

**SUSPENSION OF RESIDENTIAL VACATION
RENTALS, CLOSING OF CERTAIN PUBLIC
PARKS AND AREAS, AND RESTRICTIONS ON
THE USE OF GOLF COURSES THROUGH MAY
15, 2020 SUBJECT TO
STATE OF EMERGENCY DECLARATIONS**

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death by the SARS-CoC-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can quickly and easily spread from person to person; and

WHEREAS, in response to the global spread of the virus and the disease it causes, the World Health Organization has declared COVID-19 a Public Health Emergency of International Concern; the Centers for Disease Control and Prevention ("CDC") has warned of the high public health threat posed by COVID- 19 globally and in the United States and has deemed it necessary to prohibit or restrict travel to areas designated by the CDC; the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19; and the North Carolina Department of Health and Human Services ("NCDHHS") confirmed over one thousand (1,167) cases of COVID-19 in North Carolina, at least 2 in Rutherford County and at least five deaths as of this date; and

WHEREAS, on March 10, 2020 the State of North Carolina, through the Office of the Governor, Roy Cooper, issued Executive Order No. 116 titled "Declaration of the State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19" and has since issued additional Executive Orders relating to attempts to control the spread of the disease which continues to escalate, including an Executive Order No. 121 dated March 27, 2020 ("STAY AT HOME ORDER AND STRATEGIC DIRECTIONS FOR NORTH CAROLINA IN RESPONSE TO INCREASING COVID-19 CASES"); and

WHEREAS, as a result of the above-described events, the Mayor of the Town of Lake Lure issued a Proclamation of State of Emergency on March 17, 2020; Rutherford County issued a Declaration of State of Emergency on March 16, 2020; Rutherford County and the incorporated municipalities therein issued a "Joint Supplemental Proclamation of a State of Emergency on March 27, 2020; and Rutherford County also issued a "Rutherford County Short Term Rental Suspension Request" on March 27, 2020; and,

WHEREAS, Rutherford County's Short Term Rental Suspension Request is voluntary, but recognizes: "The best available medical evidence confirms that human travel promotes the spread of this disease and the presence of visitors in Rutherford

County has the potential to exacerbate the strain on the limited healthcare resources and facilities available within Rutherford County. This request is made to help prevent the spread of COVID-19 in a manner and at a pace that overwhelms ability of Rutherford County and its healthcare partners to respond effectively in the coming days;” and,

WHEREAS, Rutherford County’s Short Term Rental Suspension Request is made to all types of transient lodging within the County;

WHEREAS, Residential Vacation Rentals pose an increased risk and danger for the spread of the COVID-19 virus within the Town of Lake Lure due to the number of such Rentals (at least 340 within the Town’s corporate limits), the fact that such Residential Vacation Rentals are embedded throughout the Town’s Residential neighborhoods, the travel of individuals, the rapid transfer of COVID-19 between individuals, the relatively long incubation period, and the ability of the virus to survive on certain surfaces for a number of days; and

WHEREAS, the average age of year-round residents of Lake Lure is approximately 60 (approximately 823 residents) and older persons have been identified as particularly susceptible to life-threatening complications associated with COVID-19;

WHEREAS, due to the large number of Residential Vacation Rental properties located in the Town of Lake Lure and embedded throughout the Town, and in particular throughout the Residential neighborhoods in Town, and the limited medical resources within the Town and County, it is appropriate and necessary to suspend Residential Vacation Rentals within the Town of Lake Lure; and,

WHEREAS, the map attached to this Declaration as Exhibit A, which is incorporated herein by reference, illustrates the proliferation of Residential Vacation Rentals embedded within the Residential neighborhoods of the Town and the proximity of said rentals to year-round residents aged 60 and over; and,

WHEREAS, the Town will continue to monitor the data released by local, State and National authorities regarding COVID-19 and may extend the ban outlined herein to other types of transient lodging facilities within the Town as appropriate; and

WHEREAS, for similar reasons as those set forth above for Residential Vacation Rentals, publicly-owned and privately-owned places where large numbers of persons tend to congregate consistently throughout the day pose a particular risk for the spread of COVID-19, such as parks and similar recreational sites; and,

WHEREAS, 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 will be unable to maintain public order or afford adequate protection for lives or property; and,

WHEREAS, this action is consistent with the actions of numerous local governments

throughout North Carolina and the United States and done for the purposes of preventing the spread of the COVID-19 virus due to travel and human interaction within the Town;

