

AN EMERGENCY ORDINANCE

REQUIRING INDIVIDUALS TO STAY AT HOME UNLESS WORKING AT OR CONDUCTING BUSINESS WITH AN ESSENTIAL SERVICE PROVIDER OR FOR PURPOSES OF ENGAGING IN INDIVIDUAL OUTDOOR RECREATION AND REQUIRING SOCIAL DISTANCING PRACTICES; 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, 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 18, 2020, City Council declared a state of emergency for the city of Greenville (“City”); 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 March 30, 2020, the total number of cases in the United States is approximately 148,089 with at least 774 cases in the State of South Carolina and 71 cases in Greenville 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 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, in light of the foregoing, City Council deems it proper and necessary to adopt this emergency ordinance in order to requiring individuals to stay at home unless working at or conducting business with an essential service provider, or engaging in individual outdoor recreation;

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

1. Effective 12:01 a.m. Thursday, April 2, 2020, individuals shall stay in their homes and not travel through or congregate in the streets, sidewalks, and/or public spaces in the City, including establishments that hold a City business licenses except for the purposes of (a) working at or conducting business with a category of business listed in Exhibit A, attached hereto and made a part hereof (hereinafter “Essential Service” or “Essential Services”), such list to be modified by the Mayor and Council; or (b) to engage in individual outdoor recreational activities as set forth hereinbelow. The City Manager is hereby directed to formulate criteria and a process by which a business may request, and appeal as necessary, Essential Service status which said criteria and process must be approved by City Council; and

2. Individuals, who must go out for purposes of working at or conducting business with any Essential Service provider, shall practice social distancing of at least six (6) feet with the exception of those traveling in the same vehicle to or from an Essential Service for purposes of work or to conduct business at an Essential Service.

3. In accordance with CDC guidelines, social gatherings of ten (10) or more people, for any reason other than working at or receiving Essential Services, is prohibited; however, 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.”

4. Essential Service providers and persons conducting Essential Service operations shall take all reasonable measures, including limiting the number of individuals in their place of business, to facilitate and ensure social distancing of at least six (6) feet at their place of business.

5. Vendors that provide Essential Services or products, including logistics and technological support, shall use all reasonable means to ensure social distancing of at least six (6) feet from others unless assisting another in traveling to or from work or obtaining goods and services.

6. Bars and restaurants which prepare, produce, or otherwise offer or sell food or beverages, of any kind, shall be prohibited from permitting dine-in or on premises consumption of food or beverages whether indoors or outdoors, however, they may continue to offer pickup, take out, or delivery services for consumption off-premises.

7. Non-essential service providers, and persons who are working at or conducting business with non-essential service providers, may conduct business with individual persons by appointment, provided that no appointment times are double-booked and all individuals observe the requirements and restrictions set forth in Paragraphs 2 through 6 hereof.

8. This ordinance is not intended to regulate those activities protected under S.C. Code Ann. § 23-31-510.

9. Individuals should limit outdoor recreational activities to those 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.

10. This ordinance is not intended to restrict travel outside the corporate limits of the City for any lawful purpose.

11. A person who fails to comply with this ordinance shall be guilty of a civil infraction, punishable by a fine of not less than \$100.00. Each day of a continuing violation of this article shall be considered a separate and distinct offense.

12. 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.

13. 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 15<sup>th</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

**EXHIBIT A**

**ESSENTIAL SERVICES**

1. Essential health care operations including, research and laboratory services, hospitals, walk-in-care health facilities, veterinary and livestock services, elder care, medical wholesale and distribution, home health care workers or aides, doctor and emergency dental, nursing homes, or residential health care facilities or congregate care facilities, medical supplies and equipment manufacturers and providers.

2. Essential infrastructure operations including utilities including power generation, fuel supply and transmission, public water and wastewater, telecommunications and data centers, airports/airlines, transportation infrastructure such as bus, rail, or for-hire vehicles, garages, vehicle, bicycle, motorcycle and moped sales, rentals and services, hotels and other places of accommodation, and the operations of the South Carolina Port Authority.

3. Essential manufacturing operations including food processing, manufacturing agents, including all foods and beverages, chemicals, medical equipment/instruments, pharmaceuticals, sanitary products, telecommunications, microelectronics/semi-conductor, agriculture/farms, household paper products, vehicle and aircraft manufacturers and their suppliers printing and copying service operations.

4. Essential retail operations including grocery stores and all food and beverage stores, pet stores that sell food and or medications, big box stores or wholesale clubs that have in house grocery or pharmacy services, pharmacies, convenience stores, direct farm to consumer sales, gas stations, restaurants/bars (but only for take-out or/delivery), hardware and building material store and online retailers that deliver products and services to individual's homes or businesses.

5. Other essential service operations including garbage, trash and recycling collection, processing and disposal, mail and shipping services, laundromats and dry cleaning, building cleaning and maintenance, child care services, warehouse/distribution and fulfillment, funeral homes, crematoriums and cemeteries, storage for essential businesses, animal shelters, daycare and childcare facilities, educational institutions, for purposes of facilitating distance learning, performing critical research, or performing essential functions.

6. News media.

7. Financial Institutions and Professional Services operations including banks, credit unions and check cashing services, insurance, payroll, accounting, services related to financial markets and legal services. Travel agencies for the purpose of cancellations and refunding.

8. Providers of basic necessities to economically disadvantaged populations including, homeless shelters and congregate care facilities, food banks, human services providers whose function includes the direct care of patients in state-licensed or funded voluntary programs, the care, protection, custody and oversight of individuals both in the community and in state-licensed residential facilities; those operating community shelters and other critical human services agencies providing direct care or support.

9. Commercial and residential construction including, skilled trades such as electricians, plumbers, landscape services, pool maintenance, nurseries, other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes, and any other construction or landscaping activity where the contractor or owner can ensure social distancing.

10. Defense operations including defense and national security-related operations supporting the United States Government or a contractor to the United States Government.

11. Essential services necessary to maintain the safety, sanitation and essential operations of residences or other essential businesses including, law enforcement, fire prevention and response, building code enforcement, security, emergency management and response, building cleaners or janitors, general maintenance whether employed by the entity directly or a vendor, automotive, motorcycle and bicycle repair, disinfection, mail, post, shipping, logistics, delivery and pick-up services.

12. Residential and commercial real estate brokers and real estate management.

13. Outdoor recreation facilities where participants can allow for social distancing of at least six (6) feet, there is no close contact with other participants, and there is no sharing of equipment; maintenance of such facilities.

14. To the extent not set forth above, any business or service identified by the United States Department of Homeland Security, Cybersecurity & Infrastructure Agency in its guidance issued on March 19, 2020, as may be amended by said agency.