

**EMERGENCY ORDINANCE
ON STAY AT HOME**

Section 1. Findings. City Council does hereby make the following findings:

WHEREAS, in December 2019, an outbreak of respiratory illness due to a novel coronavirus (COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, across the world, including the United States; and,

WHEREAS, on January 23, 2020, the Center for Disease Control (“CDC”) activated its Emergency Response System to provide ongoing support for the response to COVID-19; and,

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency to assist with combating the coronavirus, and,

WHEREAS, on March 13, 2020, Governor Henry McMaster declared a state of emergency in South Carolina; and,

WHEREAS, on March 16, 2020, Mayor John J. Tecklenburg declared a local state of emergency in the City of Charleston; and,

WHEREAS, Covid-19 is now aggressively spreading across the state with the South Carolina Department of Health and Environmental Control (“SCDHEC”) confirming the localized person-to-person spread of COVID-19 in South Carolina, which indicates a significantly increasing risk of exposure and infection to City of Charleston residents and creating an extreme public health risk; and,

WHEREAS, as of March 31, 2020, the total number of cases in the United States is well over 189,500 cases with at least 1,083 cases in the State of South Carolina and 142 cases in Charleston County with one death; and,

WHEREAS, if COVID-19 spreads in the City of Charleston at a rate comparable to the rate of spread in other countries, the number of persons relying on medical, pharmaceutical, and general cleaning supplies will increase, the private and public sector work force will be negatively impacted by absenteeism, and the demand for medical facilities may exceed locally available resources; and,

WHEREAS, it is vitally important that we all work together to decrease the widespread proliferation of Covid-19 among us all now rather than suffer the unfortunate and devastating consequences later; and,

WHEREAS, it is imperative that residents and non-residents of this great City shelter at home, unless providing or requiring an essential service, remain at a safe distance of at least six (6) feet from others while in public, seek medical attention, if sick, via a telehealth service

provider such as MUSC, continue to be vigilant with hand-washing, remain calm, and only purchase necessary supplies for immediate use; and,

WHEREAS, by taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the people of Charleston, and limits the spread of infection in our communities and within the health care delivery system; and,

WHEREAS, in order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the community, the City of Charleston is taking steps to try to protect the citizens and employees of the City of Charleston from increased risk of exposure; and,

WHEREAS, at this crucial time, it is necessary for the City to undertake and coordinate all necessary and reasonable activities for this emergency response, to take all appropriate action required to alleviate the effects of the coronavirus disaster emergency, including action following the guidelines of the CDC and the SCDHEC, to and in the aid of essential public services, and to take any other lawful emergency response or action deemed necessary to protect the public health, safety and welfare of the City of Charleston.

Section 2. Effective immediately, individuals shall stay in their homes and not travel through or congregate in the streets, sidewalks, waterways and/or public spaces in the City of Charleston, including establishments that hold a City of Charleston business licenses except for the purposes of working at or conducting business with the attached list of businesses (hereinafter “Essential Service” or “Essential Services”), such list to be modified by the Mayor as necessary for the health, safety and welfare of the City of Charleston or to engage in individual outdoor recreational activities as set forth in Section 3 herein. Further:

- A) Individuals, who must go out for purposes of working at or conducting business with any Essential Service business provider, shall practice social distancing of at least six feet with the exception of those traveling in the same vehicle to or from an Essential Service for purposes of work or to conduct business at an Essential Service.
- B) Pursuant to Gov. Henry McMaster’s Executive Order No. 2020-17, issued March 31, 2020 and subject to any further clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated by the South Carolina Department of Commerce, effective Wednesday, April 1, 2020, at 5:00 p.m., the following “non-essential” businesses, venues, facilities, services, and activities shall be closed to non-employees and shall not be open for access or use by the public—to include members, if access or use is ordinarily restricted to or based on membership—or shall not take place, as applicable:
 - A. Entertainment venues and facilities as follows:
 - (a) Night clubs
 - (b) Bowling alleys
 - (c) Arcades
 - (d) Concert venues
 - (e) Theaters, auditoriums, and performing arts centers

