



Town of Seabrook Island

Office of the Mayor

Executive Order No. 2020-08

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 17, 2020, the Governor of South Carolina issued Executive Order No. 2020-10, temporarily prohibiting Restaurants, as defined in accordance with that Executive Order, from providing certain food services for on-premises consumption; and

WHEREAS, on March 27, 2020, the Governor of South Carolina issued Executive Order No. 2020-14, requiring that persons entering the State of South Carolina from an area with substantial community spread of COVID-19, the illness attributed to infection by the coronavirus, and including the Tri-State Area (consisting of the States of New York, New Jersey, and Connecticut) and the City of New Orleans, Louisiana isolate or self-quarantine for the shorter of a period of fourteen (14) days from the individual's entry into the State of South Carolina; 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 3, 2020, the Governor of South Carolina issued Executive Order No. 2020-18, requiring that certain "non-essential" businesses identified in Executive Order No. 2020-18, and including certain "non-essential" business Retail Stores, as specified in Executive Order 2020-18, be closed to non-employees and not open to access or use by the public; and

WHEREAS, on April 3, 2020, the Governor of South Carolina issued Executive Order No. 2020-19, prohibiting any and all individuals, entities, or establishments engaged in provision of short-term rentals, vacation rentals, or other lodging accommodations or operations in exchange for consideration (collectively "Lodging") in the State of South Carolina, and including rental of any house, condominium, room or other dwelling unit for a period of less than ninety (90) days, from making or accepting new reservations or bookings from or for individuals residing in or travelling from any country, state, municipality, or other geographic area subject to or identified in a Centers for Disease Control and Prevention ("CDC") travel advisory or other CDC notice as a location with extensive community transmission of COVID-19, including the Tri-State Area (consisting of the States of New York, New Jersey, and Connecticut); 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 that 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 April 12, 2020, the Governor of South Carolina issued Executive Order No. 2020-23, declaring a new State of Emergency to exist within the State of South Carolina and confirming the continued effectiveness of certain provisions of his previously issued Executive Orders including his Executive Orders 2020-10 , 2020-18 and 2020-21; and

WHEREAS, on April 20, 2020, the Governor of South Carolina issued Executive Order No. 2020-28, allowing certain “non-essential” business Retail Stores, as identified in that Executive Order to re-open to non-employees and for access and use by the public subject to 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 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 Orders 2020-10, 2020-18, 2020-21 and 2020-28; and

WHEREAS, on May 1, 2020, the Governor of South Carolina issued Executive Order No. 2020-30 rescinding: a) provisions of his Executive Order 2020-14 requiring that persons entering South Carolina from an area with substantial community spread of COVID-19 isolate or self quarantine for the shorter of a period of fourteen (14) days from the time of entry into South Carolina or the duration of their stay in South Carolina; and b) provisions of his Executive Order 2020-19 prohibiting any and all individuals, entities, or establishments engaged in provision of short-term rentals, vacation rentals, or other lodging accommodations or operations in exchange for consideration (collectively “Lodging”) in the State of South Carolina for a period of less than ninety (90) days from making or accepting new reservations or bookings from or for individuals residing in or travelling from any country, state, municipality, or other geographic area subject to or identified in a Centers for Disease Control and Prevention (“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 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 2020-10 so as to authorize Restaurants, as defined in Executive Order 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 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 Orders 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 12, 2020 the Office of the Governor of South Carolina announced that, effective on May 18, 2020 certain “Nonessential Businesses” characterized as “Close Contact Service Providers”, “Fitness and Exercise Centers”, “Commercial Gyms” and “Public or Commercial Pools” previously identified in the Governor’s Executive Order 2020-18 would be allow to resume operation in a limited capacity subject to certain guidelines developed in cooperation with SCDHEC; 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, 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, 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, on April 22, 2020 the Town Council of the Town of Seabrook Island enacted an Amended Emergency Ordinance 2020-01 (“Amended Emergency Ordinance 2020-01”) effecting, among other things, re-opening of certain “non-essential” business Retail Stores to non-employees and for access or use thereof by the public all subject to certain emergency rules and restrictions; 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; and

Whereas, on April 7, 2020 the undersigned issued Executive Order 2020-04 in furtherance of Executive Order 2020-21 issued by the Governor of South Carolina and providing for enforcement

of Executive Order 2020-04 within the Town of Seabrook Island by Town Code Enforcement Officers and for cooperation by Town Code Enforcement Officers with enforcement of Executive Order 2020-21 by state law enforcement officers; and

Whereas, on April 14, 2020 the undersigned issued Executive Order 2020-05 in furtherance of Executive Order 2020-23 issued by the Governor of South Carolina and confirming the continued effect of the undersigned's Executive Order 2020-04; and

Whereas, on April 28, 2020 the undersigned issued Executive Order 2020-06 in furtherance of Executive Order 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 April 28, 2020 the undersigned issued Executive Order 2020-07 in furtherance of Executive Orders 2020-30 and 2020-31 issued by the Governor of South Carolina;

Now, Therefore, by virtue of the authority vested in me as Mayor of the Town of Seabrook Island and in furtherance of Executive Orders 2020-34 and 2020-35 of the Governor of South Carolina and in furtherance of the announcement of the Governor of South Carolina to allow operation in a limited capacity of certain Non-essential Businesses characterized as Close "Contact Service Providers", "Fitness and Exercise Centers", "Commercial Gyms" and "Public or Commercial Pools" I hereby order and direct as follows:

