

ORDINANCE NO.: 2020-034

An Emergency Order Declaring a Stay Home Stay Safe for the City of Columbia, South Carolina

WHEREAS, SARS-CoV-2 (the Coronavirus) the virus that causes the disease COVID-19 is responsible for an outbreak that began in Wuhan, China, and is a serious public health concern; and,

WHEREAS, on March 6, 2020 the City of Columbia convened a meeting of the Midlands Coronavirus Task Force to begin working with other government agencies in an effort to prevent the spread of the disease; and,

WHEREAS, on March 10, 2020, the City of Columbia suspended the normal operating procedures for City Council; 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, Donald J. Trump declared a national emergency for the United States and its territories over the Coronavirus; and,

WHEREAS, on March 13, 2020, the Governor of the State of South Carolina Henry McMaster declared a State of Emergency due to the Coronavirus;

WHEREAS, on March 17, 2020, the Governor of the State of South Carolina Henry McMaster imposed a ban of in-restaurant dining and encouraged and recommended curbside and takeout services at restaurants throughout the State of South Carolina due to the Coronavirus effective March 18, 2020; and,

WHEREAS, on March 17, 2020, the Mayor and City Council declared a local state of emergency in the City of Columbia; 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 of Columbia residents and creating an extreme public health risk; and,

WHEREAS, as of March 23, 2020, the total number of cases in the United States is well over 46,000 cases with at least 298 cases in the State of South Carolina and 45 cases in Richland County and 19 cases in Lexington County with one death; and,

WHEREAS, if COVID-19 spreads in the City of Columbia 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 medical attention, if sick, via a telehealth service provider such as PRISMA, continue to be vigilant with hand-washing, remain calm, and only purchase necessary supplies for immediate use; and,

WHEREAS, by taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the people of Columbia, and limits the spread of infection in our communities and within the health care 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 of Columbia is taking steps to try to protect the citizens and employees of the City of Columbia 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 CDC and the 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 of Columbia; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Columbia this 26th day of March, 2020 as follows:

A. Effective 12:01 a.m. Sunday, March 29, 2020, individuals shall stay in their homes and not travel through or congregate in the streets, sidewalks, waterways and/or public spaces in the City of Columbia, including establishments that hold a City of Columbia business licenses except for the purposes of working at or conducting business with the attached list of businesses (hereinafter "Essential Service" or "Essential Services"), such list to be modified by the Mayor and Council as necessary for the health, safety and welfare of the City of Columbia or to engage in individual outdoor recreational activities as set forth hereinbelow; and,

B. Individuals, who must go out for purposes of working at or conducting business with any Essential Service business provider, shall practice social distancing of at least six 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.

C. Pursuant to 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 Gov. Henry McMaster's Executive Order No. 2020-13, issued March 23, 2020 officers of the Columbia 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."

D. Places conducting Essential Service operations shall take all reasonable measures, including limiting the number of individuals in their businesses, to facilitate and ensure social distancing of at least six feet.

E. 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 feet from others unless assisting another in traveling to or from work or obtaining goods and services.

F. 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.

G. Individuals should limit outdoor recreational activities to those that allow for social distancing of at least six feet, do not entail coming into close contact with other people or involve the sharing of equipment.

H. Any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment as set forth under Sec. 1-5 of the City Code. Each day of violation shall be considered a separate offense.

WHEREAS, the City of Columbia Fire Department, Office of the Fire Marshal, Police Department, Building Inspections Division, and their designees, and Livability Code Enforcement Officers are hereby authorized to inspect and determine whether Essential Operations are in compliance with this Emergency Ordinance. For the duration of this Ordinance, it is unlawful for a person to willfully fail or refuse to comply with any lawful order or direction of these individuals or their designees issued pursuant to this Ordinance; and,

WHEREAS, Ordinance No. 2020-031 is hereby repealed in its entirety and replaced by this Ordinance; and,

WHEREAS, this Ordinance shall become effective upon ratification and shall expire fourteen (14) days after the date thereof unless otherwise extended as necessary to protect the health, safety, and welfare of the City of Columbia.

Requested by:

Mayor _____

Mayor

Approved by:

City Manager

Approved as to form:

ATTEST:

City Attorney

City Clerk

Introduced: 3/26/2020
Final Reading: 3/26/2020

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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 places of accommodation, 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 manufacturing, 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, 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, other construction where the contractor can ensure social distancing.

10. Defense operations including defense and national security-related operations supporting the U.S. Government or a contractor to the US 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.