

TOWN OF SEABROOK ISLAND

EMERGENCY ORDINANCE NO. 2021-03

ADOPTED MAY 13, 2021

AN EMERGENCY ORDINANCE TO ENCOURAGE THE WEARING OF FACE COVERINGS WITHIN THE TOWN; TO EXTEND REQUIREMENTS RELATED TO SOCIAL DISTANCING; TO EXTEND EMERGENCY PROVISIONS RELATED TO TOWN MEETINGS; TO EXTEND EMERGENCY PROVISIONS RELATED TO THE ISSUANCE OF TEMPORARY USE PERMITS; TO EXTEND THE EXPIRATION DATE FOR ACTIVE BUILDING PERMITS; TO ENCOURAGE THE VACCINATION OF TOWN RESIDENTS, AND OTHER MATTERS RELATED THERETO

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing 2019 Novel Coronavirus ("COVID-19") outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 55 5121—5207 ("Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. 55 1601 et seq., and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. 5 1320b-5), retroactive to March 1, 2020; and

WHEREAS, on March 13, 2020, the Governor of the State of South Carolina issued Executive Order No. 2020-08, declaring a State of Emergency to exist based on a determination that COVID-19 posed an imminent public health emergency for the State of South Carolina; and

WHEREAS, the Governor of the State of South Carolina subsequently issued Executive Order Nos. 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, and 2020-14, initiating and directing various emergency measures to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina; and

WHEREAS, on March 28, 2020, the Governor of the State 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 confirming the effectiveness of his Executive Order Nos. 2020-09, 2020-10, 2020-11, 2020-12, 2020-13 and 2020-14; and

WHEREAS, on March 31, 2020, the Governor of the State of South Carolina issued Executive Order No. 2020-17, ordering the temporary closure of certain types of business establishments, including entertainment venues, athletic facilities and activities, and close-contact service providers, effective April 1, 2020, within the State of South Carolina; and

WHEREAS, on April 3, 2020, the Governor of the State of South Carolina issued Executive Order No. 2020-18, ordering that certain “non-essential” businesses, venues, facilities, services and activities shall remain closed in accordance with his Executive Order No. 2020-17 and ordering, effective at 5:00 pm on April 6, 2020, temporary closure of additional “non-essential” businesses, venues, facilities, services and activities, identified as certain Retail Stores, to non-employees and cessation of access or use by the public of those Retail Stores; and

WHEREAS, on April 6, 2020, the Governor of the State of South Carolina issued Executive Order No. 2020-21, ordering that all residents and visitors of the State of South Carolina limit social interaction, practice social distancing in accordance with CDC guidance, and limit their movements outside of their home, place of residence or current place of abode except for purposes of engaging in Essential Business, Essential Activities, or Critical Infrastructure Operations as specified in that order; and

WHEREAS, on April 12, 2020, the Governor of the State of South Carolina issued Executive Order No. 2020-23, declaring a new State of Emergency in South Carolina and confirming the continued effectiveness of the provisions of his Executive Orders including his Executive Orders Nos. 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, 2020-14, 2020-16, 2020-18 and 2020-21; and

WHEREAS, on April 20, 2020, the Governor of the State of South Carolina issued Executive Order No. 2020-28, modifying his Executive Order No. 2020-21 to allow reopening as of 5:00 pm on April 20, 2020 of those Retail Stores comprising “non-essential” businesses in accordance with certain emergency rules and restrictions set forth in that Executive Order; and

WHEREAS, on April 27, 2020, the Governor of South Carolina issued Executive Order No. 2020-29 (“Executive Order No. 2020-29”), declaring a State of Emergency in response to the ongoing COVID-19 pandemic and different, additional and intensifying threats attributed thereto and confirming the continued effectiveness of certain provisions of his previously issued Executive Orders including his Executive Order Nos. 2020-10, 2020-18, and 2020-21; and

WHEREAS, on May 1, 2020, the Governor of South Carolina issued Executive Order No. 2020-30 (“Executive Order No. 2020-30”), rescinding: a) his Executive Order No. 2020-14 as modified, amended and extended ending the requirement for persons entering the State of South Carolina from areas with substantial community spread to isolate or self-quarantine for the shorter of a period of fourteen days from the time of entry into the State of South Carolina or for the duration of their presence in South Carolina; and, b) his Executive Order No. 2020-19 prohibiting making or accepting of new reservations or bookings for short-term rentals, vacation rentals, or other lodging accommodations from or for individuals residing in or travelling from any area subject to or identified in a CDC travel advisory or other CDC notice as a location with extensive community transmission of COVID-19; and

