

ORDINANCE NO. 20028

STATE OF SOUTH CAROLINA) AN EMERGENCY ORDINANCE TO
) TEMPORARILY AUTHORIZE THE USE OF
) NEW OR ADDITIONAL AREAS FOR
) OUTDOOR DINING AND RETAIL SERVICES
)
COUNTY OF CHARLESTON)
)
)
)
TOWN OF MOUNT PLEASANT)

WHEREAS, it is well recognized that SARS-CoV-2, the virus that causes the disease COVID-19, presents a public health concern that requires extraordinary protective measures and vigilance; and

WHEREAS, these matters have taken many forms across the nation including travel bans, school closures, individual quarantines, and cancellation of major events, among other measures; and

WHEREAS, the Town of Mount Pleasant is working with other government agencies in an effort to prevent the spread of disease; and

WHEREAS, Section 5-7-250 of the South Carolina Code of Laws empowers Council to enact emergency ordinances affecting life, health, or safety; and

WHEREAS, during this period the Town of Mount Pleasant must consider the welfare of its businesses while protecting the health and welfare of its citizens;

WHEREAS, in light of the foregoing, Mount Pleasant Town Council deems it proper and necessary to adopt this emergency ordinance in order to temporarily suspend certain provisions of the Town of Mount Pleasant Code of Ordinances related to outdoor dining and retail services

for the purpose of allowing businesses to reopen or continue operating without undue hardship. Specifically, Town zoning ordinances or regulations related to dining and retail services shall be temporarily suspended in order to allow display, storage, or sale of merchandise and sale, service and consumption of food or drinks, including alcoholic beverages, in certain temporary outdoor areas on private property subject to the following:

1. All properly licensed food service or retail businesses in the Town of Mount Pleasant wishing to offer outdoor services shall first apply to the Town of Mount Pleasant Planning Department and provide necessary information as directed by the Planning Director;
2. All applicants shall be properly licensed by the appropriate state and local agencies to perform activities, sales and services;
3. Approved outdoor business operations shall refrain from creating or allowing noise, including playing or allowing amplified music, in violation of the Town's noise ordinance;
4. Approved outdoor business operations shall refrain from encroaching on public right-of-way and shall not interfere with handicap parking spaces;
5. Adequate onsite parking for patrons shall still be maintained;
6. Safe pedestrian and vehicular access and all access required under the Americans with Disabilities Act shall be maintained;
7. Fire and emergency access shall not be impeded;
8. All sales or consumption of alcoholic beverages shall be in compliance with the provisions of the South Carolina Alcohol Beverage Control Act and any other federal, state or local laws or regulations. Additionally, any business legally serving alcoholic

beverages shall clearly delineate, by use of physical markers and barriers, areas where alcoholic beverages are to be served and consumed, and such service or consumption shall not take place outside of marked areas. Signage reading "No Alcohol Beyond This Point" shall be posted at all exit points and as necessary;


9. All business activities shall comply with current safety and social distancing guidelines as promulgated by the CDC, the State of South Carolina, and the Town of Mount Pleasant;
10. Outdoor dining services shall comply with the provisions of Executive Order 2020-31, issued by Governor McMaster on May 3, 2020, and any amendments thereto, including incorporation of industry guidelines regarding outdoor seating as well as CDC and DHEC regulations;
11. Approved outdoor business operations are valid and allowed for the duration of this Emergency Ordinance or any extensions, modifications or replacements thereto, unless revoked by the Town;
12. This Emergency Ordinance may be terminated by the Town at any time.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Municipality of Mount Pleasant, in Council assembled, temporarily suspends provisions of the Town of Mount Pleasant Code of Ordinances related to outdoor dining and retail services for the purpose of allowing businesses to reopen or continue operating without undue hardship. Specifically, Town zoning ordinances or regulations related to prior approval of outdoor dining and retail services shall be temporarily suspended in order to allow display, storage, or sale of merchandise as well as the sale, service and consumption of food or drinks, including alcoholic beverages, in outdoor areas on private property subject to provisions of this Ordinance. This emergency ordinance shall be terminated by Act of Town Council, the issuance of another

ordinance, or shall automatically expire on the 61st day after enactment of this ordinance,
whichever date is earliest.

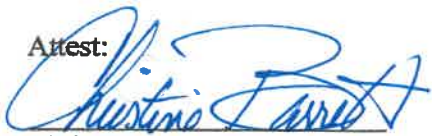
THIS ORDINANCE SHALL BE DEEMED EFFECTIVE UPON FIRST READING BY A TWO-THIRDS VOTE OF ELIGIBLE COUNCIL MEMBERS.

SIGNED, SEALED AND DELIVERED THIS 5 DAY OF May, 2020.



J.W. Haynie, Mayor
Town of Mount Pleasant

Attest:



Christine Barrett
Clerk of Council

May 5, 2020
Mount Pleasant, SC

Effective Date: May 5, 2020

APPROVED AS TO FORM:



David G. Pagliarini
Corporation Counsel