- (f) Tourist attractions (including museums, aquariums, and planetariums)
 - (g) Racetracks
 - (h) Indoor children’s play areas, with the exception of licensed childcare facilities
 - (i) Adult entertainment venues
 - (j) Bingo halls
 - (k) Venues operated by social clubs
- B. Recreational and athletic facilities and activities as follows:
- (a) Fitness and exercise centers and commercial gyms
 - (b) Spas and public or commercial swimming pools
 - (c) Group exercise facilities, to include yoga, barre, and spin studios or facilities
 - (d) Spectator sports
 - (e) Sports that involve interaction in close proximity to and within less than six (6) feet of another person
 - (f) Activities that require the use of shared sporting apparatus and equipment
 - (g) Activities on commercial or public playground equipment
- C. Close-contact service providers as follows:
- (a) Barber shops
 - (b) Hair salons
 - (c) Waxing salons
 - (d) Threading salons
 - (e) Nail salons and spas
 - (f) Body-art facilities and tattoo services
 - (g) Tanning salons
 - (h) Massage-therapy establishments and massage services
- C) Pursuant to Gov. Henry McMaster’s Executive Order No. 2020-14, issued March 27, 2020 an individual who enters the State of South Carolina from an area with substantial community spread, to include the Tri-State Area (consisting of the States of New York, New Jersey, and Connecticut) and the City of New Orleans, Louisiana, shall isolate or self-quarantine for a period of fourteen (14) days from the time of entry into the State of South Carolina or the duration of the individual’s presence in South Carolina, whichever period is shorter. This Order shall not apply to individuals employed by airlines and individuals performing or assisting with military, healthcare, or emergency response operations. Any individual required to isolate or self-quarantine shall be responsible for any and all costs associated with such isolation or self-quarantine, including transportation, lodging, food, and medical care. South Carolina Department of Health and Environmental Control (“DHEC”) will provide any necessary and appropriate supplemental guidance regarding the interpretation, application, or enforcement of this provision.
- D) Social gatherings of 10 or more people, for any reason other than working at or receiving Essential Services, is prohibited; however, pursuant to Gov. Henry McMaster’s Executive Order No. 2020-13, issued March 23, 2020 officers of the Charleston Police Department are authorized “to prohibit or disperse any congregation

or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in their discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health.”

- E) In accordance with Gov. Henry McMaster’s Executive Order No. 2020-16, all public beaches, piers, docks, wharfs, boat ramps, and boat landings providing public access to the public waters of the State, including any adjacent or associated public parking lots or other public facilities shall be closed to public access for recreational purposes. Furthermore, beaching or rafting of boats, whether on a sandbar, lakeshore, riverbank, or island, is prohibited. Vessels must remain underway at all times unless exigent circumstances exist. Anchoring to fish is allowed; however, rafting is prohibited under all circumstances. This Subsection does not apply to individuals possessing a current, valid commercial fishing license or permit to the extent such individuals may seek to utilize or rely upon public piers, docks, wharfs, boat ramps, or boat landings in connection with commercial fishing activities.
- F) Places conducting Essential Service operations shall take all reasonable measures, including limiting the number of individuals in their businesses, to facilitate and ensure social distancing of at least six feet.
- G) Bars and restaurants which prepare, produce, or otherwise offer or sell food or beverages, of any kind, shall be prohibited from permitting dine in or on premises consumption of food or beverages whether indoors or outdoors, however, they may continue to offer pickup, take out or delivery services for consumption off premises.

Section 3. Individuals should limit outdoor activities to those that allow for social distancing of at least six feet, do not entail coming into close contact with other people or involve the sharing of equipment.

Section 4. The City of Charleston Fire Department, Office of the Fire Marshal, Police Department, Building Inspections Division, and their designees, and Livability Code Enforcement Officers are hereby authorized to inspect and determine whether Essential Operations are in compliance with this Emergency Ordinance. For the duration of this Ordinance, it is unlawful for a person to willfully fail or refuse to comply with any lawful order or direction of these individuals or their designees issued pursuant to this Ordinance.

Section 5. Nothing in this Ordinance shall be construed to preempt or overrule a court order regarding and individual’s conduct (e.g. Domestic Violence Protection Order or similar orders limiting an individual’s access to a particular place).