WHEREAS, on May 1, 2020, the Governor of South Carolina issued Executive Order No. 2020-31 modifying his Executive Order No. 2020-21 so as to encourage rather than mandate restriction of movements of residents and visitors of the State of South Carolina outside of their home, place of

residence, or current place of abode except for purposes of engaging in Essential Business, Essential Activities, or Critical Infrastructure Operations; and

WHEREAS, on May 10, 2020, the Governor of South Carolina issued Executive Order No. 2020-34 modifying: a) his Executive Order No. 2020-10 so as to authorize Restaurants, as defined in Executive Order No. 2020-10, to provide services for limited indoor, on-premises customer dining commencing on May 11, 2020 in accordance with guidelines established by the South Carolina Restaurant and Lodging Association and in accordance with applicable sanitation guidelines promulgated by CDC or South Carolina Department of Health and Environment (“SCDHEC”); and, b) his Executive Order No. 2020-16, as amended and modified, to rescind restrictions on beaching or rafting of boats, whether on a sandbar, lakeshore, riverbank, or island and to rescind the requirement that vessels must remain underway at all times; and

WHEREAS, on May 12, 2020, the Governor of South Carolina issued Executive Order No. 2020-35 declaring that a State of Emergency continues to exist in South Carolina and confirming the continued effect of his Executive Order Nos. 2020-10, 2020-18, 2020-21, 2020-28, 2020-30, 2020-31 and 2020-34, among other of his Executive Orders; and

WHEREAS, on May 15, 2020, the Governor of South Carolina issued Executive Order No. 2020-36 modifying provisions of his Executive Order No. 2020-18, as amended by his Executive Orders Nos. 2020-28, 2020-31 and 2020-36, and as extended by his Executive Order 2020-35, to authorize certain business identified in Executive Order 2020-36 to re-open to non-employees and for access or use by the public effective May 18, 2020 at 12:01 am; and

WHEREAS, on May 21, 2020, the Governor of South Carolina issued Executive Order No. 2020-37 modifying provisions of his Executive Order No. 2020-18, as amended by his Executive Orders Nos. 2020-28 and 2020-31, and as extended by his Executive Order No. 2020-35, to authorize certain business identified in Executive Order No. 2020-36 to re-open to non-employees and for access or use by the public effective May 22, 2020 at 12:01 am; and

WHEREAS, on May 27, 2020, the Governor of South Carolina issued Executive Order No. 2020-38 declaring that a State of Emergency continues to exist in South Carolina and confirming the continued effect of his Executive Order Nos. 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, 2020-16, 2020-18, 2020-21, 2020-22, 2020-25, 2020-28, 2020-30, 2020-31, 2020-33, 2020-34, 2020-36, and 2020-37, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on June 11, 2020, the Governor of South Carolina issued Executive Order No. 2020-40 declaring that a State of Emergency continues to exist in South Carolina and confirming the continued effect of his Executive Order Nos. 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, 2020-16, 2020-18, 2020-21, 2020-22, 2020-25, 2020-28, 2020-30, 2020-31, 2020-33, 2020-34, 2020-36, and 2020-37, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on June 26, 2020, the Governor of South Carolina issued Executive Order No. 2020-42 declaring that a State of Emergency continues to exist in South Carolina and confirming the

continued effect of his Executive Order Nos. 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, 2020-16, 2020-18, 2020-21, 2020-22, 2020-25, 2020-28, 2020-30, 2020-31, 2020-33, 2020-34, 2020-36, and 2020-37, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on July 11, 2020, the Governor of South Carolina issued Executive Order No. 2020-44 declaring that a State of Emergency continues to exist in South Carolina and confirming the continued effect of his Executive Order Nos. 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, 2020-16, 2020-18, 2020-21, 2020-22, 2020-25, 2020-28, 2020-30, 2020-31, 2020-33, 2020-34, 2020-36, and 2020-37, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on July 11, 2020, the Governor of South Carolina issued Executive Order No. 2020-45 directing that effective Saturday, July 11, 2020, at 11:00 pm, the sale or consumption of beer, wine, or alcoholic liquor on the licensed premises of all persons or businesses authorized to sell beer, wine, or alcoholic liquor in the State of South Carolina shall be prohibited between the hours of 11:00 pm and 10:00 am the following day; and