NOW, THEREFORE, pursuant to the authority vested in me as the Mayor of the Town of Lake Lure under Article 1A of Chapter 166A of the North Carolina General Statutes, NCGS Section 166-19.31 and Sections 7 and 8 of Ordinance No. 97-1-14 (the Lake Lure State of Emergency Ordinance) along with a consensus of the members of the Council, it is hereby ORDERED:

Section 1. All Residential Vacation Rental properties (as defined in §92.005 Zoning Regulations of the Town of Lake Lure) in the incorporated area of Lake Lure, shall cease accepting new reservations for any period of time from 12:01 a.m., Wednesday April 1, 2020 through May 15, 2020 (such time limit is subject to further modification). Violations of this Declaration may result in suspension of Residential Vacation Rental permits, along with additional penalties as set forth in the Town Code and herein.

Section 2. Existing reservations made for a period beginning Wednesday, April 1, 2020 through May 15, 2020 will be rescheduled or canceled. Visitors currently checked in may remain until the end of their existing reservations, but such reservations shall not be extended. Those units consistently occupied since March 1 are exempt, but rental occupancy may not be increased by others, including friends or family members.

Section 3. The prohibition against Residential Vacation Rentals shall not apply to the following:

(1) When work related accommodations are needed for the following:

Emergency personnel such as law enforcement, EMTs, fire and rescue, 911 communications and emergency management;

Federal, state and local government personnel;

Medical and public health personnel

Any person, contractor or service provider deemed necessary by the Mayor, in consultation with the Town manager, to the response and recovery for COVID-19

Construction workers

(2) Homeless shelters

(3) Emergency lodging and emergency facilities as determined by the Mayor in consultation with the Town manager

Section 4. All amusements designed to attract and accommodate visitors, are hereby ordered to

close effective Tuesday, March 31, 2020, including but not limited to movies and live performances, miniature golf (not golf courses), amusement parks and arcades, and similar attractions typically involving more than 10 persons at any given time.

Section 5. The following Parks and public areas shall close effective March 31, 2020:

- Public Boat Ramps - Close
- Morse Park - Close
- Flowering Bridge – Close
- Pool Creek Park – Close

Buffalo Creek Park/Weed Patch Mountain and Dittmer Watts Park (all walking/hiking trail parks) shall remain open; however, appropriate social distancing of persons (at least six feet) shall be practiced and enforced.

Golf Courses may remain open. No more than one person shall be allowed per cart. Walking shall be allowed with appropriate social distancing being practiced and enforced.

The Town recognizes the importance of making some outdoor areas available but will continue to monitor developing conditions and whether these opportunities are being used in an acceptable and safe manner by the public and may issue further Orders in appropriate circumstances.

Section 6. All Town of Lake Lure law enforcement officers and employees and all other emergency management personnel subject to the Town's control are ordered to cooperate in the enforcement and implementation of the provisions of this Declaration, all applicable local ordinances, state and federal laws, and the Town of Lake Lure Emergency Operations Plan.

Section 7. Any person who violates any provision of this declaration shall be guilty of a Class 2 misdemeanor in accordance with G.S. 14-288.20A.

Section 8. If any Section, Subsection, or part of this Declaration shall be deemed or found by a Court of competent jurisdiction, to conflict with a provision of North Carolina law, to violate the U.S. Constitution or other pre-emptive legal principle, then that Section, Subsection or part of this Ordinance shall be deemed ineffective, but the remaining parts of this Declaration shall remain in full force and effect.

Section 9. I hereby order this declaration: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be filed with Clerk to the Town of Lake Lure; (c) to be distributed to owners and rental managers of Residential Vacation Rentals; (d) to be distributed to golf course managers/owners in Town; (e) to be distributed to the Rutherford County Tourism Authority; (f) to post notice of this action at visible locations in the parks and boat ramps affected; and (g) to be distributed to others as necessary to ensure proper implementation of this declaration.


Section 10. This Declaration shall become effective upon execution. The provisions contained

herein may be shortened or extended based on then current conditions, which shall be continuously monitored by Town Staff.

This the 31th day of March 2020.


Carol C. Pritchett, Mayor

ATTEST:


Amy Wright, Tax Collector

(town seal)

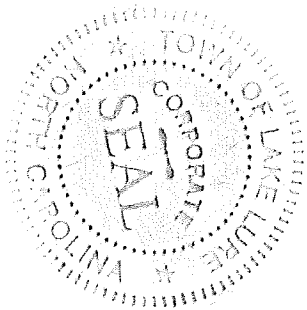


Exhibit A

Residential Vacation Rentals And Health Risk Populations

