others. To care for a family member, a neighbor, a friend, or pet in another household.
- b. For purposes of this Declaration, "Essential Businesses" is defined as follows:
- i. **Essential Healthcare Operations.** Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance use disorder service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Homebased and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations do not include fitness centers, exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures as established in accordance with Subsection 8 of this Order.
  - ii. **Essential Government Functions.** All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. Further, nothing in this order shall prohibit any individual from performing or accessing "Essential Government Functions." All Essential Government Functions shall be performed in compliance with social distancing requirements of six feet, to the extent possible.
  - iii. **Essential Critical Infrastructure.** Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the

National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, realtors (see Attachment "A"), defense and national security-related operations, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent possible. Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with social distancing guidelines attached.

- iv. **Essential Retail.** Food service providers, including grocery stores, warehouse stores, bodegas, gas stations and convenience stores, farmers markets that sell food products and household staples. Food cultivation, including farming, fishing, and livestock. Businesses that ship or deliver groceries, food, goods or services directly to customers. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Gas stations, auto-supply, auto and bicycle repair, hardware stores, and related facilities. Businesses that supply products needed for people to work from home.
- v. **Educational Institutions** facilitating distance learning. Educational institutions, including schools, colleges, and universities, for purposes of facilitating distance learning, performing critical research, or performing essential functions that are needed or appropriate for continuing operations or addressing the public health emergency, provided that social distancing is maintained to the greatest extent practicable. Each educational institution shall determine its essential functions and the employees and/or contractors necessary to the performance of those functions.
- vi. **Providers of Basic Necessities to Economically Disadvantaged Populations.** Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals. This includes adult day cares.
- vii. **Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses.** Trash and recycling collection, processing and disposal; mail and shipping services; building cleaning, maintenance and security; warehouse/distribution and fulfillment; storage for essential businesses; funeral homes, crematoriums and cemeteries. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities, contractual obligations, and end of life directives. Businesses that supply other essential businesses with support or supplies needed to operate

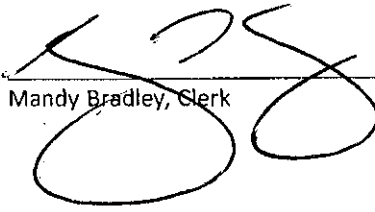
- viii. News Media. Newspapers, television, radio, and other media services.
- ix. Childcare Services. Childcare facilities providing services that enable employees exempted in this Order to work as permitted.
- x. All Businesses may maintain Minimum Basic Operations. For purposes of this declaration, Minimum Basic Operations include the following, provided that employees comply with Social Distancing Requirements, to the greatest extent feasible, while carrying out such operations:
  - 1. The **minimum** necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.
  - 2. The **minimum** necessary activities to facilitate employees of the business are able to continue work remotely from their residences, for example one employee going to the office for administrative work so that all others may continue to work remotely.

10. For purposes of this Declaration, "Drive In Religious and worship services" should follow the below:
  - i. The leaders of these services are responsible for ensuring that their congregants stay inside of their vehicles for the duration of the time spent on the premises.
  - ii. Have only individuals from a single household in each vehicle (no carpooling, use of church buses, no children going from car to car, etc)
  - iii. Vehicles should be parked 6 feet or more from each other
  - iv. Do not pass anything between vehicles (eg. Communion, offering plates, money, notes, etc).
  - v. No physical contact-including handshakes, hugs or kissing
  - vi. Those 65 years of age or older or with underlying health conditions should be encouraged to participate remotely.
11. Any manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing producing ventilators, personal protective equipment (PPE), or another good supporting medical response (e.g., sanitizer, disinfectant) is considered an "essential business" under this Order.
12. Grocery stores, supermarkets, warehouse stores, hospitals, and medical facilities are experiencing high levels of demand for a large number of products, requiring more deliveries from manufacturers and distribution centers to serve their customers. Due to the need to deliver products as quickly and efficiently as possible during this critical timeframe, this Order hereby suspends all delivery hour restrictions for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies in Madison County for the next 60 days.
13. If someone in a household has tested positive for COVID-19 or has signs and symptoms consistent with COVID-19 (i.e., fever and cough or difficulty breathing) they are instructed to self-isolate at home, the other occupants of the household are ordered to quarantine at home following the guidance of public health.