WHEREAS, on July 26, 2020, the Governor of South Carolina issued Executive Order No. 2020-48 declaring that a State of Emergency continues to exist in South Carolina and confirming the continued effect of his Executive Order Nos. 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, 2020-16, 2020-18, 2020-21, 2020-22, 2020-25, 2020-28, 2020-30, 2020-31, 2020-33, 2020-34, 2020-36, and 2020-37, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on August 2, 2020, the Governor of South Carolina issued Executive Order No. 2020-50 declaring that a State of Emergency continues to exist in South Carolina; rescinding and replacing his Executive Order Nos. 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, 2020-16, 2020-18, 2020-21, 2020-22, 2020-25, 2020-28, 2020-30, 2020-31, 2020-33, 2020-34, 2020-36, 2020-37, and 2020-45; encouraging municipalities and counties to enact or implement ordinances, orders or other measures requiring individuals to wear face coverings (as that term is defined in the Order) in settings where social distancing is not feasible; requiring individuals to wear face coverings in state offices, buildings and facilities; enacting emergency restrictions on restaurants; and restricting the size of gatherings to the lesser of 50% of the location's fire occupancy or 250 individuals; and

WHEREAS, on August 10, 2020, the Governor of South Carolina issued Executive Order No. 2020-53 declaring that a State of Emergency continues to exist in South Carolina; and confirming the continued effect of his Executive Order No. 2020-50, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on August 25, 2020, the Governor of South Carolina issued Executive Order No. 2020-56 declaring that a State of Emergency continues to exist in South Carolina; and confirming the continued effect of his Executive Order No. 2020-50, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on September 9, 2020, the Governor of South Carolina issued Executive Order No. 2020-59 declaring that a State of Emergency continues to exist in South Carolina; and confirming the

continued effect of his Executive Order No. 2020-50, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on September 24, 2020, the Governor of South Carolina issued Executive Order No. 2020-62 declaring that a State of Emergency continues to exist in South Carolina; and confirming the continued effect of his Executive Order No. 2020-50, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on October 2, 2020, the Governor of South Carolina issued Executive Order No. 2020-63 declaring that a State of Emergency continues to exist in South Carolina; encouraging municipalities and counties to enact or implement ordinances, orders or other measures requiring individuals to wear face coverings (as that term is defined in the Order) in public settings where social distancing is not feasible; requiring individuals to wear face coverings in state offices, buildings and facilities; enacting emergency restrictions on restaurants; encouraging the continued practice of social distancing; and restricting the size of gatherings to the lesser of 50% of the location's fire occupancy or 250 individuals; continuing the restriction on the sale of beer, wine and alcoholic liquor for on-premises consumption between the hours of 11:00 pm and 10:00 am; and

WHEREAS, on October 9, 2020, the Governor of South Carolina issued Executive Order No. 2020-65 declaring that a State of Emergency continues to exist in South Carolina; and confirming the continued effect of his Executive Order No. 2020-63, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on October 24, 2020, the Governor of South Carolina issued Executive Order No. 2020-67 declaring that a State of Emergency continues to exist in South Carolina; and confirming the continued effect of his Executive Order No. 2020-63, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on November 8, 2020, the Governor of South Carolina issued Executive Order No. 2020-70 declaring that a State of Emergency continues to exist in South Carolina; and confirming the continued effect of his Executive Order No. 2020-63, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on November 23, 2020, the Governor of South Carolina issued Executive Order No. 2020-72 declaring that a State of Emergency continues to exist in South Carolina; and confirming the continued effect of his Executive Order No. 2020-63, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on November 25, 2020, the Governor of South Carolina issued Executive Order No. 2020-73 modifying the provisions of his Executive Order No. 2020-63; encouraging municipalities and counties to enact or implement ordinances, orders or other measures requiring individuals to wear face coverings (as that term is defined in the Order) in public settings where social distancing is not feasible; requiring individuals to wear face coverings in state offices, buildings and facilities; amending emergency restrictions for restaurants; encouraging the continued practice of social

distancing; restricting the size of gatherings to the lesser of 50% of the location's fire occupancy or 250 individuals; continuing the restriction on the sale of beer, wine and alcoholic liquor for on-premises consumption between the hours of 11:00 pm and 10:00 am; and

