



## REQUEST FOR COUNCIL ACTION

### City of Greenville, South Carolina

Agenda Item No.

4a

**TO:** Honorable Mayor and Members of City Council

**FROM:** John F. McDonough, City Manager

Ordinance/First Reading
  Ordinance/Second & Final Reading
  Resolution/First & Final Reading
  Information Only

**AGENDA DATE REQUESTED:** 3/18/2020

**ORDINANCE/RESOLUTION CAPTION:**

AN EMERGENCY ORDINANCE TO TEMPORARILY RESTRICT OPERATIONS OF RESTAURANTS, BARS, AND BREWERIES; DEFER CERTAIN BUSINESS LICENSE PAYMENTS; SUSPEND NORMAL OPERATING PROCEDURES FOR CITY BOARDS AND COMMISSIONS; RESTRICT CITY ISSUED PERMITS FOR GATHERINGS OF A CERTAIN SIZE; AND MATTERS RELATED THERETO

**SUMMARY BACKGROUND:**

On March 13, 2020, the President of the United States declared a National Emergency for the United States and its territories in an effort to reduce the spread of the virus. On March 13, 2020, the Governor of the State of South Carolina Henry McMaster declared a state of emergency for the State of South Carolina. On March 17, 2020, Mayor Knox White declared a state of emergency for the city of Greenville ("City") in accordance with Section 12-32 of the City Code of Ordinances.

S.C. Code Ann. §5-7-250 empowers City Council to enact emergency ordinances affecting life, health, safety, or property. City Council deems it proper and necessary to adopt this emergency ordinance in order to: (a) restrict operations of restaurants, bars, and breweries; (b) defer certain business license payments; (c) suspend normal operating procedures for city boards and commissions; (d) restrict City-issued permits for gatherings of a certain size; and (e) request that the Greenville County Magistrate Court stay eviction proceedings.

**IMPACT IF DENIED:**

Potential increase in the spread of the virus in the city of Greenville.

**FINANCIAL IMPACT**

N/A

#### REQUIRED SIGNATURES

Department Director \_\_\_\_\_

OMB Director \_\_\_\_\_

City Attorney \_\_\_\_\_

City Manager \_\_\_\_\_

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*Michael Pitts*

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*John McDonough*

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## AN EMERGENCY ORDINANCE

TO TEMPORARILY RESTRICT OPERATIONS OF RESTAURANTS, BARS, AND BREWERIES; DEFER CERTAIN BUSINESS LICENSE PAYMENTS; SUSPEND NORMAL OPERATING PROCEDURES FOR CITY BOARDS AND COMMISSIONS; RESTRICT CITY ISSUED PERMITS FOR GATHERINGS OF A CERTAIN SIZE; AND MATTERS RELATED THERETO

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

WHEREAS, these measures have taken many forms including travel bans, school closures, cancelation of major events, etc.; 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, on March 17, 2020, Mayor Knox White declared a state of emergency for the city of Greenville (“City”) in accordance with Section 12-32 of the City Code of Ordinances; and

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

WHEREAS, the City is a popular destination with many venues where the public gather such that, for the safety of the community, reasonable temporary restrictions are needed to be placed on the certain establishments within the City where large gatherings of persons occur; and

WHEREAS, the COVID-19 outbreak and the public health measures necessary to curtail its spread have resulted in economic stress for businesses as well as individuals; and

WHEREAS, in light of the foregoing, City Council deems it proper and necessary to adopt this emergency ordinance in order to: (a) restrict operations of restaurants, bars, and breweries; (b) defer certain business license payments; (c) suspend normal operating procedures for city boards and commissions; (d) restrict City-issued permits for gatherings of a certain size; and (e) request that the Greenville County Magistrate Court stay eviction proceedings;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA:

1. Consistent with the Mayor’s proclamation, a State of Emergency within the City is hereby declared.

2. Eating establishments, bars, and breweries within the City are temporarily restricted in order to prohibit dine-in service of food or beverages or to otherwise provide for the on-premise consumption of same; provided however, that said establishments are permitted to provide drive-through, curbside, and delivery service of food during the period of temporary closure.

3. Deadlines for payment of new business licenses and business license renewals are deferred without penalty while this ordinance is in effect unless otherwise prohibited by law or the City’s bond covenants. For the avoidance of doubt, said taxes shall continue to accrue as normal during this period, no taxes are being waived or abated, and any requirements for periodic reporting by taxpayers remain unchanged.

4. Normal operating procedures of City boards and commissions are suspended such that members are permitted 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. For avoidance of doubt, any member of City Council, or any City board or commission participating in a meeting remotely shall be considered present for purposes of a quorum. Provisions shall be made for the public to be able to participate in public meetings and public hearings via electronic or telephonic means.

5. The City Manager is authorized to deny, cancel, and revoke any City-issued permits for events comprised of gatherings of ten or more persons; such permits include but not limited to, the Group Event License, and the Special Event Application for Beer, Wine, and/or Liquor.

6. Council urges the Greenville County Magistrate Court to stay all evictions due to the emergency situation caused by COVID-19.

7. 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.

8. This emergency ordinance shall be terminated by the issuance of another ordinance or shall automatically expire on the 61<sup>st</sup> day after enactment of this ordinance, whichever date is earlier.

DONE, RATIFIED AND PASSED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

REVIEWED:

\_\_\_\_\_  
CITY MANAGER