



EMERGENCY ORDINANCE

REDUCING RISK OF EXPOSURE TO COVID-19 AND REPLACING STAY AT HOME ORDINANCE NO. 2020-48

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

WHEREAS, in December 2019, an outbreak 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, it is well recognized that COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; 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 (the “Governor”) declared a state of emergency in South Carolina, Executive Order 2020-10, based on a determination that “COVID-19 poses an actual or imminent public health emergency”; and,

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

WHEREAS, on March 16, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-038) to prohibit consumer price gouging on all commodities in the City of Charleston with limited exceptions; and,

WHEREAS, on March 16, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-040) suspending the requirements of Section 2-23(f) of the Code of the City of Charleston requiring the physical presence of Councilmembers at City Council meetings and committee meetings to permit participation by video conferencing or other virtual means to slow the spread of COVID-19; and,

WHEREAS, on March 17, 2020, the Governor issued Executive Order 2020-10, ordering and directing that any and all restaurants or other food-service establishments to suspend on-premises or dine-in consumption; and,

WHEREAS, on March 20, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-041) to temporarily suspend the accrual of the City’s business license penalties, to suspend enforcement of the City’s plastic bag ban, and to suspend the City’s chauffer’s license requirements; and,

WHEREAS, on March 21, 2020, the Governor issued Executive Order 2020-13, authorizing and directing law enforcement officers to prohibit or disburse 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 his or her discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health; and,

WHEREAS, on March 24, 2020, City Council passed a temporary emergency ordinance, “Stay at Home Ordinance” (Ordinance No. 2020-042) which required individuals to stay in their homes and not travel or congregate in the streets of Charleston except for purposes of working at or conducting business with an essential business or engaging in individual outdoor recreational activities; and,

WHEREAS, on March 27, 2020, the Governor issued Executive Order 2020-14, directing that individuals who enter the State of South Carolina from an area with a substantial community spread of COVID-19 be required isolate or self-quarantine; and,

WHEREAS, on March 28, 2020, the Governor issued Executive Order 2020-15, declaring a separate and distinct state of emergency “due to the evolving nature and scope of the public health threat or other risks posed by COVID-19 and the actual, ongoing, and anticipated impacts associated with the same” and extending certain previous Executive Orders for the duration of the state of emergency; and,

WHEREAS, on March 30, 2020, the Governor issued Executive Order 2020-16, closing any and all public beach access points and public piers, docks, wharfs, boat ramps, and boat landings; and,

WHEREAS, on March 31, 2020, the Governor issued Executive Order 2020-17, closing or restricting access to certain non-essential businesses, venues, facilities, services, and activities; and,

WHEREAS, on April 1, 2020, City Council passed a second Stay at Home Ordinance (Ordinance No. 2020-048) which includes provisions contained in Governor McMaster’s executive orders regarding dispersing of crowds (2020-13); quarantining of individuals from New York, New Jersey, and Connecticut (2020-14); closing of beaches and boat landings (2020-16); and closing of non-essential businesses (2020-17); and,

WHEREAS, on April 3, 2020, Governor Henry McMaster issued an Executive Order (2020-18) closing additional non-essential businesses; and,

WHEREAS, on April 6, 2020, Governor Henry McMaster, recognizing that public health officials had reported over 2,000 cases of COVID-19 in South Carolina, issued a Work or Home Executive Order (2020-21) which limited individuals from moving outside their homes except to engage in Essential Businesses; Essential Activities, and Critical Infrastructure Operations as defined in the Order; and,

WHEREAS, on April 6, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-042) to provide for temporary procedures for public hearings; and,

WHEREAS, on April 12, 2020, the Governor issued Executive Order 2020-23, recognizing that public health officials had reported over 3,319 confirmed cases of COVID-19 throughout South Carolina, and stating that “the extraordinary circumstances and conditions that necessitated” the Governor’s “prior emergency declarations have not subsided and have, in fact, evolved and expanded to present different and additional risks and dangers,” and explaining that the State “has transitioned from the investigation, reporting, and initiation phases of the COVID-19 pandemic to the acceleration phase”; and,

WHEREAS, in Executive Order 2020-23, the Governor declared a separate and distinct state of emergency based on a determination “that the accelerated spread of COVID-19 throughout the State poses an actual, ongoing, and evolving public health threat to the State of South Carolina, which now represents a new and distinct emergency and requires additional proactive action by the [State] and the implementation and enforcement of further extraordinary measures to slow the spread of COVID-19, minimize the strain on healthcare providers, and otherwise respond to and mitigate the expanding public health threat imposed by [the] emergency”; and,

WHEREAS, on April 16, 2020, the Governor issued Executive Order 2020-25, determining that “the ongoing, evolving, and accelerating public health threat imposed by COVID-19 requires additional proactive action by the [State] and the implementation, extension, or modification of additional extraordinary measures to cope with the existing or anticipated situation, to include mitigating the significant economic and other impacts and burdens on individuals, families and businesses,” while generally reopening public boat ramps or boat landings, as well as adjacent or associated public parking lots, for the purpose of launching and retrieving boats; and,

WHEREAS, on April 16, 2020, President Donald Trump issued guidelines entitled “Opening Up America Again,” describing criteria that state and local officials should satisfy before proceeding to a phased opening of the economy; and,