Section 6. Violation of any section of this Ordinance or any Subsection of this Ordinance shall be punishable with a fine of up to \$100.00 and/or thirty (30) days in jail.

Section 7. Ordinance No. 2020-42 is hereby repealed in its entirety and replaced by this Ordinance.

Section 8. This Ordinance shall become effective upon ratification and shall expire sixty (60) days from the date of the State of Emergency declared on March 16, 2020 unless otherwise modified, amended, or rescinded by a subsequent City Ordinance to protect the health, safety, and welfare of the City of Charleston.

Ratified in City Council this _____ day of
_____ in the Year of Our Lord,
2020, and in the _____th Year of the Independence
of the United States of America.

By: _____
John J. Tecklenburg
Mayor, City of Charleston

ATTEST: _____
Vanessa Turner-Maybank
Clerk of Council

ESSENTIAL SERVICES

4.1.2020

1. Essential health care operations including, research and laboratory services, hospitals, walk-in-care health facilities, mental health care, veterinary and animal services, elder care, medical wholesale and distribution, home health care workers or aides, doctor and emergency dental, nursing homes, or residential health care facilities or congregate care facilities, medical supplies and equipment manufacturers and providers.
2. Essential infrastructure operations including utilities including power generation, fuel supply and transmission, public water and wastewater, telecommunications and data centers, airports/airlines, transportation infrastructure such as bus, rail, or for-hire vehicles, garages, hotels, and places of accommodation, the South Carolina Port Authority.
3. Essential manufacturing operations including food processing, manufacturing agents, including all foods and beverages, distilleries, chemicals, medical equipment/instruments, pharmaceuticals, sanitary products, telecommunications, microelectronics/semi-conductor, agriculture/farms, household paper products, vehicle and aircraft manufacturing.
4. Essential retail operations including grocery stores and all food and beverage stores, big box stores or wholesale clubs that have in house grocery or pharmacy services, pharmacies, convenience stores, pet stores, direct farm to consumer sales, gas stations, restaurants/bars (but only for take-out or/delivery), hardware and building material store and online retailers that deliver products and services to individual's homes or businesses.
5. Other essential service operations including garbage, trash and recycling collection, processing and disposal, mail and shipping services, laundromats and dry cleaning, building cleaning and maintenance, child care services, warehouse/distribution and fulfillment, funeral homes, crematoriums and cemeteries, storage for essential businesses, animal boarding and shelters, educational institutions, for purposes of facilitating distance learning, performing critical research, or performing essential functions.
6. News media
7. Financial Institutions and Professional Services operations including banks, credit unions and check cashing services, insurance, payroll, accounting, services related to financial markets, legal services, and essential operations vital to real estate

transactions such as title searches, permitting, inspections, construction and the transfer and recordation of ownership.

8. Providers of basic necessities to economically disadvantaged populations including, homeless shelters and congregate care facilities, food banks, human services providers whose function includes the direct care of patients in state-licensed or funded voluntary programs, the care, protection, custody and oversight of individuals both in the community and in state-licensed residential facilities; those operating community shelters and other critical human services agencies providing direct care or support.
9. Construction including, skilled trades; including, but not limited to, electricians, plumbers, painters; other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes, other construction where the contractor can ensure social distancing.
10. Defense operations including defense and national security-related operations supporting the U.S. Government or a contractor to the US government.
11. Essential services necessary to maintain the safety, sanitation and essential operations of residences or other essential businesses including, government operations including court systems and detention centers, law enforcement, fire prevention and response, building code enforcement, security, emergency management and response, building cleaners or janitors, general maintenance whether employed by the entity directly or a vendor, landscape services, pest control services, automotive, marine, and bicycle repair and sales, disinfection, mail, post, shipping, logistics, delivery, moving, and pick-up services.
12. Pastoral Care including, preparing for religious services, performing acts directed towards the healing, sustaining, guiding, reconciling and nurturing of persons.

By: _____
John J. Tecklenburg
Mayor, City of Charleston

Dated: _____

All Essential Services must be conducted in accordance with Section 2 of this Ordinance.