

**[COMPILED TEXT OF ORIGINAL EMERGENCY ORDINANCE 2669 AS AMENDED
BY EMERGENCY ORDINANCES 2673 AND 2676 WITH CHANGES IN BRACKETS]**

ORDINANCE NO. 2669

**AN EMERGENCY ORDINANCE DECLARING AND URGING CERTAIN
REASONABLE HEALTH AND SAFETY PRECAUTIONS FOR RESIDENTS AND
BUSINESSES**

WHEREAS, it is well recognized that SARS-CoV-2 the virus that causes the disease COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; and

WHEREAS, on March 11, 2020, the World Health Organization declared a world-wide pandemic; and

WHEREAS, on March 13, 2020, the President of the United States has declared a National Emergency for the United States and its territories in an effort to reduce the spread of the virus; and

WHEREAS, on March 13, 2020, the Governor of the State of South Carolina Henry McMaster has declared a state of emergency for the State of South Carolina; and

WHEREAS, S.C. Code Ann. § 5-7-250 empowers Council to enact emergency ordinances affecting life, health, safety, or property; 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 residents and creating an extreme public health risk; and

WHEREAS, as of April 6, 2020, the total number of confirmed cases in the United States is approximately 376,527 with at least 2,232 confirmed cases in the State of South Carolina and 90 confirmed cases in Sumter County; and

WHEREAS, the number of cases is growing rapidly and if COVID-19 spreads in the City 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, it is imperative that residents and non-residents of this great City voluntarily 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 non-emergent 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 to control outbreaks minimizes the risk to the public, maintains the health and safety of the City's residents, and limits the spread of infection in our communities and within the healthcare 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 is taking steps to try to protect the citizens and employees of the City from increased risk of exposure; and

WHEREAS, at this crucial time, it is necessary for the City to undertake and coordinate all necessary and reasonable activities for this emergency response, to take all appropriate action required to alleviate the effects of the coronavirus disaster emergency, including action following the guidelines of the Center for Disease Control ("CDC") and the South Carolina Department of Health and Environmental Control ("SCDHEC"), to and in the aid of essential public services, and to take any other lawful emergency response or action deemed necessary to protect the public health, safety and welfare of the City; and

WHEREAS, §25-1-440 of the Code of Laws of the State of South Carolina provides to the Governor, when a state of emergency has been declared, the responsibility for the safety, security, and welfare of the State and the authority to issue emergency proclamations and regulations; and

WHEREAS, pursuant to his declaration of a State of Emergency, the Governor has issued Executive Orders 2020-07 through 2020-19, [2020-21, 2020-28, 2020-29, 2020-30, and 2020-31], setting forth a number of regulations; and

WHEREAS, the Governor's Executive Order 2020-21, issued April 6, 2020, implemented a "Home or Work" order with requirements for individuals of limiting movement away from home to designated Essential Activities as defined therein, limiting social interaction and practicing social distancing, and with specified requirements for those businesses remaining open including maximum occupancy rates, social distancing practice, and compliance with sanitation guidelines; and

[**WHEREAS,** Executive Order 2020-21 was modified by Executive Order 2020-31, dated May 1, 2020; and]

WHEREAS, in light of the foregoing, City Council deems it proper and necessary to adopt this emergency ordinance requiring individuals to abide by the regulations set forth by the Governor's Executive Orders 2020-07 through 2020-19, [2020-21, 2020-28, 2020-29, 2020-30, and 2020-31]

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SUMTER, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED BY THE AUTHORITY THEREOF, THAT:

1. All residents are urged to stay home except for the purpose of a) obtaining necessities, including but not limited to food, medicines, toiletries and urgent health care, b) providing essential services, c) engaging in individual outdoor recreational activities that allow for social distancing of at least six (6) feet and do not entail coming into close contact with other people or involve the sharing of equipment, or d) engaging in such other essential activities as are designated in the Governor's Executive Order 2020-21[, as modified by Executive Order 2020-31].
2. In the event individuals leave their home for the purposes stated above, they are urged to refrain from congregating or gathering in groups of more than three persons and to maintain an acceptable social distance of six feet between them and other persons as set forth by the Center for Disease Control guidelines and the Governor's Executive Order 2020-21[, as modified by Executive Order 2020-31].
3. All operators of retail establishments, food service establishments, businesses, and any other building whatsoever that have not been closed by the order of state law are urged to take reasonable precautions to ensure that their occupants, employees, customers, or visitors maintain acceptable social distance from one another, examples include but are not limited to, restricting the number of occupants at one time, marking the floor in six foot increments by checkout, and shielding employees from visitors, and to otherwise comply with the Governor's Executive order 2020-21[, as modified by Executive Order 2020-31].
4. Pursuant to Governor Henry McMaster's Executive Order No. 2020-13, issued March 23, 2020, officers of the City Police Department are authorized "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." This shall include, but is not limited to, occupants of retail establishments, restaurants, businesses, parking lots, sidewalks, streets, parking garages, and any other public spaces.
5. Vendors that provide services or products, including logistics and technological support, are urged to use all reasonable means to ensure social distancing of at least (6) feet from others.

6. [Bars and restaurants which prepare, produce or otherwise offer or sell food or beverages, of any kind, shall permit only such inside or outside or take-out or delivery services as are permitted under the Governor's Executive Orders. Furthermore, operators are urged to follow all applicable social distancing and other precautions and to comply with any applicable guidelines issued by State or Federal public health and safety officials.]
7. This ordinance is not intended to restrict travel outside the corporate limits of the City for any lawful purpose.
8. Should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.
9. In the event Governor Henry McMaster exercises any power enumerated under S.C. Code Ann. §25-1-440 in a manner that conflicts with a provision of this ordinance, the conflicting portion of the ordinance shall immediately cease to have force and effect. Otherwise, this emergency ordinance shall be terminated by the issuance of another ordinance or shall automatically expire on the 15th day after enactment of this ordinance, whichever date is earlier.

This Ordinance shall become effective upon adoption and shall expire fifteen (15) days after the date thereof unless otherwise extended as necessary. [The original expiration date of April 22, 2020 was extended by Emergency Ordinance No. 2673 to May 6, 2020 and further extended by Emergency Ordinance No. 2676 to May 20, 2020.]

DONE RATIFIED AND ADOPTED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SUMTER, SOUTH CAROLINA, ON THIS [April 7, 2020 for Ordinance No. 2669, April 21, 2020 for Ordinance No. 2673, and May 5, 2020 for Ordinance No. 2676]

CITY OF SUMTER, SOUTH CAROLINA

Mayor Joseph T. McElveen

Thomas J. Lowery, Mayor Pro Tem

Ione J. Dwyer, Councilwoman

Calvin T. Hastie, Sr., Councilman

David P. Merchant, Councilman

Steve Corley, Councilman

Colin C. Davis, Councilman

ATTEST:

Linda Hammett, City Clerk

Date of Reading: May 5, 2020

Approved unanimously by all members of City Council at their regular meeting on May 5, 2020 at 1:00PM. For full signed copy, please contact the City Clerk at 803-436-2500.