

**EMERGENCY PROCLAMATION
TOWN OF MOUNT PLEASANT
(MAY 5, 2020)
(MODIFYING EMERGENCY PROCLAMATION
DATED APRIL 23, 2020 AS FOLLOWS)**

WHEREAS, in December 2019, an outbreak of respiratory illness due to a novel coronavirus (COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, across the world, including the United States; and,

WHEREAS, on January 23, 2020, the Center for Disease Control (“CDC”) activated its Emergency Response System to provide ongoing support for the response to COVID-19; and,

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency to assist with combating the coronavirus, and,

WHEREAS, on March 13, 2020, Governor Henry McMaster issued Executive Order number 2020-08 declaring a State of Emergency in South Carolina. Governor McMaster has since issued Executive Orders 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, 2020-14, 2020-15, 2020-16, 2020-17, 2020-18, 2020-19, 2020-20, 2020-21, 2020-22, 2020-23, 2020-25, 2020-28, 2020-29, 2020-30 and 2020-31 providing further guidance; and,

WHEREAS, on March 16, 2020, I, Mayor J. William Haynie, declared a local State of Emergency in the Town of Mount Pleasant, later extended the State of Emergency by Proclamations through April 15, 2020, April 30, 2020 and May 7, 2020 respectively; and,

WHEREAS, on March 31, 2020, I, Mayor J. William Haynie, issued a Proclamation creating an Essential Services list and, among other things, restricting travel to and from those Essential Services;

WHEREAS, on March 31, 2020, Governor Henry McMaster issued Executive Order number 2020-17 ordering the closure of “Non-Essential Business, Venues, Facilities, Services, and Activities for Public Use” (since updated) and accompanying provisions addressing “Clarification and Provisional Determination Process”, “Enforcement” and “General Provisions”; and

WHEREAS, on April 1, 2020, I, Mayor J. William Haynie, issued a Proclamation revoking prior Proclamations and adopting the Governor’s Executive Order 2020-17; and

WHEREAS, on April 6, 2020, Governor Henry McMaster issued Executive Order number 2020-21 ordering, as of Tuesday April 7, 2020 at 5:00 p.m., residents and visitors of the State of South Carolina to limit movements outside of their Residence, as defined in the Order, for purposes of engaging in Essential Business, Essential Activities, or Critical Infrastructure Activities subject to exceptions further defined in the Order; and

WHEREAS, on April 7, 2020, I, Mayor J. William Haynie, issued a Proclamation revoking prior Proclamations and adopting the Governor's Executive Order 2020-21; and

WHEREAS, on April 20, 2020, Governor Henry McMaster issued Executive Order number 2020-28 superseding certain provisions of Executive Order number 2020-21 by modifying emergency restrictions for public beaches and waters and by modifying Non-Essential business closures; and

WHEREAS, on April 23, 2020, I, Mayor J. William Haynie, issued a Proclamation revoking prior Proclamations and adopting the Governor's Executive Order 2020-28; and

WHEREAS, COVID-19 continues to spread across the state with the South Carolina Department of Health and Environmental Control ("DHEC") confirming the localized person-to-person spread of COVID-19 in South Carolina, which indicates a significantly increasing risk of exposure and infection to Town of Mount Pleasant residents and creating an extreme public health risk; and,

WHEREAS, as of May 5, 2020, the total number of reported cases in the United States is well over 1.2 million with at least 6,600 cases reported in the State of South Carolina; and,

WHEREAS, if COVID-19 spreads in the Town of Mount Pleasant at a rate comparable to the rate of spread in other parts of the United States and 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 the Town practice sheltering at home, unless providing or requiring an essential service, remaining at a safe distance of at least six (6) feet from others while in public, seeking medical attention, if sick, via a telehealth service provider, continuing to be vigilant with hand-washing, remaining calm, and only purchasing 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 Mount Pleasant, 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 Town of Mount Pleasant is taking steps to try to protect the citizens and employees of the Town of Mount Pleasant from increased risk of exposure; and

WHEREAS, in accordance with the provisions of Chapter 41 of the Town of Mount Pleasant Code of Ordinances, I, as Mayor, am authorized 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 act 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 Town of Mount Pleasant.