WHEREAS, on April 20, 2020, Governor McMaster issued an Executive Order (2020-28), reopening retail businesses previously determined to be non-essential including department stores, furniture stores, luggage stores, flower shops, book, craft and music shops subject to certain emergency rules and restrictions, including but not limited to an emergency maximum occupancy

rate, social distancing practices, and compliance with certain sanitation guidelines and further ordered any local ordinance that conflicts with the Order is superseded; and,

WHEREAS, on April 22, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-052) to decrease the potential likelihood of exposure to COVID-19 in retail establishments opened by Governor McMaster’s Executive Order 2020-28; and,

WHEREAS, on April 27, 2020, Governor McMaster issued an Executive Order (2020-29) declaring a fourth (4th) State of Emergency in order to prepare for and respond to the ongoing and evolving public health threat posed by the COVID-19 pandemic, to mitigate the significant impacts associated with the same, and to extend certain Executive Orders related to the pandemic; and,

WHEREAS, on April 30, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020 -56) to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending the Design Review District Section 54-268.c to allow affordable housing developments to be approved by the Administrative Officer; and,

WHEREAS, on May 1, 2020, Governor McMaster issued an Executive Order (2020-30) rescinding the State’s self-quarantine, lodging and travel restrictions for individuals entering South Carolina from high-risk areas; and,

WHEREAS, on May 3, 2020, Governor McMaster issued an Executive Order (2020-31) modifying his home or work order to urge any and all residents and visitors of the State of South Carolina to limit social interaction, practice “social distancing” in accordance with CDC guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and further encourage residents and visitors of the State of South Carolina to limit their movements outside of their home, place of residence, or current place of abode and to authorize restaurants to provide outdoor customer dining services in addition to previously authorized services for off-premises consumption; and,

WHEREAS, based on the Executive Orders issued by the Governor subsequent to the passage of the City’s Stay at Home Ordinance on April 1, 2020, it is necessary to repeal the Ordinance (Ordinance No. 2020-048); and,

WHEREAS, our citizens have observed the Governor’s Home or Work Order and the City’s Stay at Home Ordinance which has currently led to a flattening of the curve, but it is critical that we continue to limit public contacts, unless providing or requiring an essential service, and practice social distancing and other safe practices so the City does not experience a reversal of this trend; and,

WHEREAS, the City of Charleston is mindful of the continued increase in the number of cases and deaths related to COVID-19 in South Carolina and that by enacting this Ordinance City Council is continuing to try to protect its citizens and visitors from increased risk of exposure related to COVID-19 in the City, including the impact of the coronavirus on our vulnerable and minority populations; and,

WHEREAS, in the upcoming weeks, as the City monitors this pandemic and evolving medical and scientific information, we are prepared to take additional restrictive measures to limit any increase in the outbreak of COVID-19 in the City.

Section 2. Effective immediately, all residents and visitors are urged to 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 license except for the purposes of working at or conducting business with businesses permitted to be open pursuant to the Governor’s Orders or to engage in individual outdoor recreational activities as set forth in Section 3 herein. Further:

- A) All persons are urged to minimize social gatherings and minimize contact with people who are not in the same household.
- B) Individuals, who must go out, are urged to follow recommended CDC, DHEC and local guidelines. These guidelines include practicing social distancing of at least six feet (with the exception of those traveling in the same vehicle); wearing a mask when advisable; washing hands with soap and water for at least twenty seconds or using hand sanitizer; covering coughs or sneezes; cleaning high-touch surfaces; and not shaking hands.
- C) Individuals over the age of 65 and individuals of any age who are at a higher risk for severe illness from COVID–19, per CDC guidelines, are strongly encouraged to stay home as much as possible and maintain appropriate distance from any member of the household who has been out of the residence in the previous fourteen (14) days.
- D) Visitation to nursing homes and assisted living facilities shall be restricted, with the exception of end-of-life situations, as DHEC deems necessary and appropriate.
- E) It is highly recommended and encouraged that religious and worship services be provided remotely by video and teleconference. It is strongly recommended that services that are not conducted remotely be conducted in compliance with CDC, DHEC and local guidelines.
- F) 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, the following “non-essential” businesses, venues, facilities, services, and activities shall remain 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 until such time they are permitted to reopen pursuant to an Order of the Governor:
 - 1. 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

2. 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

3. 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

G) 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;” and this Ordinance prohibits social gatherings of 10 or more persons on public streets, sidewalks, parks, and all other outdoor properties owned or operated by the City of Charleston.

H) Businesses permitted to be open pursuant to the Governor’s Orders shall comply with all state and local laws, and regulations. Businesses listed in subsection F. 1, 2, and 3 and section I) below shall comply with the guidelines issued by the Governor as of the effective date of this Ordinance unless modified by City Ordinance. A list of the guidelines will be posted on the City’s website and updated as necessary.

I) Until such time they are permitted to reopen pursuant to an Order of the Governor, bars and restaurants which prepare, produce, or otherwise offer or sell food or beverages, of any kind, shall be prohibited from permitting dine in consumption of food or beverages, however, they may offer outdoor dining providing they are in compliance with all state and local laws, regulations, and guidelines and 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 businesses permitted to be open pursuant to the Governor’s Orders are in compliance with all state and local laws and regulations. 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 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. 2020-48 is hereby repealed in its entirety and replaced by this Ordinance.

Section 8. This Ordinance shall become effective upon ratification and shall expire on May 31, 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