14. Elderly persons and those deemed at high risk of severe illness from COVID-19 are urged to stay in their residence to the greatest extent possible, except as necessary to seek medical care. Those at high risk should seek telemedicine solutions first before traveling to a health care provider. Nothing in this proclamation prevents the Madison County Health Director from issuing and enforcing isolation and quarantine orders or executing other duties as required.
15. Long-term care settings (including, but not limited to, skilled nursing facilities, adult care homes, family care homes, and assisted living facilities) are instructed by this order to prohibit nonessential visitors from accessing their facilities unless to provide critical assistance or for end-of life visitation. Anyone entering the facility should have their temperature taken and if they have a temperature over 100.4 they should be denied entrance.
16. All lodging facilities, including campgrounds and direct-reservation facilities (such as AirBnB and VRBO) shall be closed EXCEPT for work-related accommodations, facilities housing persons experiencing homelessness and any facility being used for isolation and quarantine purposes. Current residents at campgrounds are permitted to stay, but campgrounds should not allow new patrons to enter and establish themselves. Current residents at hotels, motels, bed and breakfasts, and other short-term rentals are permitted to stay, but these facilities should cancel any leisure travel reservations for the duration of this declaration and not make any new reservations. Any employees who work for a business or organization deemed essential can stay in any lodging.
17. Visitors and property owners who are non-residents of Madison County who are staying overnight as of the date of this action shall notify the Madison County COVID -19 Hotline at 828-649-0755 to list with the County their most recent place of travel, length of stay and purpose for travel.
18. This Order of Revision I, shall be effective until 6:00 a.m. on Sunday, May 31, 2020, or until it is either rescinded, superseded, or amended pursuant to applicable law.
19. An interpretive document has been developed to accompany this declaration and provide additional guidance.
20. The County of Madison must promptly provide copies of this Order by posting on the Madison County website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this order is strongly encouraged to post a copy of this Order on site and to provide a copy to any member of the public asking for a copy.
21. 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.

22. Failure to comply with this declaration is a Class 2 misdemeanor.
23. This Supplemental Declaration of Local State of Emergency-Revision I for Madison County shall go into effect at 5:00 p.m. on Tuesday, April 14, 2020 and continue until Sunday, May 31, 2020 at 6:00 a.m.

ATTEST:

  
Mandy Bradley, Clerk

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF MADISON

By: 

Craig Goforth, Chairman



## ATTACHMENT "A"

### COVID COMPLIANT COMMITMENT DISCLOSURE

- The intent of this document is to help standardize best practices for agents and clients. Madison County is committed to the safety of our clients and our agents amongst the growing concern around COVID-19 (Novel Coronavirus).
- REALTORS® who have agreed to the COVID aware commitment are cooperating by following a set of standardized best practices. As part of the COVID Aware commitment, we are asking all of our customers and clients to answer the following questions: **Exception: If the home has been vacant for over 3 days, then seller is exempted from signing this form. If tenant occupied, please have tenant sign.**
- Have you traveled outside of Western North Carolina in the last 14 days or been in close contact with anyone who has traveled outside of Western North Carolina within the last 14 days?  
Yes \_\_\_\_\_ No \_\_\_\_\_
- Have you had close contact with or cared for someone diagnosed with COVID-19 or flu- like symptoms within the last 14 days?
- Have you experienced or been exposed to any cold or flu-like symptoms in the last 14 days (fever, cough, shortness of breath or other respiratory problems)?  
**If you answered yes to any of the above, please notify your agent immediately.** If your answers to any of these questions change, please notify your agent immediately. For the safety of all concerned, your agent may suggest suspending personal site visits.  
**If you are a buyer** and you have answered yes to these questions, we have virtual real estate options available including live stream walkthroughs and digital signing processes.  
**If you are a seller**, your agent will discuss options to allow you to stay in your home while you monitor your symptoms, with options including temporarily taking your home off the market (does not incur Days on Market on MLS) and extending contract times if your home is under contract.
- Please speak with your agent about important ways to continue your real estate process smoothly.

Agent \_\_\_\_\_ DATE \_\_\_\_\_

Buyer/Seller/Tenant/Service Provider

\_\_\_\_\_ DATE \_\_\_\_\_

Buyer/Seller/Tenant/Service Provider

\_\_\_\_\_ DATE \_\_\_\_\_

**COVID Aware Agent Commitment:**

**Covid Aware NC brokers commit to:**

**Agents and staff will work remotely and stay home if they:**

- Have traveled outside of Western North Carolina in the last 14 days or been in close contact with anyone who has traveled outside of Western North Carolina within the last 14 days.
- Have had close contact with or cared for someone diagnosed with COVID-19 or flu- like symptoms within the last 14 days.

- Have experienced or been exposed to any cold or flu-like symptoms in the last 14 days (fever, cough, shortness of breath or other respiratory problems).

**Brokers and agents will follow the policies outlined below:**

- Have each customer or client sign the COVID Aware Commitment and Disclosure.
- Keep the CDC's recommended safe 6' distance.
- Follow CDC and other governmental recommendations and regulations.
- Make sure that buyers are pre-approved before showing homes in-person.
- Wash hands upon entering offices and homes.
- Bring sanitizers/wipes to sanitize surfaces they come in contact with.
- Ask clients to meet them at homes rather than riding together.
- Disinfect cars and offices regularly.
- Ask sellers to have lights on and interior doors open to limit surfaces that people touch.
- Ask agents to keep lights on when leaving (for occupied homes)
- Wipe down doorknobs and all surfaces that showing agents or buyers touch when touring homes
- Not touch surfaces in homes unnecessarily and ask the same of clients
- Limit in-person contact by utilizing technology, live streaming walk-throughs of homes, E-signing, etc.
- Video conferencing instead of face-to-face meetings when possible
- Work with paperless systems to limit trips and the handling of paper
- Not host in-person public open houses or broker open houses
- Strive to publish videos or some form of a virtual walkthrough for each listing
- Encourage drive-by's before scheduling in-person showings
- Speak with sellers to ensure they agree to have their homes shown in-person
- Encourage sellers to disinfect their home upon re-entering
- Check regularly for updates to these guidelines

