

EMERGENCY ORDINANCE 2020-06

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and other potential methods, and presents symptoms similar to those of influenza; and,

WHEREAS, in December of 2019, a new and substantial outbreak of COVID-19 emerged in Wuhan, China, and has since spread rapidly to 117 countries and territories throughout the World, including the United States, and more specifically Broward County and 18 other counties in the State of Florida; and,

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared COVID-19 a pandemic; and,

WHEREAS, the Centers for Disease Control and Prevention (CDC) is predicting that it is likely that widespread transmission of COVID-19 will also occur in the United States; and,

WHEREAS, no vaccine or drug is currently available to cure or combat COVID-19; and,

WHEREAS, it is well recognized that COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; and,

WHEREAS, the City of Isle of Palms is threatened by COVID-19 because of the apparent ability of the virus to spread rapidly among humans, and COVID-19 thereby constitutes a clear and present threat to the health, safety, and welfare of the citizens and visitors of the City of Isle of Palms; and,

WHEREAS, the CDC has issued guidelines for "community mitigation strategies" to limit the spread of COVID-19, including recommendations for social distancing, which has proven to be an effective method for containing COVID-19; and,

WHEREAS, on March 13, 2020, Governor Henry McMaster (the "Governor") declared a state of emergency in South Carolina, Executive Order 2020-10, based on a determination that "COVID-19 poses an actual or imminent public health emergency"; and,

WHEREAS, on March 16, 2020, Mayor Jimmy Carroll declared a local state of emergency in the City of Charleston; and,

WHEREAS, the City of Isle of Palms is working with other government agencies in an effort to prevent the spread of disease; and,

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

WHEREAS, on March 20, 2020, City Council passed Ordinance 2020-01 limiting access to the island in order to prevent the spread of the virus to its residents and staff, with certain exceptions for residents and those performing essential business; and

WHEREAS, on March 21, 2020, the Governor issued Executive Order 2020-13, authorizing and directing law enforcement officers to prohibit or disburse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in his or her discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health; and,

WHEREAS, on March 25, 2020, City Council passed Ordinance 2020-02 suspending short term rentals through April 30, 2020; and

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

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

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

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

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

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

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

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

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

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

WHEREAS, on April 20, 2020, Governor McMaster issued an Executive Order (2020-28), reopening retail businesses previously determined to be non-essential including department stores, furniture stores, luggage stores, flower shops, book, craft and music shops subject to certain emergency rules and restrictions, including but not limited to an emergency maximum occupancy rate, social distancing practices, and compliance with certain sanitation guidelines and further ordered any local ordinance that conflicts with the Order is superseded; and,

WHEREAS, on April 21, 2020, City Council passed Ordinance 2020-03 detailing restrictions on beach access and use to residents and in conformance with CDC guidelines; and

WHEREAS, as of April 22, 2020, the total number of cases of persons infected with COVID-19 in South Carolina is 4,608, with 135 deaths; including 403 cases in Charleston County with 5 deaths and 142 cases in Berkeley County with 5 deaths; and,

WHEREAS, as of April 21, 2020, the State of South Carolina has not seen a two-week downward trajectory of documented cases; and,

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

WHEREAS, the City of Charleston will continue to monitor on a daily basis the number of new cases and deaths and other circumstances related to COVID-19 in the City, including the impact of the coronavirus on our vulnerable and minority populations; and,

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

WHEREAS, Section 5-7-250 of the South Carolina Code of Laws empowers Council to enact emergency ordinances affecting life, health, or safety; and

WHEREAS, in light of the foregoing, the City of Isle of Palms deems it proper and necessary to adopt this emergency ordinance in order to, among other things: (a) suspend the rental and use of Short-Term Rentals, Hotels, and Other Overnight Accommodations for 29 days or less beginning 10am Thursday, March 26, 2020 through April 30, 2020. Visitors currently checked in may remain until the end of their existing reservations.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Isle of Palms, in Council assembled, that:

1. The City of Isle of Palms temporarily suspends the normal operating procedures of City Council meetings and hereby allows for the Mayor and Councilmembers to remotely participate in voting and operational procedures by telephone or other means of electronic communication provided that the provisions of the South Carolina Freedom of Information Act are complied with.
2. Local businesses on the island are authorized to purchase, use and distribute containers that do not comply with the City's plastic ban during this state of emergency.
3. All deadlines imposed by City Ordinance, applicable to the municipality or applicant, shall be suspended until July 15, 2020.
4. The City Administrator is authorized to develop and enact a plan in order to ensure continuity in the delivery of government services in light of the COVID-19 outbreak.

5. The City Administrator is authorized to cancel and revoke any special events permits issued prior to the date of this ordinance for events taking place until May 30, 2020.
6. All public gatherings of any type, whether organized or otherwise, of greater than three (3) persons are prohibited, unless they members of the same family and/or household.
7. All access restrictions and checkpoints will be lifted as of Wednesday, May 6th, 2020.
8. Upon the lifting of checkpoints on Tuesday, May 6th, 2020, the City will then regulate beach use and social distancing by limiting parking on municipal parking lot B, located on Pavilion Drive.
9. Creating a task force including stakeholders from the rental, hotel and public health industry and City staff to meet no later than Wednesday, May 6, 2020, to prepare safety guidelines for presentation to Council no later than May 7, 2020, for consideration of a phased opening to be initiated prior to May 12, 2020.
10. Effective noon on April 21st, 2020, the beach will be open for exercise only. Permitted exercise: Running, walking, dog-walking, biking, surfing, and other recreational activities consistent with groups of more than 3 people will be prohibited. There is an exemption for disabled citizens with the appropriate DMV issued handicap decal.
11. Any violation of any rule or regulation issued and set forth herein shall be punishable as provided in Title 9, Chapter 2, Section 3: Disorderly Conduct of the Code of Ordinances of the City of Isle of Palms, including Section 7-1-15 allowing for suspension or revocation of business license and as a violation of S.C. Code Section 16-7-10 (Illegal acts during state of emergency, or e) any other penalties provided by State law, including penalties granted pursuant to Executive Orders issued by the South Carolina Governor. In addition, the Governor has authorized cities to seek an injunction, mandamus, or other appropriate legal action in the courts of the State.

This Emergency Ordinance shall become effective immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE 4TH DAY OF MAY, 2020.


Jimmy Carroll, Mayor

