REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: March 26, 2021

Agenda Items: 2A and 2B	Prepared for: Chris Noury, City Attorney
Agenda Section: Business	Date: March 23, 2021
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 which continues to this day. 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 six occasions (i.e., May 13, 2020, July 8, 2020, August 17, 2020, October 5, 2020, December 2, 2020, and January 27, 2021).

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 March 28, 2021 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_____ 2nd By_____ To_____

DECLARATION OF STATE OF EMERGENCY FOR NORTH MYRTLE BEACH

WHEREAS, according to the Centers for Disease Control (the "CDC"), Novel Coronavirus Disease 2019 ("COVID-19") is a severe acute respiratory illness that can spread among humans through respiratory transmission; and

WHEREAS, 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 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, declared a state of emergency for the State of South Carolina; and

WHEREAS, COVID-19 has spread 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 significant risk of exposure and infection and creating an extreme public health risk; and

WHEREAS, City Council finds that COVID-19 continues to present an increasing danger to the health, safety and welfare of the public; 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, there was a rapid spike of COVID-19 cases throughout South Carolina; and

WHEREAS, Horry County was named a COVID-19 hot spot by SCDHEC; and

WHEREAS, the North Myrtle Beach City Council passed an emergency ordinance on June 30, 2020 requiring face coverings; and

WHEREAS, the wearing of face coverings has helped to minimize the spread of COVID-19 but the amount of cases remains sufficiently high to require maintained vigilance; and

WHEREAS, the North Myrtle Beach City Council finds that a State of Emergency continues to exist due to the circumstances as described above, specifically declaring this State of Emergency for North Myrtle Beach, under the authority granted to it under State and local law, authorizing whatever measures necessary to respond appropriately to the emergency, and requests that State and Federal resources be mobilized in response to this extraordinary health event and resulting losses and damages sustained; and

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

NOW, THEREFORE, the North Myrtle Beach City Council declares an extended State of Emergency to exist in North Myrtle Beach, which as set forth hereinabove, authorizes the City Manager to take the necessary measures to mobilize the necessary life safety mechanisms and responses, and working together with the State and other health organizations and agencies, schools and other governmental and private partners, assist in the taking of all reasonable actions and precautions as is necessary to ensure the fullest possible protection and preservation of life and property and continuation, restoration and recovery of essential public services to include providing for isolation and quarantine, limiting travel, modifying personnel requirements, practices and procedures, providing for remote access to the workplace by employees, canceling or postponing events, activities, appearances, or functions involving group gatherings, suspending the requirement of payment of transactional fees, transferring budgeted federal or state grant monies as necessary pursuant to federal/state guidelines, temporarily suspending attendance requirements for boards, commissions, committees, and the like, temporarily closing certain City facilities or portions thereof and that, in addition, directs that this Declaration be transmitted to the Governor for the State of South Carolina requesting that the Governor make the appropriate declarations and take whatever other actions necessary to address this emergency.

NORTH MYRTLE BEACH CITY COUNCIL

By: _____
Marilyn Hatley

Its: Mayor

Date: March 26, 2021

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 City Council of North Myrtle Beach declared an extended state of emergency on December 2, 2020; and

WHEREAS, the City Council of North Myrtle Beach declared an extended state of emergency on January 27, 2020; and

WHEREAS, the current emergency declaration is set to expire on March 28, 2021; 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, the 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 26th Day of March, 2021

North Myrtle Beach City Council

_____
Marilyn Hatley, Mayor

On behalf of the entire North Myrtle Beach City Council.

YES	NO	NOT PRESENT	
___	___	_____	**TERRY WHITE**
___	___	_____	**HANK THOMAS**
___	___	_____	**J.O. BALDWIN**
___	___	_____	**FRED COYNE**
___	___	_____	**NICOLE FONTANA**

ORDINANCE: 21-14