NOW, THEREFORE, I, J. WILLIAM HAYNIE, Mayor of the Town of Mount Pleasant, in accordance with the authority vested in me by state and local law, **HEREBY MODIFY EMERGENCY PROCLAMATION DATED APRIL 23, 2020 AND ORDER AS FOLLOWS:**

1. On May 1, 2020, Governor McMaster issued Executive Order 2020-30 and, among other things, rescinded mandatory self-quarantine and lodging and travel restrictions for individuals entering South Carolina from high risk areas. Governor McMaster further rescinded restrictions on short-term rentals, vacation rentals or other lodging accommodations. **Executive Order 2020-30 is attached hereto as Exhibit A.** The Town, in order to effectuate the Governor's Order and maintain consistency, hereby adopts the provisions of 2020-30 and any future amendments thereto.
2. On May 1, 2020, Governor McMaster issued Executive Order 2020-31 and, among other things, modified the prior Home or Work Order and authorized outdoor dining services. **Executive Order 2020-31 is attached hereto as Exhibit B.** The Town, in order to effectuate the Governor's Order and maintain consistency, hereby adopts the provisions of 2020-31 and any future amendments thereto. Further, the Governor has authorized the South Carolina Department of Commerce to provide supplemental guidance and clarification related to business closures. **All Town of Mount Pleasant citizens and business owners are requested to review Executive Order 2020-31 related to business closures and operating procedures and to direct all inquiries to the South Carolina Department of Commerce as provided in the Orders.**
3. Individuals, who must go out for purposes of working at or conducting essential business, shall practice social distancing of at least six feet with the exception of those traveling in the same vehicle for purposes of transportation to work or conducting business in accordance with the Governor's Order.
4. Pursuant to the Executive Order of Gov. Henry McMaster issued March 23, 2020, Executive Order No. 2020-13, officers of the Mount Pleasant 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."
5. Places of business shall take all reasonable measures to facilitate social distancing of at least six (6) feet.

6. Pursuant to Executive Order 2020-28, Governor McMaster rescinded his prior order closing public access to public piers, docks or wharfs, to include any adjacent or associated public parking lots or other public facilities. However, Governor McMaster further authorized municipalities having jurisdiction and control over public piers, docks or wharfs, to include any adjacent or associated public parking lots or other public facilities to close, in whole or in part, or otherwise restrict the use of the same if it is determined that such action is necessary to preserve or protect public health. In accordance with the provisions of Executive Order 2020-28, the Shem Creek Boardwalk, the pier at Waterfront Park, and Pitt Street Bridge shall remain closed as social distancing and other safety requirements cannot be implemented or enforced at these locations.
7. Subject to social distancing and other requirements provided in this Proclamation and any Executive Orders, and as approved by vote of the Town of Mount Pleasant Town Council on April 27, 2020, public recreation areas may open for public use. Uses of public facilities are subject to Town Council's conditions as well as staff rules and procedures necessary to ensure safe activities.
8. 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.
9. For the duration of this Proclamation, it is unlawful for a person to willfully fail or refuse to comply with any lawful order or direction their issued pursuant to this Proclamation and any orders of the Governor.
10. This Proclamation and any amendments thereto are intended to effectuate any past and future Executive Orders issues by the Office of the Governor.
11. The State of Emergency in the Town of Mount Pleasant shall remain in place, as previously ordered, until 11:59 p.m. on May 7, 2020.
12. This Proclamation shall become effective upon ratification and shall expire at 11:59 p.m. on May 7, 2020, unless otherwise extended as necessary to protect the health, safety, and welfare of the Town of Mount Pleasant.

ALL PRIOR FINDINGS AND ACTIONS SHALL REMAIN IN EFFECT UNLESS REVOKED OR SUPERSEDED BY THIS PROCLAMATION. THIS PROCLAMATION MAY BE SUPERSEDED IN PART OR IN FULL BY THE OFFICE OF THE GOVERNOR.