WHEREAS, on December 8, 2020, the Governor of South Carolina issued Executive Order No. 2020-75 declaring that a State of Emergency continues to exist in South Carolina; and confirming the continued effect of his Executive Order No. 2020-73, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on December 23, 2020, the Governor of South Carolina issued Executive Order No. 2020-77 declaring that a State of Emergency continues to exist in South Carolina; and confirming the continued effect of his Executive Order No. 2020-73, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on January 7, 2021, the Governor of South Carolina issued Executive Order No. 2021-03 declaring that a State of Emergency continues to exist in South Carolina; and confirming the continued effect of his Executive Order No. 2020-73, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on January 22, 2021, the Governor of South Carolina issued Executive Order No. 2021-07 declaring that a State of Emergency continues to exist in South Carolina; and confirming the continued effect of his Executive Order No. 2020-73, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on February 6, 2021, the Governor of South Carolina issued Executive Order No. 2021-08 declaring that a State of Emergency continues to exist in South Carolina; and confirming the continued effect of his Executive Order No. 2020-73, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on February 21, 2021, the Governor of South Carolina issued Executive Order No. 2021-10 declaring that a State of Emergency continues to exist in South Carolina; and confirming the continued effect of his Executive Order No. 2020-73, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on March 1, 2021, the Governor of South Carolina issued Executive Order No. 2021-11 superseding, rescinding and replacing his Executive Order No. 2020-73 with those certain provisions set forth in Executive Order No. 2021-11; and

WHEREAS, on March 5, 2021, the Governor of South Carolina issued Executive Order No. 2021-12 superseding, rescinding and replacing his Executive Order No. 2020-11 with those certain provisions set forth in Executive Order No. 2021-12; and

WHEREAS, on March 8, 2021, the Governor of South Carolina issued Executive Order No. 2021-13 declaring that a State of Emergency continues to exist in South Carolina; and confirming the

continued effect of his Executive Order No. 2021-12, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on March 23, 2021, the Governor of South Carolina issued Executive Order No. 2021-15 declaring that a State of Emergency continues to exist in South Carolina; and confirming the continued effect of his Executive Order No. 2021-12, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on April 7, 2021, the Governor of South Carolina issued Executive Order No. 2021-18 declaring that a State of Emergency continues to exist in South Carolina; and confirming the continued effect of his Executive Order No. 2021-12, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on April 22, 2021, the Governor of South Carolina issued Executive Order No. 2021-20 declaring that a State of Emergency continues to exist in South Carolina; and confirming the continued effect of his Executive Order No. 2021-12, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on May 7, 2021, the Governor of South Carolina issued Executive Order No. 2021-22 declaring that a State of Emergency continues to exist in South Carolina; and confirming the continued effect of his Executive Order No. 2021-12, unless otherwise modified, amended or rescinded by prior or future Order; and

WHEREAS, on May 11, 2021, the Governor of South Carolina issued Executive Order No. 2021-23 urging non-vaccinated individuals to wear a face covering; invalidating and pre-empting local ordinances mandating the wearing of face coverings; and mandating that parents or guardians of school-aged children must have the ability to “opt-out” of any face covering requirement imposed by any public school official or school district within the state; and

WHEREAS, on March 17, 2020, the Mayor of the Town of Seabrook Island 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 March 26, 2020, the Mayor of the Town of Seabrook Island issued Executive Order No. 2020-01, which prohibits gatherings of more than ten people while outside their homes, requires people within groups of ten or fewer people to practice social distancing by maintaining a minimum separation of six feet between individuals, and authorizes the Town's Code Enforcement Officers to cooperate with state and local law enforcement officers to disperse groups of three or more individuals if the Officer believes the group creates a threat to public health; and

WHEREAS, on March 30, 2020, the Mayor of the Town of Seabrook Island issued Executive Order No. 2020-02 in furtherance of Executive Order No. 2020-14 of the Governor of South Carolina, which requires individuals entering the Town who have traveled to or from locations in the States of Connecticut, New Jersey, New York, and the City of New Orleans, as well as those countries

designated by the CDC as subject to a "Level 3 Travel Notice," must isolate or self-quarantine for 14 days, or for the duration of the individual's stay in the Town; and

