TOWN OF SEABROOK ISLAND

EMERGENCY ORDINANCE NO. 2020-05

ADOPTED AUGUST 25, 2020

AN EMERGENCY ORDINANCE TO EXTEND REQUIREMENTS RELATED TO SOCIAL DISTANCING AND GROUP CONGREGATIONS; TO MODIFY THE REQUIREMENTS FOR CERTAIN BUSINESSES; TO EXTEND THE PROHIBITION ON TEMPORARY USE PERMITS; TO EXTEND THE EXPIRATION DATE FOR ACTIVE BUILDING PERMITS; TO EXTEND THE REQUIREMENT RELATING TO THE WEARING OF FACE COVERINGS AT ALL BUSINESS ESTABLISHMENTS WITHIN THE TOWN; TO REPEAL EMERGENCY ORDINANCES 2020-03 AND 2020-04; 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 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, servicers 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 exists 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 exists 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 exists 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 exists 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 exists 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 exists 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 exists 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 exists 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 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 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, pursuant to Sec. 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. Repeal of Mayor's Executive Orders

(a) Executive Order No. 2020-01, which was issued by the Mayor of the Town of Seabrook Island on March 26, 2020, is hereby repealed.

(b) Executive Order No. 2020-05, which was issued by the Mayor of the Town of Seabrook Island on April 14, 2020, is hereby repealed.

(c) Executive Order No. 2020-06, which was issued by the Mayor of the Town of Seabrook Island on April 28, 2020, is hereby repealed.

(d) Executive Order No. 2020-07, which was issued by the Mayor of the Town of Seabrook Island on May 4, 2020, is hereby repealed.

(e) Executive Order No. 2020-08, which was issued by the Mayor of the Town of Seabrook Island on May 15, 2020, is hereby repealed.

SECTION 2. Face Coverings Required

(a) *Definitions*. For purposes of Sections 2 and 3 hereof, unless otherwise expressly stated, 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.

(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 satisfy the Face Covering requirements of this Ordinance. Medical-grade masks or respirators shall satisfy the Face Covering requirements of this Ordinance; 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 Required*. The use of a Face Covering by every person within the boundaries of the Town is required in accordance with the following:

(1) All persons inside any portion of a Business Establishment that is open to the public or that is open to Customers;

(2) All employees of a Business Establishments while engaged in face-to-face interactions with Customers anywhere on the premises of the Business Establishment, including outdoor areas; and

(3) All persons waiting in line to enter a Business Establishment; and

(4) All persons using the Seabrook Island Property Owners Association beach access points designated as Boardwalks 1-9, including associated wash stations.

(c) *Exemptions to Required Face Coverings*. Persons shall be exempt from the requirement to wear a Face Covering under any one or more of the following circumstances:

(1) A child who is under the age of five (5) years old or a child whose parent, guardian, or responsible adult has been unable to place the Face Covering safely on the child's face;

(2) A person who is seeking to communicate with someone who is hearing impaired in a manner that requires the mouth to be visible;

(3) A person with a physical, mental, or behavioral health condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove a Face Covering without assistance) that prevents wearing a Face Covering, provided that a non-employee or visitor who represents that they cannot wear a Face Covering for one or more of these reasons should not be required to produce documentation or any other form of proof of such a condition;

(4) A person who is actively engaged in eating or drinking;

(5) A person who is obtaining or receiving goods or services that requires access to or visibility of the face, such as the receipt of dental services or while swimming;

(6) A person who must remove a Face Covering for purposes of identification or security screening or surveillance;

(7) A person for whom wearing a Face Covering would create a risk to the health or safety of the person due to their occupation, job function, or work assignment where wearing a Face Covering would be inconsistent with industry safety standards or protocols or federal, state, or local regulations or guidelines, including, but not limited to police officers, fire fighters and other first responders, as well as persons engaged in the repair or maintenance of public utilities;

(8) A person who is smoking in an area which has been designated by the Business Establishment as an area where smoking is permitted;

(9) Any person whose religious beliefs prevent them from wearing a face covering; and

(10) When complying with directions of law enforcement officers;

(d) *Responsibilities of Business Establishments.*

(1) Individual(s) who are responsible for supervising, managing or directing the work of employees within a Business Establishment shall require his or her employees to wear Face Coverings when required by this Ordinance.

(2) Each Business Establishment shall post conspicuous signage at all Customer entrances to the Business Establishment informing Customers that the use of Face Coverings is mandated by law.

