



Town of Seabrook Island

Office of the Mayor

Executive Order No. 2020-04

Whereas, on March 13, 2020 the Governor of South Carolina declared a State of Emergency to enable appropriate actions in preparing for and promptly responding to the threat posed by the 2019 Novel Coronavirus (“COVID-19”); and

WHEREAS, on March 28, 2020, the Governor of South Carolina issued Executive Order No. 2020-15, declaring a new, separate, and distinct State of Emergency based on a determination that COVID-19 posed an actual, ongoing, and evolving public health threat to the State of South Carolina; and

Whereas, on April 6, 2020 the Governor of South Carolina issued Executive Order 2020-21 (“Executive Order 2020-21”) requiring that, commencing on Tuesday, April 7, 2020 at 5:00 pm any and all residents and visitors of the State of South Carolina shall 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 shall limit their movements outside of their home, place of residence, or current place of abode, including single-family and multi-family dwelling units, modular and mobile homes, hotels, motels, shared rental units, and any other similar dwelling facilities and structures, without regard to the duration or length of occupancy (collectively, “Residence”), except as allowed by this Order, for purposes of engaging in Essential Business, Essential Activities, or Critical Infrastructure Operations, each as defined by Executive Order 2020-21, and subject to such exceptions, limitations and clarifications as specified by Executive Order 2020-21 and,

Whereas, on March 17, 2020 the undersigned declared a State of Emergency to exist within the Town of Seabrook Island, South Carolina (“Town”) to enable actions required to alleviate effects of the COVID-19 public health emergency; and

Whereas, on April 1, 2020 the Town Council of the Town of Seabrook Island enacted Emergency Ordinance 2020-01 (“Emergency Ordinance 2020-01”) effecting, among other things, closure of certain “non-essential” businesses, venues, facilities, services, and activities to non-employees and prohibited access or use thereof by the public; and

Whereas, under the State of Emergency declared by the Mayor the Town is empowered to take any lawful emergency response or action deemed necessary to protect the public health, safety and welfare of the Town of Seabrook Island; and

Whereas, pursuant to Section 2-27 of the Town Code for the Town of Seabrook Island, the undersigned is vested with the power to take such action as appears necessary to protect life and property and maintain peace and good order;

Now, Therefore, by virtue of the authority vested in me as Mayor of the Town of Seabrook Island and in furtherance of Executive Order 2020-19 of the Governor of South Carolina (“Executive Order 2020-19”), I hereby order and direct as follows:

Section 1. I hereby direct that, commencing Tuesday, April 7, 2020 at 5:00 pm and continuing for the duration of the State of Emergency declared by the Governor on March 13, 2020, any and all residents and visitors of the Town of Seabrook Island, South Carolina are required 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 shall limit their movements outside of their home, place of residence, or current place of abode, including single-family and multi-family dwelling units, modular and mobile homes, hotels, motels, shared rental units, and any other similar dwelling facilities and structures, without regard to the duration or length of occupancy (collectively, “Residence”), except as allowed by this Order, for purposes of engaging in Essential Business, Essential Activities, or Critical Infrastructure Operations as those terms are defined in the following.

Section 1.1 For purposes of this Order, and notwithstanding any definition included in Emergency Ordinance 2020-01, Essential Business does not include the following businesses, venues, facilities, services, and activities, which were previously deemed “non-essential” and directed to close to non-employees and not to open for access or use by the public, or not to take place, as applicable, in accordance with Emergency Ordinance 2020-01:

(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

(4) Retail stores as follows:

- (a) Furniture and home-furnishings stores
- (b) Clothing, shoe, and clothing-accessory stores
- (c) Jewelry, luggage, and leather goods stores
- (d) Department stores, with the exception of hardware and home-improvement stores
- (e) Sporting goods stores
- (f) Book, craft, and music stores
- (g) Flea markets
- (h) Florists and flower stores

Section 1.2. For purposes of this Order, Essential Activities shall mean and include as follows:

- (1) Caring for or visiting a family member in another Residence or transporting or travelling with a family member, provided that such activity is conducted with appropriate consideration of, and adherence to, guidance issued by state and federal public health and safety officials, to include the CDC, with regard to "social distancing."
- (2) Obtaining necessary supplies and services for family or household members, such as food and supplies for household consumption and use, medical supplies or medication, supplies and equipment needed to work from home, and products needed to maintain safety, sanitation, and essential maintenance of the home or residence. Preference should be given to online ordering, home delivery, and curbside pick-up and delivery options and services wherever possible as opposed to in-store shopping.
- (3) Engaging in activities essential for the health and safety of family or household members, such as seeking medical, behavioral health, or emergency services.
- (4) Caring for pets, provided that such activity is conducted with appropriate consideration of, and adherence to, guidance issued by state and federal public health and safety officials, to include the CDC, with regard to "social distancing."

- (5) Engaging in outdoor exercise or recreational activities, provided that a minimum distance of six (6) feet is maintained during such activities between all persons who are not occupants of the same Residence.
- (6) Attending religious services conducted in churches, synagogues, or other houses of worship.
- (7) Travelling as required by law, to include attending any court proceedings and transporting children as required by court order or custody agreement.

Any individual leaving his or her Residence as authorized herein shall take reasonable steps to maintain six (6) feet of separation from any other person.

Section 1.3. For purposes of this Order, Critical Infrastructure Operations shall mean and include as follows:

- (1) Individuals operating commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips); individuals employed by airlines; and individuals otherwise engaged in commercial transportation activities.
- (2) Individuals performing or assisting with military, healthcare, public safety, or emergency response operations, as well as any other operations or services identified by the United States Cybersecurity and Infrastructure Security Agency in its March 28, 2020 Memorandum, or any future amendments or supplements thereto, as essential to continued critical infrastructure viability.