WHEREAS, on April 6, 2020, the Mayor of the Town of Seabrook Island issued Executive Order No. 2020-03, prohibiting the making or accepting of certain new reservations or bookings for lodging accommodations in furtherance of Executive Order No. 2020-19 of the Governor of South Carolina; and

WHEREAS, on April 7, 2020, the Mayor of the Town of Seabrook Island issued Executive Order No. 2020-04 in furtherance of Executive Order No. 2020-21 of the Governor of South Carolina, ordering that residents and visitors of the Town of Seabrook Island limit social interaction, practice social distancing in accordance with CDC guidance and limit their movements outside of their home, place of residence, or current place of abode, except for purposes of engaging in Essential Business, Essential Activities or Critical Infrastructure Operations as those terms are defined in the Mayor's Executive Order No. 2020-04; and

WHEREAS, on April 14, 2020, the Mayor of the Town of Seabrook Island issued Executive Order No. 2020-05, confirming the continuing effect of the provisions of his Executive Orders Nos. 2020-01, 2020-02, 2020-03 and 2020-04; and

WHEREAS, on April 22, 2020, the Mayor and Council of the Town of Seabrook Island adopted Emergency Ordinance 2020-01, which adopted the Mayor's Executive Order Nos. 2020-01, 2020-02, 2020-03, 2020-04 and 2020-05; modified the requirements for certain "non-essential" businesses; prohibited the advertising and rental of short-term rental units through May 15, 2020, prohibited the issuance of temporary use permits; and other matters related thereto; and

WHEREAS, on April 28, 2020, the Mayor of the Town of Seabrook Island issued Executive Order No. 2020-06, in furtherance of Executive Order No. 2020-28 issued by the Governor of South Carolina, allowing certain non-essential businesses characterized as Retail Stores to re-open to non-employees and for access and use by the public; and

WHEREAS, on May 4, 2020, the Mayor of the Town of Seabrook Island issued Executive Order No. 2020-07 in furtherance of Executive Order No. 2020-31 issued by the Governor of South Carolina; and

WHEREAS, on May 15, 2020, the Mayor of the Town of Seabrook Island issued Executive Order No. 2020-08 in furtherance of Executive Order No. 2020-36 issued by the Governor of South Carolina; and

WHEREAS, on May 26, 2020, the Mayor and Council of the Town of Seabrook Island adopted Emergency Ordinance 2020-02, which rescinded the Mayor's Executive Order Nos. 2020-02, 2020-03, 2020-06 and 2020-07; modified the Mayor's Executive Order No. 2020-04; adopted the Mayor's Executive Order No. 2020-08; modified the requirements for certain businesses; extended the

prohibition on temporary use permits; extended the expiration date for active building permits; and other matters related thereto; and

WHEREAS, on June 30, 2020, the Mayor and Council of the Town of Seabrook Island adopted Emergency Ordinance 2020-03, which required the wearing of face coverings at all business establishments within the Town; and

WHEREAS, on July 21, 2020, the Mayor and Council of the Town of Seabrook Island adopted Emergency Ordinance 2020-04, which extended the requirements related to social distancing; prohibited the sale or consumption of beer, wine, or alcoholic liquor on the premises of all persons or businesses licensed to sell beer, wine, or alcoholic liquor between the hours of 11:00 pm and 10:00 am; extended the prohibition on temporary use permits; extended the expiration date for active building permits; and other matters related thereto; and

WHEREAS, on August 25, 2020, the Mayor and Council of the Town of Seabrook Island adopted Emergency Ordinance 2020-05, which extended the requirements related to social distancing and group congregations; modified the requirements for certain businesses; extended the prohibition on temporary use permits; extended the expiration date for active building permits; extended the requirement relating to the wearing of face coverings at all business establishments within the town; repealed Emergency Ordinances 2020-03 and 2020-04; and other matters related thereto; and

WHEREAS, on October 22, 2020, the Mayor and Council of the Town of Seabrook Island adopted Emergency Ordinance 2020-06, which extended the requirement relating to the wearing of face coverings at all business establishments within the town; modified the requirements for certain businesses; extended requirements related to social distancing and group congregations; extended emergency provisions related to town meetings; extended the prohibition on temporary use permits; extended the expiration date for active building permits; repealed Emergency Ordinance 2020-05; and other matters related thereto; and