SIGNED, SEALED AND DELIVERED THIS 5th DAY OF MAY, 2020.



J. William Haynie, Mayor
Town of Mount Pleasant

Attest:



Christine Barrett
Clerk of Council

May 5, 2020
Mount Pleasant, SC

APPROVED AS TO FORM:



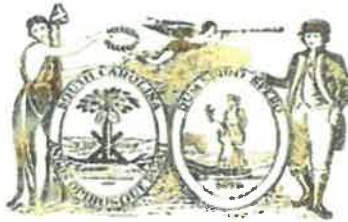
David G. Pagliarini
Corporation Counsel

EXHIBIT A

EXECUTIVE ORDER 2020-30

State of South Carolina

Executive Department



Office of the Governor

EXECUTIVE ORDER NO. 2020-30

WHEREAS, the State of South Carolina has taken, and must continue to take, all necessary and appropriate actions in confronting the evolving public health threat presented by the 2019 Novel Coronavirus (“COVID-19”), while also simultaneously addressing the significant economic impacts and other consequences associated with the COVID-19 pandemic and facilitating economic recovery and revitalization in a safe, strategic, and incremental manner; and

WHEREAS, in proactively preparing for and promptly responding to the threat posed by COVID-19, the undersigned issued Executive Order No. 2020-08 on March 13, 2020, declaring a State of Emergency based on a determination that COVID-19 represented an imminent public health emergency for the State of South Carolina; and

WHEREAS, in addition to declaring an initial State of Emergency on March 13, 2020, the undersigned has issued various Executive Orders initiating and directing further extraordinary measures to address the significant public health, economic, and other impacts associated with COVID-19, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, and 2020-29; and

WHEREAS, on March 27, 2020, based on guidance and recommendations from the White House Coronavirus Response Coordinator and members of the White House Coronavirus Task Force, the undersigned issued Executive Order No. 2020-14, directing that individuals who enter the State of South Carolina from an area with substantial community spread of COVID-19—to include the Tri-State Area (consisting of the States of New York, New Jersey, and Connecticut) and the City of New Orleans, Louisiana—shall be required to isolate or self-quarantine for a period of fourteen (14) days from the time of entry into the State of South Carolina or the duration of the individual’s presence in South Carolina, whichever period is shorter; and

WHEREAS, on March 28, 2020, the Centers for Disease Control and Prevention (“CDC”) issued a Domestic Travel Advisory for the Tri-State Area due to extensive community transmission of COVID-19 in the area and urged residents to refrain from non-essential domestic travel for a period of fourteen (14) days; and

WHEREAS, on March 29, 2020, based on updated information and recommendations from the CDC, the President of the United States and the White House Coronavirus Task Force extended and expanded the provisions of the Coronavirus Guidelines for America until April 30, 2020, due to the ongoing nature and evolving scope of the global COVID-19 pandemic; and

WHEREAS, in light of the foregoing, and in response to the CDC's Domestic Travel Advisory, the undersigned issued Executive Order No. 2020-19, directing that effective Friday, April 3, 2020, at 5:00 p.m., any and all individuals, entities, or establishments engaged in the provision of short-term rentals, vacation rentals, or other lodging accommodations or operations in exchange for consideration in the State of South Carolina are prohibited from making or accepting new reservations or bookings from or for individuals residing in or travelling from any country, state, municipality, or other geographic area subject to or identified in a CDC travel advisory or other CDC notice as a location with extensive community transmission of COVID-19, to include the Tri-State Area; and

WHEREAS, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned "may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation"; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is "responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility," to include issuing, amending, and rescinding "emergency proclamations and regulations," which shall "have the force and effect of law as long as the emergency exists"; and

WHEREAS, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to "transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable," and to "compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order"; and

WHEREAS, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to "direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein"; and

