

CITY OF BEAUFORT



1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

Special Emergency Council Meeting

April 6, 2020

Please note, this meeting will be conducted electronically via Zoom and broadcasted via livestream on Facebook. You can view the meeting live via Facebook at the City's page City Beaufort SC.

Electronic Meeting

12:00 PM

I. **New Business**

- A. *Emergency Ordinance of the City of Beaufort, South Carolina* – Ordinance directing Citizens and Residents within the City of Beaufort to Shelter in Place during the COVID-19 Emergency Declaration; and matters related thereto; and severability

II. **Adjourn**

STATEMENT OF MEDIA NOTIFICATION

"In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media was duly notified of the time, date, place and agenda of this meeting."

**EMERGENCY ORDINANCE
CITY OF BEAUFORT, SOUTH CAROLINA**

**EMERGENCY ORDINANCE OF THE CITY OF BEAUFORT, SOUTH CAROLINA,
DIRECTING CITIZENS AND RESIDENTS WITHIN THE CITY OF BEAUFORT TO SHELTER IN
PLACE DURING THE COVID-19 EMERGENCY DECLARATION; AND MATTERS RELATED
THERETO; AND SEVERABILITY**

WHEREAS, in December 2019, an outbreak of respiratory illness due to a novel coronavirus (**COVID-19**), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, across the world, including the United States; and,

WHEREAS, on January 23, 2020, the Center for Disease Control (“**CDC**”) activated its Emergency Response System to provide ongoing support for the response to COVID-19; and,

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency to assist with combating the coronavirus, and,

WHEREAS, on March 13, 2020, the Honorable Henry McMaster, Governor of South Carolina, issued Executive Order No. 2020-08 related to COVID-19 and declared that a State of Emergency exists in South Carolina; and,

WHEREAS, on March 13, 2020, Mayor Billy Keyserling declared a local state of emergency in The City of Beaufort; and,

WHEREAS, Covid-19 is now aggressively spreading across the state with the South Carolina Department of Health and Environmental Control (“**SCDHEC**”) confirming the localized person-to-person spread of COVID-19 in South Carolina, which indicates a significantly increasing risk of exposure and infection to City of Beaufort residents and creating an extreme public health risk; and,

WHEREAS, as of April 4, 2020, the total number of cases in the United States is over 300,000 cases with at least 1900 cases in the State of South Carolina, over 130 cases in Beaufort County, and growing at an accelerated rate according to SCDHEC; and,

WHEREAS, if COVID-19 spreads in the City of Beaufort at a rate comparable to the rate of spread in other countries, the number of persons relying on medical, pharmaceutical, and general cleaning supplies will increase, the private and public sector work force will be negatively impacted by absenteeism, and the demand for medical facilities may exceed locally available resources; and,

WHEREAS, it is vitally important that we all work together to decrease the widespread proliferation of Covid-19 among us all now rather than suffer the unfortunate and devastating consequences later; and,

WHEREAS, 93% of the population of the United States have, in one form or another, been ordered to shelter at home: and

WHEREAS, South Carolina is surrounded by states that have shelter in place orders; and,

WHEREAS, local governments around the State are taking actions to protect the local population, but these actions are non-uniform and cannot address the spread of COVID-19 in areas outside of the locality; and,

WHEREAS, S. C. Code Ann. § 25-1-440 (Supp. 2019), declares that the Governor of South Carolina, “[w]hen an emergency has been declared, as the elected Chief Executive of the State, is responsible for the safety, security, and welfare of the State” and is empowered to “issue emergency proclamations and regulations and amend or rescind them,” which shall “have the force and effect of law;” and,

WHEREAS, it is imperative that residents and non-residents of this great City shelter at home, unless providing or requiring an essential service, remain at a safe distance of at least six (6) feet from others while in public, seek medical attention, if sick, via a telehealth service provider, continue to be vigilant with hand-washing, remain calm, and only purchase necessary supplies for immediate use; and,

WHEREAS, taking measures such as this to control outbreaks has been shown to minimize the risk to the public, maintain the health and safety of the people of South Carolina, and limit the spread of infection in our communities and within the health care delivery system; and,

WHEREAS, in order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the community, the City of Beaufort and other municipalities in Beaufort County have formally requested and strongly urged that the Honorable Governor Henry D. McMaster issue an Executive Order requiring the all persons within the State of South Carolina to stay at home for a minimum period of Fourteen (14) Days, unless providing or requiring an essential service, or such other period as may be determined to be appropriate by the South Carolina Department of Health and Environmental Control, as a necessary and immediate step to try and protect the population of the State of South Carolina from a continued and increased risk of exposure. In a public conference on April 3, 2020, Governor McMaster reiterated his belief that such a stay at home Order was not necessary; and,