WHEREAS, on December 15, 2020, the Mayor and Council of the Town of Seabrook Island adopted Emergency Ordinance 2020-07, which extended the requirement relating to the wearing of face coverings at all business establishments within the town; modified the requirements for certain businesses; extended requirements related to social distancing and group congregations; extended emergency provisions related to town meetings; extended the prohibition on temporary use permits; extended the expiration date for active building permits; repealed Emergency Ordinance 2020-06; and other matters related thereto; and

WHEREAS, on January 26, 2021, the Mayor and Council of the Town of Seabrook Island adopted Emergency Ordinance 2021-01, which extended the requirement relating to the wearing of face coverings at all business establishments within the town; modified the requirements for certain businesses; extended requirements related to social distancing and group congregations; extended emergency provisions related to town meetings; extended the prohibition on temporary use permits; extended the expiration date for active building permits; and other matters related thereto; and

WHEREAS, on March 23, 2021, the Mayor and Council of the Town of Seabrook Island adopted Emergency Ordinance 2021-02, which modified and extended the requirement relating to the wearing of face coverings at all business establishments within the town; modified the requirements for certain businesses; extended and modified requirements related to social distancing and group congregations; extended emergency provisions related to town meetings; modified the requirements for issuance of temporary use permits; extended the expiration date for active building permits; and other matters related thereto; and

WHEREAS, on August 12, 2020, SCDHEC published the results of an analysis of the effectiveness of local mask ordinances on the growth of new COVID-19 cases across the state. As a result of this analysis, SCDHEC found that “[t]hose jurisdictions with mask requirements in place have seen an overall *decrease* of 15.1 percent of total cases for the four weeks after the requirements were implemented compared to before the requirements were in place. This is an overall decrease of 34.6 cases per 100,000 people from before the mask requirements to after. During the same time frame, those jurisdictions without mask requirements have experienced an overall *increase* in total cases of 30.4 percent, as well as an average increase of 24.1 cases per 100,000 people when compared to jurisdictions with a mask requirement in place.” As a result of this analysis, State Epidemiologist, Dr. Linda Bell, stated “[t]his new data shows us what we already knew, wearing face masks works. We’re strongly supportive of these local leaders’ initiatives that are centered on protecting the health and wellbeing of their communities”; and

WHEREAS, the U.S. Centers for Disease Control and Prevention has stated that individuals aged 65 years and older are at "high risk for severe illness from COVID-19"; and

WHEREAS, according the most recent estimates published by the U.S. Census Bureau in 2017, the median age of all residents within the Town is 67.2 years, and 58.9 % of residents in the Town are 65 years of age or older; and

WHEREAS, according the SCDHEC COVID-19 Vaccination Dashboard, approximately 45.3% of residents within Charleston County have completed the Pfizer, Moderna, or Janssen (Johnson & Johnson) COVID-19 vaccine as of May 9, 2021, while the statewide completion rate was less than 35%; both of which lie far below the targeted rates recommended by medical experts for the purpose of achieving “herd immunity,” and

WHEREAS, despite recommendations from SCDHEC and CDC regarding the effectiveness of face coverings in limiting the spread of COVID-19, the Governor of South Carolina’s Executive Order No. 2021-23 now pre-empts local governments from adopting and enforcing ordinances to require the wearing of face coverings; and

WHEREAS, pursuant to Section 5-7-250(d) of the S.C. Code of Laws, 1976, as amended: "To meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances; but such ordinances shall not levy taxes, grant, renew or extend a franchise or impose or change a service rate. Every emergency ordinance shall be enacted by the

affirmative vote of at least two-thirds of the members of council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements," and

WHEREAS, the Mayor and Council of the Town of Seabrook Island have determined that the emergency provisions contained herein are necessary and proper to protect the life, health, safety and property of residents of the Town of Seabrook island against the threat posed by COVID-19, as demonstrated by the various orders and declarations set forth above, and further, the provisions contained herein do not levy taxes; grant, renew or extend a franchise; or impose or change a service rate;

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

SECTION 1. Congregations and Social Distancing

Individuals who congregate in groups in public settings within the Town where they are, will be, or reasonably could be in close proximity to others who are not members of the same household are encouraged to maintain six (6) feet of separation from such individuals or to otherwise practice effective social distancing in accordance with CDC and SCDHEC guidance.