WHEREAS, for the aforementioned and other reasons, and based on the latest data from the South Carolina Department of Health and Environmental Control (“DHEC”) and the recent expiration of the CDC’s Domestic Travel Advisory for the Tri-State Area, the undersigned has determined that it is necessary and appropriate to revisit and rescind Executive Order Nos. 2020-14 and 2020-19, as extended by Executive Order No. 2020-29, as part of the ongoing process of facilitating economic recovery and revitalization in a safe, strategic, and incremental manner.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Rescission of Mandatory Self-Quarantine and Lodging and Travel Restrictions for Individuals Entering South Carolina from High-Risk Areas

A. I hereby rescind Executive Order No. 2020-14, as modified and amended by Section 1(E) of Executive Order No. 2020-19 and extended by Section 1(H) of Executive Order No. 2020-29, which required certain individuals who entered the State of South Carolina from an area with substantial community spread of COVID-19 to isolate or self-quarantine for a period of fourteen (14) days from the time of entry into the State of South Carolina or the duration of the individual’s presence in South Carolina, whichever period was shorter.

B. I hereby rescind Executive Order No. 2020-19, as extended by Section 1(H) of Executive Order No. 2020-29, which prohibited individuals, entities, or establishments engaged in the provision of short-term rentals, vacation rentals, or other lodging accommodations or operations in exchange for consideration in the State of South Carolina from making or accepting new reservations or bookings from or for individuals residing in or travelling from any area subject to or identified in a CDC travel advisory or other CDC notice as a location with extensive community transmission of COVID-19.

C. Notwithstanding the foregoing, individuals are still subject to the provisions of prior and future Orders issued by the undersigned in connection with the State of Emergency, to include Executive Order No. 2020-13, as extended by Executive Order No. 2020-29, which expressly authorizes any and all law enforcement officers of the State, or any political subdivision thereof, 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 congregation or gathering is deemed to pose, or could pose, a threat to public health.

D. Except as expressly provided herein, this Section shall not be construed to modify, amend, or otherwise alter the provisions of any prior or future Orders issued by the undersigned in connection with the State of Emergency and does not repeal, by implication or otherwise, the terms and provisions of, *inter alia*, Executive Order No. 2020-21, Executive Order No. 2020-18, and Executive Order No. 2020-10, as extended by Executive Order No. 2020-29. The aforementioned Orders shall remain in effect for the duration of the State of Emergency unless and until otherwise modified, amended, or rescinded by subsequent Order.

Section 2. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

D. This Order is effective immediately. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.



GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 1st DAY OF
MAY, 2020.

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State

EXHIBIT B

EXECUTIVE ORDER 2020-31

State of South Carolina

Executive Department



Office of the Governor

EXECUTIVE ORDER NO. 2020-31

WHEREAS, the State of South Carolina has taken, and must continue to take, all necessary and appropriate actions in confronting the evolving public health threat presented by the 2019 Novel Coronavirus (“COVID-19”), while also simultaneously addressing and mitigating the significant economic and other impacts and burdens on individuals, families, and businesses and facilitating economic recovery and revitalization in a safe, strategic, and incremental manner; and

WHEREAS, in proactively preparing for and promptly responding to the threat posed by COVID-19, the undersigned issued Executive Order No. 2020-08 on March 13, 2020, declaring a State of Emergency based on a determination that COVID-19 represented an imminent public health emergency for the State of South Carolina; and

WHEREAS, in addition to declaring an initial State of Emergency on March 13, 2020, the undersigned has issued various Executive Orders initiating and directing further extraordinary measures to address the significant public health, economic, and other impacts associated with COVID-19, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, and 2020-29; and

WHEREAS, on March 16, 2020, based on updated information and recommendations from the Centers for Disease Control and Prevention (“CDC”), the President of the United States and the White House Coronavirus Task Force issued new guidance—titled, “The President’s Coronavirus Guidelines for America: 15 Days to Slow the Spread of Coronavirus (COVID-19)” — to help protect Americans during the global COVID-19 outbreak; and

WHEREAS, the President’s Coronavirus Guidelines for America recommend, *inter alia*, that the American people “[w]ork or engage in schooling from home whenever possible”; “[a]void social gatherings in groups of more than 10 people”; “[a]void eating or drinking at bars, restaurants, and food courts—use drive-thru, pickup, or delivery options”; and “[a]void discretionary travel, shopping trips, and social visits”; and