Section 1.4. Subject to the emergency rules and restrictions set forth below, Section 1. of this Order does not prohibit the continued operation of retail stores, as set forth above, for the limited purpose of fulfilling online or telephone orders or providing alternate means of purchasing or delivering products or services—to include curbside purchase, pickup, or delivery and home or off-site delivery—provided that such options or measures can be implemented in a manner that facilitates and maintains effective “social distancing” and is consistent with any applicable guidance issued by state and federal public health and safety officials.

Section 2. I hereby direct that, notwithstanding any provision of Emergency Ordinance 2020-01 to the contrary, the identification of “non-essential” businesses, venues, facilities, services, and activities, shall be as set forth in the definition of “Essential Business” of this Order, including without limitation, the specified “Retail Stores” and the same that are within the Town of Seabrook Island, are hereby required to close to non-employees and are hereby required not to be open for access or use by the public for the duration of the State of Emergency declared by the Governor on March 28, 2020.

Section 3. I hereby direct that, for the duration of the State of Emergency declared by the Governor on March 13, 2020 and commencing Tuesday, April 7, 2020 at 5:00 pm, any retail business not identified by general description above, or authorized to continue operations pursuant to any clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by the South Carolina Department of Commerce, as authorized by and in accordance with the Clarification and Provisional Determination Process set forth in Section 2 of the Governor's Executive Order No. 2020-18, shall be subject to the following emergency rules and restrictions in addition to any other applicable provisions of this Order or any prior Order:

- (1) **Emergency Maximum Occupancy Rate.** The business shall limit the number of customers allowed to enter and simultaneously occupy the premises so as not to exceed five (5) customers per 1,000 square feet of retail space, or twenty percent (20%) of the occupancy limit as determined by the fire marshal, whichever is less.
- (2) **Social Distancing Practices.** The business shall not knowingly allow customers, patrons, or other guests to congregate within six (6) feet of one another, exclusive of family units.
- (3) **Sanitation.** The business shall implement all reasonable steps to comply with any applicable sanitation guidelines promulgated by the CDC, DHEC, or any other state or federal public health officials.

Section 4. I hereby proclaim that, notwithstanding the directives of this Order that permit continued operation of Essential Businesses, Essential Activities and Critical Infrastructure Operations, to the maximum extent possible, to further promote "social distancing," facilitate self-isolation, and otherwise prevent potential exposure to COVID-19, businesses and organizations are also encouraged to utilize telecommuting or work-from-home options for employees and to provide alternate means of purchasing and delivering products and services, to include online or telephone orders and curbside or off-site deliveries, and individuals are encouraged to utilize such options to support businesses in the Town of Seabrook Island during the ongoing public health emergency.

Section 5. Nothing in this Order shall operate to repeal, by implication or otherwise, the terms and provisions of the Governor's Executive Order No. 2020-10, as extended by the Governor's Executive Order No. 2020-15, directing that all restaurants or other food-service establishments that prepare, produce, or otherwise offer or sell food or beverages of any kind for on-premises consumption within the State of South Carolina and including the Town of Seabrook Island, shall suspend services for, and may not permit, on-premises or dine-in consumption.

Section 6. As provided by Executive Order 2020-21, necessary and appropriate supplemental guidance, rules, regulations, or restrictions regarding the application of this Order and clarification, as necessary and appropriate and in accordance with the process set forth in Section 2 of the Governor's Executive Order No. 2020-18, the South Carolina Department of Commerce in consultation with the Office of the Attorney General of South Carolina ("Attorney General") is authorized to issue, provide or promulgate necessary and appropriate clarification, guidance, rules,

regulations, or restrictions regarding whether a specific business, venue, facility, service, or activity is required to close or is prohibited from taking place pursuant to this Order, Executive Order No. 2020-18, or both.

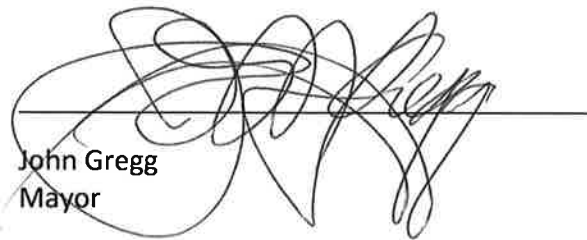
Section 7. I hereby direct that violations of this Order shall be punishable in accordance with the provisions of Sections 1-7 and 2-27 of the Town Code for the Town of Seabrook Island.

Section 8. I hereby direct that each Code Enforcement Officer of the Town, whether engaged solely as a Code Enforcement Officer or otherwise engaged and duly commissioned by the Town as a Code Enforcement Officer, shall enforce this Order and shall, to the extent permissible under applicable law, cooperate with law enforcement officers of the State of South Carolina, or of any political subdivision thereof, in their enforcement of Executive Order No. 2020-21.

Section 9. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the Town of Seabrook Island, South Carolina, its agencies, departments or other entities, or any officers, employees, or agents thereof, or any other person.

This Order is effective immediately and, with the exception of Section 8, shall remain in effect for the duration of the State of Emergency declared by the Governor on March 28, 2020 to address spread of COVID-19 unless otherwise modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued by the undersigned as deemed appropriate.

GIVEN UNDER MY HAND AND THE SEAL OF
THE TOWN OF SEABROOK ISLAND, SOUTH
CAROLINA, THIS 7th DAY OF APRIL, 2020.


John Gregg
Mayor

Attest:



Faye Allbritton
Town Clerk