Section 1. I hereby direct that in furtherance of Executive Order 2020-34 issued by the Governor of South Carolina that Restaurants, as that term is defined in the Governor's Executive Order 2020-10, that are located within the Town are authorized to provide services for indoor, on premises customer dining 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"). For purposes of this Section, the following guidelines are referenced with approval:

- a) Guidelines for Re-opening Our Hospitality Industry (SCRLA Opening Restaurants Phase One Recommendations)
(<https://governor.sc.gov/sites/default/files/Documents/SC%20restaurant%20reopening%20guidelines%20FINAL%205.1.20.pdf>)
- b) Guidelines for Re-opening Our Hospitality Industry (SCRLA Opening Restaurants Phase Two Recommendations)
(<https://governor.sc.gov/sites/default/files/Documents/newsroom/SC%20restaurant%20reopening%20guidelines%20Phase%20Two%205.8.20.pdf>)
- c) Retail Food Service Establishments & COVID-19 (SCDHEC Restaurant Re-opening Toolkit)
(<https://www.scdhec.gov/infectious-diseases/viruses/coronavirus-disease-2019-covid-19/retail-food-service-establishments-covid-19>)

Section 2. I hereby direct that, in furtherance of the determination of the Governor to allow operation in a limited capacity of certain Non-essential Businesses characterized as “Close Contact Service Providers”, “Fitness and Exercise Centers”, “Commercial Gyms” and “Public or Commercial Pools” that, notwithstanding any definition of Amended Emergency Ordinance 2020-01, effective May 18, 2020, the list of non-essential businesses of Section 1.1 of my Executive Order 2020-06 shall be as follows:

(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) Spectator sports
- (b) Sports that involve interaction in close proximity to and within less than six (6) feet of another person
- (c) Activities that require the use of shared sporting apparatus and equipment
- (d) Activities on commercial or public playground equipment

Section 2.1 Businesses not identified in the foregoing list 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. Such businesses shall not knowingly allow customers, patrons, or other guests to congregate within six (6) feet of one another, exclusive of family units. Such businesses 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. For purposes of the foregoing, reference is made with approval of the following guidelines:

- a) Close Contact and/or Service Industry Employers Re-Opening Guidelines
(<https://scommerce.com/sites/default/files/2020-05/Close%20Contact.Service.pdf>)
- b) Cosmetology Industry Employers Re-Opening Guidelines
(<https://scommerce.com/sites/default/files/2020-05/Cosmetology.pdf>)

- c) Re-opening Guidelines Template
(<https://scommerce.com/sites/default/files/2020-05/Fitness%20Guidance.pdf>)
- d) Interim Guidelines for Re-opening Public Swimming Pools
(<https://scommerce.com/sites/default/files/2020-05/Guidelines%20for%20Reopening%20Public%20Swimming%20Pools.pdf>)

Section 3. Notwithstanding any provision of my Executive Orders 2020-04, 2020-05, 2020-06, or 2020-07 to the contrary, or of any provision of Emergency Ordinance 2020-01 enacted by the Town Council of the Town of Seabrook Island to the contrary, or of Amended Emergency Ordinance 2020-01 enacted by the Town Council of the Town of Seabrook Island to the contrary, the provisions of Section 1., and Section 2. of this Order shall control, respectively, in respect of: a) authorized food services of Restaurants within the Town for limited indoor dining; and b) for authorized limited operation of certain non-essential businesses located within the Town and characterized as “Close Contact Service Providers”, “Fitness and Exercise Centers”, “Commercial Gyms” and “Public or Commercial Pools”.

Section 4. I hereby proclaim that, notwithstanding continued operation of Essential Businesses, Essential Activities and Critical Infrastructure Operations, all as defined by the Governor’s Executive Order 2020-21, and in accordance with duplicate definitions given in my Executive Order 2020-04, 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. 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.

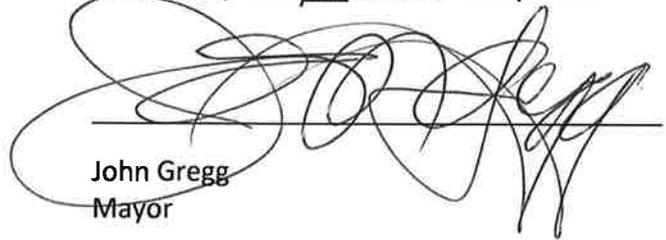
Section 6. I hereby direct that each Code Enforcement Officer of the Town, whether engaged solely as a Code Enforcement Officer or otherwise engaged and duly commissioned by the Town as a Code Enforcement Officer, shall enforce this Order and shall, to the extent permissible under applicable law, cooperate with law enforcement officers of the State of South Carolina, or of any political subdivision thereof, in their enforcement of Executive Orders Nos. 2020-21 and 2020-28.

Section 7. 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 7, shall remain in effect for the duration of the State of Emergency declared by the Governor on May 12, 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

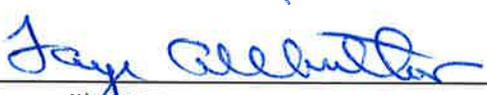
life and property during this State of Emergency shall be issued by the undersigned as deemed appropriate.

**GIVEN UNDER MY HAND AND THE SEAL OF
THE TOWN OF SEABROOK ISLAND, SOUTH
CAROLINA, THIS 15th DAY OF MAY, 2020.**



John Gregg
Mayor

Attest:



Faye Allbritton
Town Clerk