WHEREAS, by taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the people of Beaufort, and limits the spread of infection in our communities and within the health care delivery system; and,

WHEREAS, in order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the community, the City of Beaufort is taking steps to try to protect the citizens and employees of the City of Beaufort from increased risk of exposure;

ARTICLE I. INCORPORATION: The above recitals and all attachments/exhibits are hereby incorporated herein as if restated fully and are hereby made an integral part hereof so that their contents are a substantive part of this Ordinance. Moreover, this Ordinance is issued in accordance with, and incorporates by reference, Executive Order No. 2020-08 issued by the Honorable Henry McMaster, Governor of South Carolina, on March 13, 2020, declaring that a State of Emergency exists in South Carolina, as further supplemented by the subsequent additional Executive Orders from the Governor, and the Emergency Declaration by the City’s Mayor dated March 13, 2020.

ARTICLE II. INTENT AND PURPOSE: The intent and purpose of this Ordinance is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling Essential Services to continue. Federal, state and local health professionals have repeatedly advised that limiting public interaction is one of the most effective methods at reducing the spread of the COVID-19 virus. When individuals need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate Essential Activities necessary for continuity of social and commercial

life, they should at all time reasonably possible comply with Social Distancing Requirements. All provisions of this Ordinance should be interpreted to effectuate this intent. City Council finds that failure to comply with any provision of this Ordinance constitutes an imminent threat to the life, safety, and health of the people of the City of Beaufort and creates an immediate menace to public health.

ARTICLE III. SHELTER-AT-HOME ORDER: Effective at 1:00 A.M. on April 7, 2020, all individuals currently living within the City of Beaufort are hereby directed and encouraged to shelter at their place of Residence, and/or use such public spaces within the City of Beaufort that are open, except for Essential Activities, as defined herein.

ARTICLE IV. DEFINITIONS:

A. Essential Activities: For the purposes of this Ordinance, “Essential Activities” shall mean those activities and services not defined as, or directly related to, “Non-Essential businesses, venues, facilities, services, and activities” in Executive Order 2020-17 of the Honorable Governor Henry McMaster, dated March 31, 2020; provided, however, individuals who are sick or at high risk of severe illness from COVID-19 are urged to stay in their Residence to the extent possible except as necessary to seek medical care.

B. Non-Essential Business: For the purposes of this Ordinance, “Non-Essential Business” shall mean those businesses, venues, facilities, and related services and activities as set forth in Executive Orders 2020-17 and 2020-18 of the Honorable Governor Henry McMaster, dated March 31, 2020 and April 3, 2020 and any additional Executive Orders he may sign regarding Non-Essential Businesses.

C. Residence: For the purposes of this Ordinance, “Residence(s)” shall include single-family and/or multi-family dwelling units, modular and/or mobile homes, hotels, motels, shared rental units, and any other similar dwelling facility. This ordinance does not prevent residents from being in their yard or walking, bicycling or jogging around the neighborhood on which they reside or using public facilities that remain open.

D. Social Distancing Requirements: For the purpose of this Ordinance, “Social Distancing Requirements” shall include maintaining at least a six (6) foot social distancing from other individuals; washing hands with soap and water for at least twenty (20) seconds as frequently as possible; using alcohol-based hand sanitizers when feasible; covering coughs or sneezes (into the elbow or the sleeve, not the hand(s)); regularly cleaning high-touch surfaces; and, not shaking hands.

ARTICLE V. ENFORCEMENT: For the duration of this Ordinance any person willfully failing or refusing to comply with any lawful order or direction of the individuals, or their designees issued pursuant to this Ordinance shall be subject to a civil citation. To ensure the enforcement hereof, officers or designees of the City Police Department and Codes Enforcement Department, are hereby authorized to inspect and determine whether businesses and/or individuals are following this Ordinance.

ARTICLE VI. SEVERABILITY: If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

ARTICLE VII. EFFECTIVE DATE; EXPIRATION: The provisions hereof shall be effective upon a single hearing and two-thirds vote of the Beaufort City Council, and shall expire on April 30, 2020, unless earlier extended and/or terminated by vote of the City Council.

SO ORDAINED this 6th day of April 2020, by the City Council of Beaufort South Carolina, in Council duly assembled, and by the authority of the same.

(SEAL)

Attest:

BILLY KEYSERLING, MAYOR

IVETTE BURGESS, CITY CLERK