SECTION 3. Face Coverings Encouraged

(a) Individuals are encouraged to wear a Face Covering in the following circumstances:

(1) While participating in allowed gatherings, that is, gatherings of ten persons or fewer, when separation of at least six feet between gathered individuals who do not occupy a common residence (that separation hereinafter referred to as "Social Distancing") is not being practiced;

(2) While employees of a Business Establishment are within an area that is not open to Customers but where interactions with other persons can occur and the space is inadequate to practice Social Distancing;

(3) While being transported in a vehicle with another person who is not a member of the same household;

SECTION 4. Emergency Restrictions for Restaurants, Bars and Other Establishments

(a) Pursuant to Executive Order No. 2020-50, which was issued by the Governor of the State of South Carolina on August 2, 2020, and effective at 5:00 pm on August 3, 2020, all restaurants and other food-service establishments (collectively, "Restaurants"), as set forth below, which prepare, produce, or otherwise offer or sell food or beverages of any kind for on-premises consumption in the Town, shall be subject to, and shall adhere to, the following restrictions and conditions of operation:

(1) Restaurants that elect to provide indoor or outdoor customer dining services for on-premises or dine-in consumption, as authorized herein, shall take reasonable steps to incorporate, implement, comply with, and adhere to any applicable sanitation guidelines promulgated by the CDC, SCDHEC, or any other state or federal public health officials, as well as relevant industry guidance, to limit exposure to, and prevent the spread of, COVID-19.

(2) Restaurants shall require that all employees, customers, patrons, suppliers, vendors, and other visitors wear Face Coverings, as defined in Section 2(a)(3) of this Ordinance, except while actively engaged in eating or drinking, subject to any applicable exceptions set forth in Section 2(c) of this Ordinance.

(3) Restaurants shall not permit the sale or consumption of beer, wine, or alcoholic liquor between the hours of 11:00 p.m. and 10:00 a.m. the following day in accordance with Section 5 of this Ordinance.

(4) Restaurants shall not permit the number of customers and patrons receiving indoor, dine-in service on the Restaurant's premises at any given time to exceed fifty percent (50%) of the Restaurant's occupancy limit, as determined by the fire marshal.

(5) Restaurants shall space indoor and outdoor tables at least six (6) feet apart to ensure that customers and patrons are at least six (6) feet apart from any other party or group.

(6) Restaurants shall limit seating at each table to no more than eight (8) customers and patrons, exclusive of family units or members of the same household.

(7) Restaurants shall adopt and enforce a process to ensure that customers and patrons are able to maintain a minimum of six (6) feet of separation from other parties while waiting to be seated. If there is any indoor or outdoor waiting area, Restaurants should use tape or other markings to help customers and patrons identify and maintain a minimum of six (6) feet of separation from other parties. Customers and patrons in any indoor or outdoor waiting area shall be required to wear a Face Covering, subject to any applicable exceptions set forth in Section 2(c) of this Ordinance.

(8) Restaurants shall not allow patrons and customers to stand or congregate in any bar area. Restaurants shall remove bar stools or arrange them in a manner that will ensure that customers and patrons are able to maintain a minimum of six (6) feet of separation from other parties.

(9) Restaurants shall post signage at each public entrance informing customers, patrons, suppliers, vendors, and other visitors that entry is prohibited for individuals who are experiencing symptoms of COVID-19 or who have tested positive for COVID-19 within the preceding fourteen (14) days.

(10) Restaurants shall conduct, prior to or at the beginning of each shift, an employee survey and screening process, which should include taking each employee's temperature before they begin their shift and inquiring about common symptoms of COVID-19.

(11) Restaurants should immediately excuse and exclude any employees indicating symptoms of COVID-19 or who have tested positive for COVID-19 or have been in contact with someone who has tested positive for COVID-19 within the preceding fourteen (14) days.

(12) Restaurants should actively encourage and require employees who are sick, who have symptoms of COVID-19, who have tested positive for COVID-19, or who have recently had close contact with a person who has tested positive for COVID-19 to stay at home, and should develop policies to encourage any such employees to stay at home without fear of reprisal or adverse employment action on this basis.

(13) Restaurants should remove common-use condiments, such as salt, pepper, and ketchup, from tables. These items should be provided upon request and cleaned and sanitized between uses if single-use options are not available.

(14) Restaurants should not place utensils on a table until after a customer or patron is seated and, if possible, should offer disposable single-use utensils.

(15) Restaurants should utilize disposable paper menus if possible or sanitize menus after each use.

(16) Restaurants shall use approved sanitizing solutions to clean tables, chairs, and check presenters after each table turn or seating.

