

EMERGENCY ORDINANCE 4403

AN EMERGENCY ORDINANCE TO REAUTHORIZE THE REQUIREMENTS OF FACE COVERINGS IN CERTAIN CIRCUMSTANCES; TO REAUTHORIZE THE AUTHORIZATION FOR ELECTRONIC MEETINGS; AND OTHER MATTERS RELATED THERETO.

WHEREAS, on March 13, 2020, Governor Henry McMaster issued Executive Order No. 2020-08, as extended by Executive Order 2020-40 dated June 11, 2020, related to 2019 Novel Coronavirus (“**COVID-19**”) and declared that a state of emergency exists in the State of South Carolina (the “**State**”); and

WHEREAS, on March 17, 2020, Governor Henry McMaster issued Executive Order No. 2020-10 directing local governing bodies to “utilize any available technology or other reasonable procedures to conduct such meeting and accommodate public participation via virtual or other remote or alternate means”; and

WHEREAS, on August 11, 2020, the City Council of the City of Hartsville (the “City Council”), as the governing body of the City of Hartsville, South Carolina (the “City”) enacted Emergency Ordinance No. 4401 (the “Prior Emergency Ordinance”) to temporarily authorize electronic meetings and to suspend other local procedural rules and to require face coverings in certain circumstances; and

WHEREAS, the South Carolina Freedom of Information Act, which is codified at Title 30, Chapter 4 of the Code of Laws of South Carolina 1976, as amended, defines a “Meeting” as “the convening of a quorum of the constituent membership of a public body, whether corporal *or by means of electronic equipment*, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power” (emphasis added); and

WHEREAS, South Carolina law provides that an emergency ordinance shall expire automatically on the sixty-first day following its enactment, and, therefore, the Prior Emergency Ordinance expired on October 11, 2020; and

WHEREAS, as the number of COVID-19 cases continues to grow in the State, the South Carolina Department of Health and Environmental Control (“**DHEC**”) continues to warn of the risk of localized person-to-person spread of COVID-19, creating an extreme public health risk; and

WHEREAS, the Governing Body finds it vitally important that individuals work together to decrease the widespread proliferation of COVID-19 among citizens of the City; and

WHEREAS, due to the continuation of the public health threat posed by COVID-19, the Governing Body finds that it is additionally necessary to reauthorize and extend the Prior

Emergency Ordinance to continue the authorization to conduct public meetings and hearings using electronic means and requiring face coverings in certain circumstances; and

WHEREAS, it is hereby determined that the continuation and spread of COVID-19 represents a public emergency affecting life, health, and safety, and therefore, it is proper, necessary, and essential to enact this Ordinance as an emergency ordinance.

NOW THEREFORE, be it hereby ordained in this meeting of the Governing Body, as follows:

Section 1. Reauthorization of the Prior Emergency Ordinance. While the Prior Emergency Ordinance expired on October 11, 2020, the Governing Body hereby reauthorizes and extends the provisions of the Prior Emergency Ordinance No. 4401 during such time as the state of emergency with respect to COVID-19 continues or this Ordinance expires pursuant to Section 3 hereof.

Section 2. Suspension of Local Provisions. During the period of effectiveness of this Ordinance, any ordinance, resolution, policy, or bylaw of the Governing Body that conflicts with the provisions hereof is suspended and shall be superseded hereby.

Section 3. Effective Date; Expiration. The provisions hereof shall be effective upon a single hearing and two-thirds vote of the Governing Body and shall expire on the sixty-first day following the effective date hereof.

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DONE AS AN EMERGENCY ORDINANCE and approved at a meeting duly assembled by no less than an affirmative vote of two-thirds of the members of the Governing Body present, this 13th day of October 2020.

**CITY OF HARTSVILLE, SOUTH
CAROLINA**

(SEAL)

Carl M. (Mel) Pennington IV, Mayor

ATTEST:

Sherron L. Skipper, City Clerk