SECTION 2. Face Coverings

(a) *Definitions.* For purposes of this ordinance, unless expressly stated otherwise, the following terms shall have the meanings set forth below:

- (1) *Business Establishment.* Any enterprise that sells or offers goods, merchandise or services to its customers through its employees, independent contractors associated with the business, or volunteers acting on behalf of the enterprise. The term includes sole proprietorships, joint ventures, partnerships, corporations, or any other form of legal entity whether for profit or not for profit, including those referenced and identified as a food provider. The term Business Establishment shall also include any event or activity which takes place on a temporary basis on or within the premises of a Business Establishment including, but not limited to, a polling place for the conduct of elections and election-related activities.
- (2) *Customer.* A person who purchases or receives goods, services or merchandise from a business establishment, including a person who is a guest or participant at, including but not limited to, sports, charity, and entertainment events.
- (3) *Face Covering.* A covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is otherwise wrapped around the lower face and which effectively contains the expulsion of respiratory droplets by an

individual when coughing, sneezing or talking. A Face Covering can be made of natural or synthetic fabrics and can be handmade or improvised from other items. A face shield that covers the nose and mouth and extends below the chin shall be considered a Face Covering under this Ordinance. Medical-grade masks or respirators shall also be considered a Face Covering under this Ordinance; provided, however, according to the latest CDC guidance, these critical supplies should be reserved for use by healthcare workers and medical first responders.

(b) *Face Covering Encouraged.* Individuals are encouraged to wear a Face Covering in public settings where they are, will be, or reasonably could be located in close proximity to others who are not members of the same household and where it is not feasible to maintain six (6) feet of separation from such individuals or to otherwise practice effective social distancing in accordance with CDC and SCDHEC guidance, including:

- (1) While inside any portion of a Business Establishment that is open to the public or that is open to Customers or where interactions with other persons may occur;
- (2) While engaged in face-to-face interactions with Customers or employees on the premises of a Business Establishment;
- (3) While waiting in line to enter a Business Establishment;
- (4) While attending and/or participating in gatherings or group congregations where social distancing is not being practiced;
- (5) While sharing a vehicle, boat, golf cart, or other mode of transportation which is provided by a Business Establishment for outdoor use on the premises of the Business Establishment when social distancing cannot be maintained; and
- (6) While using the Seabrook Island Property Owners Association beach access points designated as Boardwalks 1-9, including associated wash stations.

(c) *Rights of Business Establishments and Other Entities.* Nothing in this section shall be interpreted, applied, implemented, or construed in a manner so as to prevent any business or other establishment from developing or implementing proprietary safety requirements or restrictions or incorporating, implementing, complying with and adhering to any applicable sanitation guidelines promulgated by the CDC, SCDHEC, or any other state or federal public health officials, whether related to Face Coverings or other hygiene-related measures, or from implementing appropriate measures or undertaking efforts to "reasonably adhere to public health guidance" for purposes of the South Carolina COVID-19 Liability Immunity Act (R-39, S. 147) or taking other appropriate precautions to facilitate effective "social distancing" and avoid potential exposure to, and prevent the spread of, COVID-19.

SECTION 3. Emergency Provisions Related to Town Meetings

- (a) All meetings of the Town Council, Ways and Means Committee, Planning Commission, Board of Zoning Appeals, Development Standards Ordinance (DSO) Advisory Committee, Public Safety Committee, Utility Commission and all other special purpose or ad hoc committees of the Town, shall be held in accordance with any applicable schedule therefore, whether established by Town ordinance or otherwise. Until termination of the State of Emergency within the Town declared to alleviate the effects of the COVID-19 public health emergency, all meetings shall be conducted so as to maintain social distancing by those participating in the meetings and, at the discretion of the presiding officer or a majority of the body, may be conducted in-person or virtually provided live audio and video of all proceedings is accessible to the public.
- (b) Section 2-92 of the Town Code is hereby amended to read as follows: “Provided a quorum is present either in person or by electronic means, the Mayor and/or any member of Town Council may participate in and cast votes via telephone, audio or video conference link provided that the member attending remotely is able to both hear the meeting and what is transpiring and that his/her comments and vote may be heard by those attending the meeting. If an executive session is called, only those allowed in the executive session by South Carolina law should be able to hear and be heard by the person attending the meeting remotely. To the extent possible, any eligible person who needs to attend such meetings remotely shall notify the Mayor or Town Administrator in advance to the extent practical.”
- (c) The provisions of Section 6(b) of this Ordinance shall apply to all other meetings of the Town’s Ways and Means Committee, Planning Commission, Board of Zoning Appeals, DSO Advisory Committee, Public Safety Committee, Utility Commission and any other special purpose or ad hoc committees of the Town

