TOWN OF EDISTO BEACH

EMERGENCY ORDINANCE 2020-13

WHEREAS, the United States of America, the State of South Carolina, and the Town of Edisto Beach have declared emergencies related to the spread of COVID-19 virus; and

WHEREAS, in order to lessen the intensity and duration of the crisis, reduce the stress on our first responders and healthcare system, and to prevent unnecessary deaths, all citizens must prepare to make sacrifices; and

WHEREAS, on March 25, 2020 the Edisto Beach Town Council enacted Emergency Ordinance 2020-09 which, in part, placed a temporary suspension of all short-term rental occupancy as well as day visitors to the Town, and, thereafter, on March 27, 2020 the Town Council enacted Emergency Ordinance 2020-10 which repealed Ordinance 2020-09 after receipt of an opinion from the South Carolina Attorney General; and

WHEREAS, as a result of the Town re-opening on Friday, March 27 the Town has received a substantial influx of visitors over the weekend, including visitors from the areas with substantial community spread as defined in the Governor's Executive Order 2020-14, all as demonstrated by the numerous anecdotal account of citizens, personal observation of Town Council members and staff, photographic evidence, and vehicular data, swelling its population by significant numbers in a short period of time, and it is anticipated that the number of visitors will remain at heightened levels throughout the State of Emergency due to other nearby beach and resort communities "closing their doors" and due to the large number of business and school closures; and

WHEREAS, throughout the weekend people were protesting beside the road against visitors coming to the Town and there is potential for conflict between people, as well as potential unsafe situations for vehicular traffic; and

WHEREAS, the Governor's Executive Order 2020-13 directs local law enforcement to prohibit or disperse 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 their discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health; and

WHEREAS, the Governor's Executive Order 2020-13 also authorizes any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of any Order issued by the undersigned in connection with the same; and

WHEREAS, the Governor's Executive Order 2020-14 directs that an individual who enters the State of South Carolina from an area with substantial community spread, to include the Tri-State Area (consisting of the States of New York, New Jersey, and Connecticut) and the City of New Orleans, Louisiana, shall isolate or self-quarantine for a period of fourteen (14) days from the time of entry into the State of South Carolina; and

WHEREAS, in the Governor's Executive Order 2020-14, he authorizes, orders, and directs any State, county, or city official to enforce the provisions of the Order and any prior or future Orders issued in connection with the present State of Emergency; and

WHEREAS, the Town of Edisto Beach does not have the manpower in its police department to comply with the Governor's Orders, maintain the peace, protect against the effects of the virus, and provide adequate law enforcement in the Town in the event of the large influx of visitors; and

WHEREAS, the re-opening of the Town caused a serious impediment to the Town's ability to (1) enforce the Executive Orders of the Governor, (2) maintain peace and good order during the State of Emergency, and (3) potentially provide necessary municipal services to the citizens of the Town of Edisto Beach, all while causing a serious possibility of community spread of Covid-19 in direct contravention of the Governor's orders; and

WHEREAS, Town Council is concerned it may not be able to serve the emergency medical needs of the community since the nearest local hospitals are approximately 50 miles away; the nearest pharmacy is approximately 25 miles away and there is only one part-time physician; and

WHEREAS, on March 29, 2020 the Town Council enacted Emergency Ordinance 2020-11 to reinstate the protective measures and restrictions set forth in Emergency Ordinance 2020-09; and

WHEREAS, this Emergency Ordinance 2020-12 is being enacted to supersede, replace, and supplement the previous Emergency Ordinances to add a penalty provision, an effective time provision, and a recommendation to Stay at Home to the protective measures set forth in Emergency Ordinance 2020-11 to further protect the citizens of the Town of Edisto Beach and to stem the spread of COVID-19; and

WHEREAS, this Emergency Ordinance is narrowly tailored to address the specific public safety concerns arising from this State of Emergency and is temporary in effect; and

WHEREAS, Section 5-7-250 of the South Carolina Code of laws provides that to meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Edisto Beach, in Council assembled, that:

