

**ORDINANCE AUTHORIZING THE DECLARATION OF A
STATE OF EMERGENCY AND
ESTABLISHMENT OF EMERGENCY POWERS OF
THE MAYOR AND COUNCIL**

WHEREAS, The City's current ordinance addressing the Mayor and/or Council's duties during a state of emergency (Ordinance section 2-62) is deemed inadequate and lacks the specificity needed to adequately empower the Mayor and City Council to deal with events designated as a state of emergency; and

WHEREAS, City desires to repeal the current emergency ordinance, above cited, and replace same with the within ordinance; and

WHEREAS, City is mindful of section 1-9-10 et, seq. of the 1976 South Carolina Code of Laws, as amended known as the "Emergency Interim Executive and Judicial Succession Act"; and

WHEREAS, the within ordinance, when in conflict with the Emergency Interim Executive and Judicial Succession Act, or other State statute, the controversy shall be resolved in favor of the State act; and

WHEREAS, City desires to be proactive in addressing the duties and powers of the Mayor and Council during a state of emergency; and

WHEREAS, City believes the safety of its citizens and the protection of property must be accorded reasonable safeguards at all times; however, during a state of emergency, arbitrary powers and duties must be available to the Mayor and Council in order to implement extraordinary and unconventional protective measures during times when existing ordinances and/or conventional procedures are deemed inadequate to address the particular state of emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LAURENS:

1) DEFINITION OF EMERGENCY.

A state of emergency shall be deemed to exist within the City whenever, during times of great public crisis, disaster, rioting, civil disturbance or catastrophe, or for any other reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives, safety, health, welfare or property.

2) POWERS OF MAYOR AND/OR COUNCIL DURING STATE OF EMERGENCY.

- (a) In the event a state of emergency threatening or endangering lives, safety, health, property and welfare of the people within the City, the Mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively protect the lives,

safety and property of people within the City, to define and impose a curfew applicable to all persons within the jurisdiction of the City.

- (b) The Mayor may order the close of any business establishment located in the City during a declared state of emergency.
- (c) The Mayor may designate any public street, thoroughfare, or vehicle parking area closed to motor vehicles and/or pedestrian traffic during a declared state of emergency.
- (d) The Mayor may call up regular and auxiliary law enforcement agencies and organizations within or without the city to assist in preserving and keeping peace and good order within the City during a declared state of emergency.

3) LIMITATION OF APPLICATION OF CURFEW.

The Mayor is hereby authorized and empowered to limit the application of the curfew, as authorized above, to any area specifically designated and described within the jurisdiction of the City and to specific hours of the day or night, and to exempt from the curfew police officers, firefighters, doctors, nurses and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the City.

4) COUNCIL MEETING.

The City Council shall be called into session within 24 hours after a state of emergency has been proclaimed by the Mayor pursuant to the provision of this article.

5. PROHIBITED ACTS.

During the existence of a proclaimed state of emergency when a curfew has been defined and imposed under the provisions of this article, it shall be unlawful for anyone subject to curfew to:

- (a) Be or travel upon any public street, alley or roadway or upon public property unless such travel is necessary to obtain medical assistance;
- (b) Utilize one's premises to buy, sell, give away or otherwise transfer or dispose of any explosives, firearms, ammunition or dangerous weapon of any kind;
- (c) Utilize one's premises to sell beer, wine or intoxicating beverages of any kind; or possess or allow the public consumption of beer, wine or intoxicating beverages;
- (d) Utilize one's premises to sell gasoline or any other similar petroleum products or any other combustible or inflammable substances except as expressly authorized by the provisions of the curfew imposed;
- (e) Violate any provision in the emergency proclamation;
- (f) 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;
- (g) Willfully fail or refuse to comply with any lawful order or direction of any law enforcement officer.
- (h)
 - (i) Enter into the property of another, without lawful authority and with criminal intent;
 - (ii) Damage the property of another; or

- (iii) Take possession or otherwise disturb the property of another in any manner.
- (i) Charge unconscionable prices during a declared state of emergency or disaster, or knowingly and willfully use a misleading practice or device to solicit the contribution of goods or services for charitable purposes in connection with a declared state of emergency or disaster.

6. WHEN PROCLAMATION OF EMERGENCY IS EFFECTIVE.

A state of emergency is effective immediately upon its declaration by the Mayor or in the absence of the Mayor, the official or officials listed in section 7, below, without regard to any reading, a public hearing, publication or public notice requirement. A declared state of emergency expires automatically as of the 7th day following the date of enactment, or upon the issuance of a subsequent proclamation determining the state of emergency no longer exists, whichever occurs first; provided, however, that a state of emergency may be extended for additional periods of time as determined by the Mayor with the advice and consent of a majority of City Council.

7. ORDER OF SUCCESSION TO OFFICE OF THE MAYOR.

In the event of a state of emergency if the Mayor is unavailable as defined by S.C. Code 1976, § 1-9-20, the order of succession for his emergency interim successors shall be:

- (a) The Mayor Pro Tempore.
- (b) The available elected members of City Council in order of seniority, or in alphabetical order in case of identical seniority.

8. FREEDOM OF INFORMATION ACT.

The public shall be permitted to obtain copies of all documents issued by the City prior to, during and subsequent to a declared state of emergency to the extent allowed by the South Carolina Freedom of Information Act.

9. TERMINATION.

The Mayor shall announce the end of any state of emergency and curfew proclaimed under the provisions of this article as soon as circumstances warrant or when directed to do so by a majority vote of City Council.

10. PENALTY FOR ILLEGAL ACTS DURING STATE OF EMERGENCY.

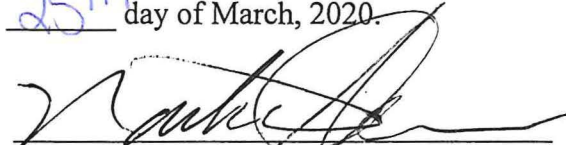
- (a) A person violating the provisions of a-g of item five (5), above, is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days.
- (b) A person violating the provisions of h and i of item five (5), above, is guilty of the felony of looting and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both, in the discretion of the court. The court must order restitution pursuant to section 17-25-322 of the 1976 South Carolina Code of Laws, as amended.

- (c) A person violating the provisions of h and i of item five (5), above, in addition to the penalty set forth in two (2), above, shall also be subject to punishment pursuant to sections 39-5-145 and/or 39-5-147 of the 1976 South Carolina Code of Laws, as amended.

11. City's existing emergency ordinance (section 2-62) is revoked and repealed in its entirety.


BE IT SO ORDAINED.

Done in council duly assembled this 25th day of March, 2020.



Nathan B. Senn, Mayor

ATTEST:



Leslie Mattison, City Clerk

Date of first reading: March 17, 2020

Date of second reading: March 25, 2020

Approved as to form: March 25, 2020



Thomas J. Thompson, City Attorney