(17) Restaurants shall provide a cleaning station or alcohol-based hand sanitizer at all entry points.

(18) Restaurants shall discontinue self-service buffets or food stations to prevent customers and patrons from reusing service utensils to avoid potential physical contamination; however, employees may be permitted to dispense food via cafeteria-style buffet service.

(19) Restaurants shall discontinue services that allow customers and patrons to fill or refill their own beverage cups.

(20) Restaurants shall sanitize all doorknobs and other shared or frequently touched surfaces as much as possible between newly arriving parties with approved sanitizing solutions.

(21) Restaurants should only use kiosks or touch screens for customers and patrons if they can be sanitized between uses and should encourage touchless payment operations like credit cards with no signature required.

(b) Notwithstanding the foregoing restrictions and conditions of operation, Restaurants are authorized and encouraged to prepare, produce, or otherwise offer or sell food or beverages for off-premises consumption to the extent currently authorized, permitted, or otherwise allowed by law, whether via delivery, carry-out or drive-thru distribution, curbside pick-up, or other alternate means.

(c) For purposes of this section, "Restaurants" are defined as "retail food establishment[s]," pursuant to citation 1-201.10(B)(106) of Regulation 61-25 of the South Carolina Code of Regulations, licensed or permitted by DHEC in accordance with section 44-1-140 of the South Carolina Code of Laws, as amended, or other applicable law, with the exception of "independent living food-service operations" or "licensed healthcare facilities," which are expressly excluded from the definition of Restaurants. This section does not direct the

closure of retail beverage venues that currently provide for the sale of alcoholic beverages for off-site consumption and does not require the closure of production operations or wholesale distribution at breweries, wineries, or distilleries.

SECTION 5. Temporary Restrictions Regarding Alcoholic Beverages at Restaurants, Bars, and Other Establishments After 11:00 p.m.

(a) Pursuant to Executive Order No. 2020-50, which was issued by the Governor of the State of South Carolina on August 2, 2020, 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 (collectively, "Licensees"), as set forth below, is prohibited between the hours of 11:00 p.m. and 10:00 a.m. the following day.

(b) For purposes of this section, beer, wine, and alcoholic liquors shall refer to those alcoholic beverages as defined in Chapters 4 and 6 of Title 61 of the South Carolina Code of Laws, as amended. For purposes of this section, Licensees include only those persons or businesses holding the following permits or licenses issued by the South Carolina Department of Revenue ("DOR") pursuant to Title 61 of the South Carolina Code of Laws:

(1) On-Premises Beer and Wine Permits (PBW) or 7-Day On-Premises Beer and Wine Permit (PO7);

(2) Instate Winery Permit (PWY), Domestic Winery Permit (PDW), or 7-Day Winery Permit (P7W);

(3) Brewpub Beer Permit (PBB);

(4) Brewery Permit (PWY);

(5) Business Liquor by the Drink License (PLB);

(6) Non-Profit Private Club Liquor by the Drink License (PLC); or

(7) Special Event Permit or Special Non-Profit Event Permit.

(c) This section does not limit the hours of sales for beer, wine, or alcoholic liquors for off-premises consumption, which shall continue to be governed by existing law.

SECTION 6. Emergency Restrictions on Gatherings

(a) For the duration of the State of Emergency declared by the Mayor to address the spread of COVID-19 within the Town, individuals within the Town are prohibited from congregating in groups of more than ten (10) people while outside their homes or places of abode. This requirement shall not apply to groups of individuals while engaged in

performance of their work or when the provisions of this paragraph directly conflict with a valid order of the Governor of the State of South Carolina.

(b) For the duration of the State of Emergency declared by the Mayor to address spread of COVID-19 within the Town, all individuals within the Town who are congregating in groups of ten (10) or fewer people while outside their homes or places of abode shall practice social distancing by maintaining a minimum separation of at least six (6) feet from individuals to whom they are not related. This requirement shall not apply to groups of individuals engaged in performance of their work within the Town. This requirement shall not apply to groups of individuals while engaged in performance of their work or when the provisions of this paragraph directly conflict with a valid order of the Governor of the State of South Carolina.

(c) Pursuant to Executive Order No. 2020-50, which was issued by the Governor of the State of South Carolina on August 2, 2020, subject to any additional or supplemental clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated by the South Carolina Department of Commerce ("Department of Commerce"), the following categories or types of businesses, facilities, venues, services, activities, events, or mass gatherings (collectively, "Gathering"), as set forth and further defined below, shall be subject to and shall adhere to the following restrictions and conditions:

(1) The total number of employees, customers, patrons, suppliers, vendors, visitors, or other persons present for or in attendance at the Gathering shall not exceed fifty percent (50%) of the location's occupancy limit as determined by the fire marshal, if applicable, or two hundred fifty (250) persons, whichever is less.