WHEREAS, on March 17, 2020, based on updated information and recommendations from the CDC, the President of the United States, and the White House Coronavirus Task Force,

the undersigned issued Executive Order No. 2020-10, directing additional emergency measures in response to the threat posed by COVID-19, to include temporarily prohibiting restaurants from providing certain food services for on-premises consumption and prohibiting events at government facilities that would convene fifty (50) or more people in a single room, area, or other confined indoor or outdoor space; and

WHEREAS, on March 21, 2020, the undersigned issued Executive Order No. 2020-12, initiating additional actions to provide regulatory relief to facilitate effective “social distancing” practices and to mitigate the significant economic impacts associated with COVID-19 on individuals and businesses throughout the State, particularly restaurants and other food-service establishments; and

WHEREAS, on March 29, 2020, the President of the United States extended and expanded the provisions of his Coronavirus Guidelines for America until April 30, 2020, based on the ongoing nature and evolving scope of the global COVID-19 pandemic; and

WHEREAS, on April 6, 2020, the undersigned issued Executive Order No. 2020-21, directing, *inter alia*, that effective Tuesday, April 7, 2020, at 5:00 p.m., any and all residents and visitors of the State of South Carolina are required to limit social interaction, practice “social distancing” in accordance with CDC guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and shall limit their movements outside of their Residence, except for purposes of engaging in Essential Business, Essential Activities, or Critical Infrastructure Operations, as such terms are further defined therein; and

WHEREAS, on April 16, 2020, the President of the United States issued new Guidelines on Opening Up America Again, which contemplate individual States reopening in phases using a deliberate, data-driven approach tailored to address the situation in each State; and

WHEREAS, on April 20, 2020, based on the latest data from the South Carolina Department of Health and Environmental Control (“DHEC”), the undersigned issued Executive Order No. 2020-28, amending, *inter alia*, certain provisions of Executive Order Nos. 2020-18 and 2020-21, as extended by Executive Order No. 2020-23, to initiate specific modifications to prior “non-essential” business closures so as to begin the process of safely, strategically, and incrementally reopening businesses and facilitating economic recovery and revitalization; and

WHEREAS, on April 27, 2020, the undersigned issued Executive Order No. 2020-29, declaring an additional, distinct State of Emergency—based on recent developments, new facts, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances, to include the continued spread of COVID-19 and the significant economic consequences for individuals and businesses in this State—and implementing additional extraordinary measures to address the same, while also extending provisions of certain of the aforementioned and other Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

WHEREAS, the COVID-19 pandemic represents an evolving public health threat, which requires that the State of South Carolina continue to take all necessary and appropriate actions in proactively preparing for and promptly responding to the ongoing emergency, while also

attempting to mitigate the significant economic and other impacts and burdens on individuals, families, and businesses and providing appropriate flexibility and relief to facilitate the same; and

WHEREAS, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned “may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation”; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

WHEREAS, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to “direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

WHEREAS, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, “[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer”; and

WHEREAS, it is axiomatic that “[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and protect the same are clearly contained in the police power inherent in the sovereign,” 1980 S.C. Op. Att’y Gen. 142 (Sept. 5, 1980); and

WHEREAS, the State of South Carolina must remain flexible to account for the evolving nature and scope of the public health emergency posed by COVID-19, while also simultaneously continuing the process of safely, strategically, and incrementally reopening businesses and facilitating economic recovery and revitalization; and

WHEREAS, for the aforementioned and other reasons, and based on the latest data from DHEC and the CDC, the undersigned has determined that it is necessary and appropriate to revisit

and modify the terms and provisions of Executive Order Nos. 2020-10 and 2020-21, as extended by Executive Order No. 2020-29, as part of the ongoing process of facilitating economic recovery and revitalization in a safe, strategic, and incremental manner, while also further encouraging effective “social distancing” practices and implementing additional proactive measures to provide for and ensure the health, safety, security, and welfare of the people of this State.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Modification of Home or Work Order