1. This Emergency Ordinance 2020-13 supersedes and replaces Emergency Ordinances 2020-09, 2020-10, 2020-11 and 2020-12
2. A local state of emergency has been declared for the Town of Edisto Beach, South Carolina pursuant to Section 26-33 of the Code of Ordinances of the Town of Edisto Beach.
3. The state of emergency shall continue for a period of not more than sixty days from the date of this declaration unless continued or renewed by the Council of the Town of Edisto Beach.
4. **Short-Term Rentals (less than 30 days) and Other Overnight Accommodations:** No new check ins are permitted beginning 5 p.m. Sunday, March 29, 2020 through April 30, 2020. Visitors currently checked in may remain until the end of their existing reservations.
5. **Long-term rentals** of 30 days or more shall be prohibited if the occupancy commencement date begins any time from 5 p.m. Sunday, March 29, 2020 through April 30, 2020. Existing long-term rentals that have already commenced occupancy as of the date of this ordinance shall be permitted by showing a valid lease agreement.
6. **Physical businesses** (except essential businesses as defined by the CDC) may not allow patrons indoors or to shop on-premises and must follow Centers for Disease Control (CDC) guidelines. However, business employees may come to work with a pass as determined appropriate by the Police Chief from their employer confirming their work status, and businesses may continue to serve clients virtually, by delivery, or at a service window. The grocery store and gas station are deemed essential by the CDC and may continue to allow customers inside. Restaurants can continue with take-out and delivery services. Private Boat charters are not allowed as they cannot practice social distancing.
7. **Construction and service businesses** may continue, but the crew is limited to the job site premise only, with the exception that the crew may patronize food establishments and gas stations in the Town. Employees must have a copy of the permit (if applicable) and the 2020 business license vehicle sticker or copy of current business license. Please expect substantial delays in processing new building permit and business license applications.
8. **All Other Checkpoint Regulations:**
    - Checkpoint will be operational 24 hours a day until further notice.
    - All persons who are not residents of the Town or who do not own real property in the Town are prohibited from entering the Town until April 30, 2020, unless otherwise authorized in this ordinance.

- Residents and property owners: Please bring one form of identification showing residency or ownership (driver's license, utility bill, deed, tax bill, lease, etc.) If the property is owned by a LLC or other group, documentation must be provided showing owners.
- Edisto Island residents: will continue to be allowed to access essential businesses (BiLo and Gas station) and restaurants as long as they have proof of Edisto island residency.
- Relatives and family members: Immediate family members (defined as spouse, children, parents, grandparents) are allowed as long as accompanied by an owner.
- Guest passes are not permitted.
- Delivery persons who can demonstrate business on the beach at the checkpoint (including pharmacy, FedEx, UPS, Amazon, building supply, and food delivery) by showing delivery order, address, and goods at the checkpoint.
- Caretakers: Professional caretakers are limited to caretakers with professional medical service credentials.
- Essential Business Employees Essential business employees will still be allowed past the checkpoint.
- Media personnel with media credentials presented.
- Town Parks, playgrounds and facilities will be closed.

9. Stay at Home Recommendation

The Town Council strongly urges individuals to stay in their homes and not travel through or congregate in the streets, sidewalks, waterways and/or public spaces in the Town of Edisto Beach.

10. Penalties. Any violation of the provisions of this Emergency Ordinance or any other Emergency Ordinance enacted by Town Council, including failure to comply with the instructions of law enforcement made pursuant to this Emergency Ordinance or any other Emergency Ordinance enacted by Town Council, is unlawful. A person violating these provisions may be penalized by (1) an infraction, punishable by a civil fine of not less than $10.00 nor more than $100.00, or (2) as a violation of S.C. Code Section 16-7-10 (Illegal acts during state of emergency) which provides a person violating its provisions is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days, or (3) any other penalties provided by State law, including penalties granted pursuant to Executive Orders issued by the South Carolina Governor. Any failure to comply with this Emergency Ordinance or any other Emergency Ordinance enacted by Town Council, including efforts to circumvent an emergency ordinance, may also be penalized as provided in Section 18-48 of the Town of Edisto Beach Code of Ordinances allowing for suspension or revocation of business license and may result in the loss of a business license or other measures.

11. **Time Effective**. This Emergency Ordinance shall be effective upon adoption and shall continue through April 30, 2020.

Enacted this 9th day of April, 2020, by Town Council of the Town of Edisto Beach, South Carolina.

Jane S. Darby

Jane Darby, Mayor

Attest:

Iris Hill

Iris Hill, Town Administrator