

Proposed Emergency Ordinance: 2020-09 Emergency Ordinance 2020-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, BANNING THE SHORT-TERM RENTAL OF ANY RESIDENCE, HOTEL OR MOTEL ROOM, CONDOMINIUM, APARTMENT OR ANY OTHER FORM OF ACCOMMODATIONS IN THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA.

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency related to the spread of Coronavirus and COVID-19 throughout the United States of America; and,

WHEREAS, on March 13, 2020, Governor Henry D. McMaster declared a State of Emergency in the State of South Carolina; and,

WHEREAS, On March 16, 2020, Mayor John J. McCann,, under the authority of § 7-7-20, Municipal Code of the Town of Hilton Head Island (1983), declared a State of Emergency throughout the Town arising from the COVID-19 pandemic; and,

WHEREAS, the Town Council ratified and approved the Mayor's declaration by public vote on Tuesday, March 17, 2020; and,

WHEREAS, the South Carolina Department of Health and Environmental Control has confirmed person to person spread of COVID-19 in South Carolina the most recent, reliable information is that there are at least 1,917 cases of COVID-19 in South Carolina, and at least 156 cases in Beaufort County, South Carolina; and,

WHEREAS, there is no vaccine effective to prevent the spread of COVID-19 available at this time; and,

WHEREAS, if COVID-19 spread on Hilton Head Island in the same manner as has been reported in other parts of South Carolina and the United States of America, the demand for medical facilities and treatment may exceed the locally available supply; and,

WHEREAS, if COVID-19 spreads on Hilton Head Island in the same manner as has been reported in other parts of South Carolina and the United States of America, all essential services and businesses, including critical utilities, food supply, pharmacies, government services, may be negatively impacted by absenteeism resulting from COVID-19 illness; and,

WHEREAS, if COVID-19 spreads on Hilton Head Island in the same manner as has been reported in other parts of South Carolina and the United States of America, the number of persons buying excessive quantities of personal protective, cleaning and disinfecting supplies will increase beyond current levels, resulting in a lack of a fair and equitable distribution of such things; and,

WHEREAS, enacting measures to control the spread of COVID-19 promotes the health, safety and welfare of all persons and limits the spread of COVID-19 in the general population and health care community; and,

WHEREAS, it is vitally important to all persons in The Town of Hilton Head Island, South Carolina, that everyone work together to impede the spread of COVID-19 in the Hilton Head Island community now, rather than suffer the certain and devastating consequences that will ensue from a failure to act; and,

WHEREAS, the Town Council for the Town of Hilton Head Island, South Carolina, has the authority to adopt emergency ordinances under S. C. Code Ann. § 5-7-250(d)(Supp. 2019); and,

WHEREAS, it is in the best interest of all persons in The Town of Hilton Head Island, South Carolina, that this emergency ordinance be considered and adopted by the Town Council, and that it be put into effect immediately.

NOW, THEREFORE, BE IT, AND IT HEREBY IS, ORDERED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL, AND S. C. CODE ANN. § 5-7-250(D)(SUPP. 2019), AS FOLLOWS:

1. Adoption of State Emergency Order - The Town of Hilton Head Island does hereby adopt as the law of the Town the Emergency Order# 2020-19 issued by the Governor of the State of South Carolina restricting and limiting short-term rental of accommodations in the Town of Hilton Head Island.
2. Effective at 12:01 o'clock, A. M., on April 8, 2020, owners of Short-Term Rental accommodations, and their property managers are directed to cease and desist from short rentals of accommodations to anyone for occupancy commencing during the term of this ordinance.
3. Effective at 12:01 o'clock, A. M., no person shall check in or begin occupancy of any Accommodations under any Short-Term Rental for occupancy during the term of this ordinance.
4. Any Accommodations occupied under any terms by persons responding to the COVID-19 Emergency, including law enforcement personnel, emergency/first responder personnel, physicians, nurses, physician's assistants, hospital staff, health agency staff (local, state and federal), or individuals engaged in providing critical services are exempt from this Ordinance.
5. Any person who is currently occupying any Accommodations under a Short-Term Rental Agreement and who checked in or began occupancy of the Accommodations prior to 12:01 o'clock, A. M., on April 8, 2020, is exempt from this Ordinance.
6. This Emergency Ordinance becomes effective immediately upon adoption by two

thirds (2/3) affirmative vote of the Town Council for The Town of Hilton Head Island, South Carolina, and will expire upon the first of the following to occur:

- (a) the sixty first day following adoption; or,
- (b) the expiration of the State of Emergency declaration dated March 16, 2020.

7. The Town Manager shall immediately cause this Ordinance to be posted on the Town of Hilton Head Island website, and copies of it shall be distributed to all parties on the Town’s “News Media List.”

MOVED, APPROVED, AND ADOPTED THIS 7th DAY OF APRIL, 2020.

John J. McCann, Mayor

ATTEST:

By: _____
Krista M. Wiedmeyer, Town Clerk

APPROVED AS TO FORM:

Curtis L. Coltrane

Introduced by Council Member: _____

Read and Adopted on: April 7th, 2020.