

COUNTY OF HORRY)
)
STATE OF SOUTH CAROLINA)

ORDINANCE -20

AN EMERGENCY ORDINANCE DECLARING THAT A LOCALIZED STATE OF EMERGENCY EXISTS WITHIN HORRY COUNTY, AUTHORIZING THE APPROPRIATE ACTION TO BE TAKEN IN CONNECTION THEREWITH, AND REQUIRING THE WEARING OF APPROPRIATE FACE COVERINGS BY THE PUBLIC UNDER CERTAIN CIRCUMSTANCES.

WHEREAS, Horry County Council is empowered by section 4-9-130 of the South Carolina Code of Laws and Section 2-26 of the Horry County Code of Ordinances to adopt emergency ordinances, enacted by the affirmative vote of at least two-thirds of the members of council present, and effective immediately upon enactment without regard to any reading, public hearing, publication requirements, or public notice requirements, to meet public emergencies affecting life, health, safety or the property of the people; and

WHEREAS, due to the recognition that COVID-19 poses a significant public health threat for infectious disease spread to our residents and visitors, Council enacted emergency Ordinance 20-20 on March 14, 2020 declaring a localized State of Emergency for Horry County; and

WHEREAS, the County has taken steps, following the lead of the President of the United States, the Governor of the State of South Carolina, the Centers for Disease Control and Prevention (“CDC”), the South Carolina Department of Health and Environmental Control, and other health agencies and authorities, to stem the tide of the spread of COVID-19 in Horry County; and

WHEREAS, despite those actions, the number of confirmed cases of COVID-19 has increased in Horry County, and Council believes that further steps are necessary in this regard to promote the public health and welfare of our residents and visitors; and

WHEREAS, on March 14, 2020 there were 6 confirmed cases and 6 presumptive positive cases in the State of South Carolina, none of which were located in Horry County or surrounding counties, but at present that number has increased to in excess of 39,500 confirmed cases Statewide, to include in excess of 3,700 confirmed cases in Horry County; and

WHEREAS, notably, the State, and in particular, Horry County, has seen an unprecedented rise in the rate of newly confirmed COVID-19 case recently – e.g., on June 1, there were only 454 confirmed cases in Horry County; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) has issued guidance in order to slow the spread of COVID-19 to include, in addition to avoiding mass gatherings, hand hygiene and respiratory etiquette, and social distancing, the wearing of face coverings when physical distancing is difficult; SC DHEC and the Governor of South Carolina have urged South Carolinians to follow those recommendations; and

WHEREAS, County Council finds it necessary to enact an emergency ordinance as a result of its determination that a localized emergency exists within Horry County, directing that certain measures are to be taken to address that emergency, and requiring the wearing of appropriate face coverings by the public under certain circumstances.

NOW, THEREFORE, by the power and authority granted to the Horry County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, the following hereby is ordained and enacted:

1. DECLARATION OF STATE OF EMERGENCY: In accordance with Section 4-9-130 of the South Carolina Code and Section 2-26 of the Horry County Code, Horry County Council hereby declares that a localized emergency exists throughout Horry County, effective immediately, and hereby directs that appropriate action be taken in accordance with the Horry County Comprehensive Emergency Management Plan. Council authorizes the County Administrator to take the measures necessary for the preservation of health and life safety, and the continuation, restoration and recovery of essential public services to include providing for isolation and quarantine, limited travel, modifying personnel requirements and practices, providing for remote access to the workplace by employees, cancelling or postponing events or activities involving group gatherings, suspending the requirement of payment of transactional fees, transferring budgeted federal or state grant monies pursuant to federal/state guidelines, and temporarily restricting or conditioning access by the public to County facilities. Council further authorizes the Administrator to allocate funds to emergency expenditure needs in an amount not to exceed available fund balance, within the general, fire, recreation, stormwater, and waste management recycling funds, without the need for a supplemental budget ordinance or budget ordinance amendment.

2. FACE COVERINGS.

All persons entering any retail business, including without limitation grocery stores and pharmacies, and any business where personal services are dispensed including without limitation hair and/or nail salons, barber shops and tattoo parlors must wear a face covering (as described by the CDC) while inside the establishment. In the event the face covering interferes with the personal service provided, such as a haircut, the covering may be removed while the service is being provided. The business shall not have responsibility for enforcing this requirement, but shall post conspicuous signage at all entrances informing its patrons of the requirements of this Section 2.

All restaurants, and retail establishments including without limitation to grocery stores and pharmacies, and businesses providing personal services including but not limited to hair and/or nail salons, barber shops and tattoo parlors, must require their employees to wear a face covering at all times while working in areas open to the general public or in areas in which interaction with other staff is likely.

Exemptions: Any person who is unable to safely wear a face covering due to age or underlying health condition, who is unable to remove the face covering without the assistance of others, or whose religious beliefs prevent him/her from wearing a face covering. In addition, at the direction of law enforcement or first responder.

A person who fails to comply with this Section 2 shall be guilty of a civil infraction, punishable by a fee of \$25.00 for a first offence, \$50.00 for a second offense, and \$100.00 for a third and subsequent offense. Each day of a continuing violation shall be considered a separate and distinct offense.

All restaurants and accommodations are urged to follow the recommendations of the Governor, CDC, SC DHEC, and the South Carolina Restaurant and Lodging Association. And all residents and visitors are likewise urged to follow the recommendations of the Governor, CDC, and the SC DHEC.

3. TERMINATION/EXPIRATION. This Ordinance will remain in effect for sixty (60) days unless sooner terminated by Resolution of County Council.

4. SEVERABILITY. If any Section, Subsection, or part of this Ordinance shall be deemed or found to conflict with a provision of South Carolina law, or other pre-emptive legal principle, then that Section, Sub-section or part of this Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect.

5. CONFLICT WITH PRECEDING ORDINANCES. If a Section, Sub-section or provision of this Ordinance shall conflict with the provisions of a Section, Sub-section or part of a preceding Ordinance of Horry County, unless expressly so providing, then the preceding Section, Sub-section or part shall be deemed repealed and no longer in effect.

6. EFFECTIVE DATE. This Ordinance shall become effective immediately.

AND IT IS SO ORDAINED, ENACTED AND ORDERED.

Dated this 3rd day of July, 2020.

HORRY COUNTY COUNCIL

Johnny Gardner, Chairman
On behalf of the entire County Council

not
yes no present

- Johnny Gardner, Chairman
- Harold G. Worley, District 1
- Bill Howard, District 2

- Dennis DiSabato, District 3
- Gary Loftus, District 4
- Tyler Servant, District 5
- Cam Crawford, District 6
- Orton Bellamy, District 7
- Johnny Vaught, District 8
- W. Paul Prince, District 9
- Danny Hardee, District 10
- Al Allen, District 11

Attest:

Patricia S. Hartley, Clerk to Council