(2) All employees, customers, patrons, suppliers, vendors, visitors, or other persons in attendance at the Gathering shall wear a Face Covering, as defined in Section 2(a)(3) of this Ordinance, subject to any applicable exceptions set forth in Section 2(c) of this Ordinance, as a condition of entry or participation.

(3) The sale or consumption of beer, wine, or alcoholic liquor shall be prohibited at any Gathering between the hours of 11:00 p.m. and 10:00 a.m. the following day in accordance with Section 5 of this Ordinance.

(4) The organizers, operators, owners, or hosts of, or other parties responsible for, a Gathering shall take reasonable steps to incorporate, implement, comply with, and adhere to any applicable sanitation, "social distancing," and hygiene guidelines promulgated by the CDC, SCDHEC, or any other state or federal public health officials, as well as relevant industry guidance, to limit exposure to, and prevent the spread of, COVID-19.

(d) For purposes of this section, a "Gathering" shall be defined as a planned or spontaneous indoor or outdoor event that involves or is reasonably expected to involve a large number

of people physically present, congregating together, or otherwise simultaneously in attendance at a single indoor or outdoor location and shall include, but not be limited to, the following: festivals, parades, concerts, theaters, stadiums, arenas, coliseums, auditoriums, grandstands, event venues, dance halls, concert halls, amphitheaters, gymnasiums, chambers, assemblies, nightclubs, performing arts centers, parks, racetracks, or similarly situated or operated businesses, facilities, venues, services, activities, events, or mass gatherings, the occurrence or resulting impacts of which could strain the public health, planning, and response resources of the community hosting the same. A Gathering shall not include individuals collectively 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 in connection with COVID-19. A Gathering shall not include the normal operations of public and private schools and higher education institutions or religious activities or services, including those conducted in churches, synagogues, or other houses of worship.

(e) The organizers, operators, owners, or hosts of, or other parties responsible for, any Gathering(s) may seek clarification regarding the application of this Section to any particular Gathering(s), or exceptions for any particular Gathering(s), from the Department of Commerce using a form provided by the Department of Commerce, which shall be available for public access and submission via the Department of Commerce's website, at www.sccommerce.com.

SECTION 7. Emergency Provisions Related to Town Meetings

(a) All meetings of the Town Council, Ways and Means Committee, Planning Commission, Board of Zoning Appeals, 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 and, until termination of the State of Emergency within the Town declared to alleviate the effects of the COVID-19 public health emergency, shall be conducted so as to maintain social distancing by those participating in the meetings and without in-person attendance of members of the general 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 4(b) of this Ordinance shall apply to all other meetings of the Town's Ways and Means Committee, Planning Commission, Board of Zoning Appeals, Development Standards Ordinance (DSO) Advisory Committee, Public Safety Committee, Utility Commission and any other special purpose or ad hoc committees of the Town

SECTION 8. Emergency Provisions Related to Temporary Use Permits

(a) All temporary use permits for events and activities taking place between August 25, 2020 and October 25, 2020, are hereby repealed.

(b) The Zoning Administrator shall not issue any new temporary use permits for events or activities taking place between August 25, 2020 and October 25, 2020.

SECTION 9. Emergency Provisions Related to Extension of the Expiration of Existing Building Permits

Notwithstanding the requirements of Sec. 13.70.20 of the Development Standards Ordinance, and as provided in Emergency Ordinance 2020-02 (adopted May 26, 2020) and Emergency Ordinance 2020-04 (adopted July 21, 2020), 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 October 25, 2020, 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 Sec. 13.70.20(c) of the Development Standards Ordinance.

SECTION 10. 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 hereunder, have its Business License revoked or suspended.

SECTION 11. 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 12. 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 13. Conflicting Ordinances Repealed or Suspended.

(a) Emergency Ordinance 2020-03 is hereby repealed in its entirety.

(b) Emergency Ordinance 2020-04 is hereby repealed in its entirety.

(c) All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby suspended.

SECTION 14. 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 (October 25, 2020).

SIGNED AND SEALED this 26th day of August, 2020, having been duly adopted by the Town Council for the Town of Seabrook Island on the 25th day of August, 2020.

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Faye Allbritton, Town Clerk