



Town of Black Mountain

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To: Honorable Mayor and Board of Aldermen
From: Josh Harrold, Town Manager *JH*
Subject: Face coverings
Date: June 25, 2020

Beginning Friday June 26, 2020 at 5:00 PM, Governor Cooper's Executive Order 147 takes effect. The State will remain in Phase II of reopening until July 17, 2020 unless repealed, replaced or rescinded. Governor Cooper stresses the importance of face coverings. The following language states the new requirements:

- A. Where Face Coverings Are Required. People are required to wear Face Coverings in the following settings, whether they are inside or outside, unless an exception applies.
 - a. In Retail Businesses. Retail Businesses must have all workers wear Face Coverings when they are or may be within six (6) feet of another person. In addition, Retail Businesses must have all customers wear Face Coverings when they are inside the establishment and may be within (6) feet of another person, unless the customer states that an exception applies.
 - b. In Restaurants. Restaurants must have all workers wear Face Coverings when they are or may be within six (6) feet of another person. In addition, restaurants must have all customers wear Face Coverings when not at their table, unless the customer states that an exception applies.
 - c. In Personal Care, Grooming, and Tattoo Businesses. Personal Care, Grooming, and Tattoo Businesses must have workers wear Face Coverings when they are or may be within six (6) feet of another person. In addition, the business must have all customers wear Face Coverings when they are inside the establishment and may be within six (6) feet of another person, unless the customer states that an exception applies. Customers may take off their Face Coverings if they are receiving a facial treatment, shave, or other services on a part of the head which the Face Covering covers or by which the Face Covering is secured.
 - d. In Child Care Facilities, Day Camps, and Overnight Camps. Child care facilities, day camps, and overnight camps must have workers, all other adults, and children eleven (11) years or older on site wear Face Coverings when they are or may be within six (6) feet of another person.

- e. In State Government. State government agencies headed by members of the Governor's Cabinet must have their on-site workers wear Face Coverings when they are or may be within six (6) feet of another person. Public-facing operations of state government agencies under the jurisdiction of the undersigned must also follow the requirements for Retail Businesses established in this Executive Order. All other state and local government agencies are strongly encouraged to adopt similar policies that require Face Coverings.
 - f. In Transportation. All workers and riders on public or private transportation regulated by the State of North Carolina, as well as all people in North Carolina airports, bus and train stations or stops, must wear Face Coverings when they are or may be within six (6) feet of another person. This provision does not apply to people traveling alone with household members or friends in their personal vehicles, but does apply to ride-shares, cabs, vans, and shuttles, even if the vehicles are privately owned. Notwithstanding the foregoing, no customer will be removed from or denied entry to public transportation for failure to wear a Face Covering.
 - g. In Certain High-Density Occupational Settings Where Social Distancing is Difficult. Social distancing is inherently difficult where multiple workers are together in manufacturing settings, at construction sites, and in migrant farm, other farm, and agricultural settings. Therefore, in businesses or operations within North American Industry Classification System (NAICS) sectors 311 to 339 (manufacturing), 236 to 238 (construction), and 111, 112, 1151, and 1152 (agriculture), all workers must wear Face Coverings when they are or may be within six (6) feet of another person.
 - h. In Meat or Poultry Processing Plants. All workers in any meat or poultry processing plant, packing plant, or slaughterhouse must wear Face Coverings when they are or may be within six (6) feet of another person, and those Face Coverings must be Surgical Masks, as long as Surgical Mask supplies are available.
 - i. Long Term Care Facilities. All workers in Long Term Care ("LTC") Facilities, including skilled nursing facilities ("SNF"), adult care homes ("ACH"), family care homes ("FCH"), mental health group homes, and intermediate care facilities for individuals with intellectual disabilities ("ICF-IID"), must wear Face Coverings while in the facility, and those Face Coverings must be Surgical Masks, as long as Surgical Mask supplies are available.
 - j. Other Health Care Settings. Health care facilities other than LTC facilities must follow the Face Covering requirements in the CDC Infection Control Guidance for Healthcare Professionals about Coronavirus (COVID-19).
- B. Exceptions. This Executive Order does not require Face Coverings for-and a Face Covering does not need to be worn by-a worker, customer, or patron who:
- a. Should not wear a Face Covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the face covering without assistance);
 - b. Is under eleven (11) years of age;
 - c. Is actively eating or drinking;
 - d. Is strenuously exercising;

- e. Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
- f. Is giving a speech for a broadcast or to an audience;
- g. Is working at home or is in a personal vehicle;
- h. Is temporarily removing his or her Face Covering to secure government or medical services or for identification purposes;
- i. Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;
- j. Has found that his or her Face Covering is impeding visibility to operate equipment or a vehicle; or
- k. Is a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face.

Anyone who declines to wear a Face Covering for these reasons should not be required to produce documentation or any other proof of a condition. Children under two (2) years of age should not wear a Face Covering.

C. Enforcement of Face Covering Requirements.

- a. Citations under this Section shall be written only to businesses or organizations that fail to enforce the requirement to wear Face Coverings. Operators of businesses and organizations are entitled to rely on their customers or patrons' statements about whether or not they are excepted from the Face Covering requirements, and businesses and organizations do not violate this Executive Order if they rely on such statements.
- b. Law enforcement personnel are not authorized to criminally enforce the Face Covering requirements of this Executive Order against individual workers, customers, or patrons.
- c. However, if a business or organization does not allow entry to a worker, customer, or patron because that person refuses to wear a Face Covering, and if that worker, customer, or patron enters the premises or refuses to leave the premises, law enforcement personnel may enforce the trespassing laws and any other laws (other than N.C. Gen. Stat. § 14-288.20A) that the worker, customer, or patron may violate.

We all need to do our part to protect ourselves and others from contracting and spreading COVID-19.