A. I hereby modify and amend the provisions of Section 1(B) of Executive Order No. 2020-21, as extended by Section 1(H) of Executive Order No. 2020-29—which required any and all residents and visitors of the State of South Carolina to limit social interaction, practice “social distancing” in accordance with CDC guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and further required individuals to limit their movements outside of their Residence, except for purposes of engaging in Essential Business, Essential Activities, or Critical Infrastructure Operations, as such terms are further defined therein—by deleting Section 1(B) in its entirety and substituting the following language, effective Monday, May 4, 2020, at 12:01 a.m.:

B. I hereby urge any and all residents and visitors of the State of South Carolina to limit social interaction, practice “social distancing” in accordance with CDC guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and further encourage residents and visitors of the State of South Carolina to limit their movements outside of their home, place of residence, or current place of abode (collectively, “Residence”), except as specified by this Order, for purposes of engaging in Essential Business, Essential Activities, or Critical Infrastructure Operations, as set forth below and as such terms are further defined herein.

All remaining provisions of Executive Order No. 2020-21, as amended by Executive Order No. 2020-28 and extended by Executive Order No. 2020-29, shall remain in effect for the duration of the State of Emergency unless and until otherwise modified, amended, or rescinded by subsequent Order.

B. Except as expressly provided herein, this Section shall not be construed to modify, amend, or otherwise alter the provisions of any prior or future Orders issued by the undersigned in connection with the State of Emergency and does not repeal, by implication or otherwise, the terms and provisions of, *inter alia*, Executive Order No. 2020-18, as amended by Executive Order No. 2020-28 and extended by Executive Order No. 2020-29. The aforementioned Orders shall remain in effect for the duration of the State of Emergency unless and until otherwise modified, amended, or rescinded by subsequent Order.

C. Notwithstanding the foregoing, individuals are still subject to the provisions of prior and future Orders issued by the undersigned in connection with the State of Emergency, to

include Executive Order No. 2020-13, as extended by Executive Order No. 2020-29, which expressly authorizes any and all law enforcement officers of the State, or any political subdivision thereof, 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 congregation or gathering is deemed to pose, or could pose, a threat to public health.

Section 2. Authorization of Outdoor Dining Services

A. I hereby modify and amend the provisions of Section 4 of Executive Order No. 2020-10, as extended by Section 1(H) of Executive Order No. 2020-29—which directed Restaurants, as defined therein, to suspend services for, and not to permit, on-premises or dine-in consumption—so as to authorize Restaurants to provide outdoor customer dining services, effective Monday, May 4, 2020, at 12:01 a.m., in addition to previously authorized services for off-premises consumption.

B. Restaurants that elect to provide outdoor customer dining services, as authorized herein, should consider and incorporate industry guidelines regarding outdoor seating, such as those prepared and published by the South Carolina Restaurant and Lodging Association, in addition to undertaking and implementing all reasonable steps to comply with any applicable sanitation guidelines promulgated by the CDC, DHEC, or any other state or federal public health officials:

C. I hereby authorize DHEC to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Section or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

D. Except as expressly provided herein, this Section shall not be construed to modify, amend, or otherwise alter the provisions of any prior or future Orders issued by the undersigned in connection with the State of Emergency and does not repeal, by implication or otherwise, the terms and provisions of, *inter alia*, Executive Order No. 2020-12, as extended by Executive Order No. 2020-29, or the remaining terms and provisions of Executive Order No. 2020-10, as extended by Executive Order No. 2020-29. The aforementioned Orders shall remain in effect for the duration of the State of Emergency unless and until otherwise modified, amended, or rescinded by subsequent Order.

Section 3. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph,

sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

D. This Order is effective immediately. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.



**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 3rd DAY OF
MAY, 2020.**

Handwritten signature of Henry McMaster in blue ink.

HENRY MCMASTER
Governor

ATTEST:
Handwritten signature of Mark Hammond in blue ink.
MARK HAMMOND
Secretary of State