

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: December 2, 2020

Agenda Items: 2A and 2B	Prepared for: Chris Noury, City Attorney
Agenda Section: Business	Date: November 23, 2020
Subject: Declaration of Extended State of Emergency & Extension of Emergency Ordinance	Division: Legal

**Background:**

On March 11, 2020, the World Health Organization declared a world-wide pandemic due to COVID-19 and 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 the same day, Governor Henry McMaster declared a state of emergency for the State of South Carolina and on March 16, 2020 the City Council declared a state of emergency for the City of North Myrtle Beach. Since that time, City Council has extended the State of Emergency on four occasions (i.e., May 13, 2020, July 8, 2020, August 17, 2020, and October 5, 2020).

Recently, the proliferation of COVID-19 throughout the United States, especially in the State of South Carolina and Horry County, has required that City Council take several steps to protect the health and safety of residents and visitors. At this time, both the Centers for Disease Control and Prevention (CDC) and the South Carolina Department of Health and Environmental Control (SCDHEC) agree that a localized state of emergency still exists.

It is, therefore, necessary to pass an extension of the Declaration of State of Emergency and the accompanying Emergency Ordinance prior to December 4, 2020 when the current extension expires.

**Recommended Action:**

Adopt the 60-day extension of the Declaration of State of Emergency and the Emergency Ordinance.

Reviewed by Department Head	Reviewed by City Manager	Reviewed by City Attorney
-----------------------------	--------------------------	---------------------------

Council Action:  
Motion By \_\_\_\_\_ 2<sup>nd</sup> By \_\_\_\_\_ To \_\_\_\_\_

## ORDINANCE

### **AN EMERGENCY ORDINANCE DECLARING THAT A LOCALIZED STATE OF EMERGENCY EXISTS WITHIN THE CITY OF NORTH MYRTLE BEACH AND AUTHORIZING THE APPROPRIATE ACTION TO BE TAKEN IN CONNECTION THEREWITH.**

**WHEREAS**, North Myrtle Beach City Council is empowered by Section 5-7-250(d) of the South Carolina Code of Laws and Section 2-36.8 of the Code of Ordinances of the City of North Myrtle Beach to adopt emergency ordinances to meet public emergencies affecting life, health, safety or the property of the people; and

**WHEREAS**, pursuant to section 5-7-250(d), such emergency ordinance shall be enacted by the affirmative vote of at least two-thirds of the members of council present, is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements, and shall expire automatically as of the sixty-first day following the date of enactment; and

**WHEREAS**, the North Myrtle Beach City Council found it necessary to enact an emergency ordinance as a result of its determination that a localized emergency existed within the City of North Myrtle Beach, beginning March 16, 2020 and directed that certain measures be taken to address that emergency; and

**WHEREAS**, the City Council of North Myrtle Beach declared an extended state of emergency on May 13, 2020; and

**WHEREAS**, the City Council of North Myrtle Beach declared an extended state of emergency on July 8, 2020; and

**WHEREAS**, the City Council of North Myrtle Beach declared an extended state of emergency on August 17, 2020; and

**WHEREAS**, the City Council of North Myrtle Beach declared an extended state of emergency on October 2, 2020; and

**WHEREAS**, the current emergency declaration is set to expire on December 4, 2020; and

**WHEREAS**, it is the determination of City Council that a localized emergency still exists within the City of North Myrtle Beach.

**NOW, THEREFORE**, by the power and authority granted to the North Myrtle Beach City Council by the Constitution of the State of South Carolina and the powers granted to the City by the General Assembly of the State, the following is hereby ordained and enacted:

- 1. DECLARATION OF STATE OF EMERGENCY:** In accordance with sections 5-7-250(d) of the South Carolina Code of Laws and Section 2.36.8 of the Code of Ordinances for the City of North Myrtle Beach, North Myrtle Beach City Council hereby declares that a localized emergency still exists throughout the City, and hereby amends the Ordinance Declaring a State of Emergency for the City of North Myrtle Beach to be extended.

- 2. **TERMINATION/EXPIRATION:** This Ordinance shall remain in effect for sixty (60) days from passage unless sooner terminated by Resolution of City Council.
- 3. **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, subsection or part of this Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect.
- 4. **CONFLICT WITH PRECEDING ORDINANCES:** If a section, subsection or provision of this Ordinance shall conflict with the provisions of a section, subsection or part of a preceding Ordinance of North Myrtle Beach, unless expressly so providing, then the preceding section, subsection or part shall be deemed repealed and no longer in effect.
- 5. **EFFECTIVE DATE:** This Ordinance shall become effective immediately upon passage.

**AND IT IS SO ORDAINED, ENACTED AND ORDERED**  
**Dated this 2<sup>nd</sup> Day of December, 2020**

**North Myrtle Beach City Council**

\_\_\_\_\_  
**Marilyn Hatley, Mayor**

**On behalf of the entire North Myrtle Beach City Council.**

YES	NO	NOT PRESENT	
___	___	_____	<b>TERRY WHITE</b>
___	___	_____	<b>HANK THOMAS</b>
___	___	_____	<b>J.O. BALDWIN</b>
___	___	_____	<b>FRED COYNE</b>
___	___	_____	<b>NICOLE FONTANA</b>

**ORDINANCE:** 20-35