SECTION 4. Emergency Provisions Related to Temporary Use Permits

- (a) Notwithstanding the requirements of Section 13.80 of the Development Standards Ordinance, the Town may approve the issuance of temporary use permits for events and activities, as follows:
 - (1) The Zoning Administrator shall have the authority to review and approve the issuance of temporary use permits for event and activities which meet all of the following criteria:
 - a. The event or activity will have a duration of no more than 24 hours;
 - b. The estimated attendance for the event or activity will not exceed 250 individuals; and

- c. The organizers or sponsors of the event or activity shall submit a list of measures which, in the opinion of the Zoning Administrator, are consistent with the requirements of this Ordinance and any applicable guidelines or recommendations of the CDC and SCDHEC, and which will minimize the risk of spread of COVID-19 within the Town resulting from such event or activity.

- (2) All other temporary use permits shall be subject to review and approval by Town Council

SECTION 5. Emergency Provisions Related to Extension of the Expiration Date for New and Existing Building Permits.

Notwithstanding the requirements of Section 13.70.20 of the Development Standards Ordinance, and as provided in Emergency Ordinance 2020-02 (adopted May 26, 2020), Emergency Ordinance 2020-04 (adopted July 21, 2020), Emergency Ordinance 2020-05 (adopted August 25, 2020), Emergency Ordinance 2020-06 (adopted October 22, 2020), Emergency Ordinance 2020-07 (adopted December 15, 2020), Emergency Ordinance 2021-01 (adopted January 26, 2021) and Emergency Ordinance 2021-02 (adopted March 23, 2021), the time limit for any active building permit which was in effect as of March 1, 2020, or which was issued between March 1, 2020 and July 13, 2021, shall be valid for a period of eighteen (18) months following the date of issuance. A permit holder may apply for an additional six-month extension, which may be granted by the Zoning Administrator pursuant to Section 13.70.20(c) of the Development Standards Ordinance.

SECTION 6. Vaccination of Town Residents Encouraged.

The Town of Seabrook Island encourages and urges all individuals within the Town of Seabrook Island who are eligible under state and federal guidelines to get vaccinated against COVID-19 in an effort to protect their own health and safety and to minimize community spread among other residents, visitors and employees within the Town.

SECTION 7. Enforcement and Penalties.

- (a) All Code Enforcement Officers 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 be authorized to enforce this Ordinance 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 this Ordinance and any Executive Order issued by the Governor of the State of South Carolina.
- (b) Violations of this Ordinance 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.

- (c) Notwithstanding the previous, persons found guilty of violating Section 2 of this Ordinance shall be subject to a fine of \$50.00 per violation, plus required statutory assessments. Businesses found guilty of violating Section 2 of this Ordinance shall be subject to a fine of \$100.00 per day, plus required statutory assessments. Each violation shall be treated as a separate offense.
- (d) Any Business Establishment found guilty of violating any provision contained in this Ordinance may, in addition to the Penalties referenced herein, have its Business License revoked or suspended.

SECTION 8. No Creation of Individual Rights, Privileges or Benefits

This Ordinance 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 its agencies, departments or other entities, or any officers, employees, or agents thereof, or any other person.

SECTION 9. Severability.

If any section, subsection, paragraph, clause, or provision of this Ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said Ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said Ordinance shall not be affected thereby. If said Ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 10. Conflicting Ordinances Repealed or Suspended.

- (a) Emergency Ordinance 2021-02 is hereby repealed in its entirety.
- (b) All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby suspended.

SECTION 11. Effective Date.

This emergency Ordinance shall be effective immediately upon enactment and shall expire automatically on the sixty-first day following the date of enactment (July 13, 2021).

SIGNED AND SEALED this ___ day of May, 2021, having been duly adopted by the Town Council for the Town of Seabrook Island on the 13th day of May, 2021.

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Faye Allbritton, Town Clerk