Agent: \_\_\_\_\_ Date: \_\_\_\_\_



**IMPORTANT NOTICE: YOU MUST FOLLOW YOUR LOCAL ORDERS. NOTHING IN THIS GUIDANCE ALLOWS YOU TO CONDUCT ANY REAL ESTATE BUSINESS THAT IS NOT ALLOWED IN THE AREA YOU ARE WORKING**

If you are in an area governed by a local order or the state's Executive Order 121, most real estate activity is considered essential and allowed under strict health and safety guidelines. The following best practices are for use by NC REALTORS® in those areas ONLY. Please make sure that you are following all direction issued by local, state, and federal authorities for all your activities, real estate or otherwise.

NC REALTORS® should, using available technology, endeavor to do as much of their business remotely as possible to avoid contact. **If you can work virtually, YOU SHOULD.** NC REALTORS® has compiled numerous resources to assist members in conducting their business through remote means. Visit [ncrealtors.org/coronavirus](https://ncrealtors.org/coronavirus) for more information. If virtual options do not exist, see recommended mended best practices below.

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This guidance has been developed using the guidelines issued by the [National Association of REALTORS®](#) and the [Centers for Disease Control \(CDC\)](#).

For transaction-specific questions, please contact your attorney or the NC REALTORS Legal Hotline: [legalhotline@ncrealtors.org](mailto:legalhotline@ncrealtors.org).

NC REALTORS® has compiled a list of Q&As here: [ncrealtors.org/covid-19-qa/](https://ncrealtors.org/covid-19-qa/).

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**Here are some general preventative measures that the CDC recommends for individuals to reduce the risk of contracting and spreading coronavirus:**

- Wash your hands frequently with soap and water for at least 20 seconds. If soap and water aren't available, use an alcohol-based hand sanitizer.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Practice social distancing by staying out of crowded places, avoiding group gatherings, and maintaining distance (approximately 6 feet) from others when possible.
- Avoid close contact with anyone who is sick.
- Stay home if you have a fever, cough, shortness of breath or any other cold or flu-like symptom.
- Clean and disinfect frequently touched objects and surfaces.
- Cover your mouth and nose with a tissue when you cough or sneeze, or cough or sneeze into your sleeve.

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**If you are allowed to conduct real estate activities in your local area and choose to conduct in-person showings or other activities, here is some important guidance—FOR SELLERS**

Make sure to disinfect all commonly touched areas like countertops, doorknobs, light switches, cabinet knobs and faucet handles prior to and after each showing.

- Open all interior doors and turn on all lights to minimize touching during a showing.

- If you can show the property remotely, please do. Use existing virtual tours or walk-through the property on video call.
  - If an in-person showing is necessary, you must travel in two cars. You cannot practice social distancing in one car.
  - Limit showings to the smallest group possible.
  - Only allow one buyer group to tour the home at a time. Wait outside if another showing is going on.
  - Use gloves or use a disinfectant wipe to open the lockbox and all doors. You must practice social distancing by maintaining a 6-foot distance when in the property.
  - Don't allow potential buyers to touch anything in the house when showing a property. Wipe down any surface that must be touched with a disinfectant wipe.
  - Make sure that anyone who leaves the home washes their hands or uses an alcohol-based hand sanitizer.
  - Inspections and property appraisals necessary for the closing of transactions, purchase, refinance, etc., will be allowed. If possible, inspections and appraisals should be conducted alone. If accompanied, social distancing and the above guidelines must be exercised. Results should be discussed byphone.
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## FREQUENTLY ASKED QUESTIONS

**With the Governor's new Stay at Home Order, should NC REALTORS® continue to conduct open houses on their listed properties?**

It is recommended to avoid open houses at this time. Before scheduling an open house, agents should first consult with their BIC, and consider how federal, state and local authorities' recommendations, actions, and mandates, along with local MLS rules, impact the advisability, and even permissibility of open houses. Many local stay-at-home/shelter-in-place orders and some local MLS rules prohibit open houses during this time.

**What should I do if I live in one area but need to work in another area?**

You must follow the order of the area you are working in, not the area you are from. Additionally, some local orders prohibit travel to another area to work. You must follow your local order in that case and not drive to work in another area.

**May I ask clients or others I interact with in my real estate business if they have traveled recently, or have any signs of respiratory illness?**

Yes, you may ask clients or others about their recent travel, particularly to areas identified as having an increased risk of coronavirus. To avoid potential fair housing issues, be sure to ask all clients the same screening questions based on current, factual information from public health authorities.

**May I limit in-person showings to pre-qualified buyers?**

Yes. Both listing and buyer's agents may ask if a buyer is pre-qualified to purchase and limit showings to qualified buyers. Be sure to ask all buyers for a pre-qualification letter to avoid a potential Fair Housing violation. Keep in mind that it may be difficult for buyers just entering the market to obtain a pre-qualification letter given the current circumstances, as many mortgage companies have been impacted by the pandemic with high volumes of refinancing applications and other operational issues.