

## ORDINANCE 2020-02

### AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF KIAWAH ISLAND REGARDING ADVERTISING OF SHORT-TERM RENTALS AND SOCIAL DISTANCING

The Town Council of the Town of Kiawah Island, South Carolina, duly assembled, hereby ordains that the following Emergency Ordinance be adopted pursuant to South Carolina Code § 5-7-250:

**WHEREAS**, the Town has previously ordered that property managers and owners of Short-Term Rentals (STR) are prohibited from accepting new reservations for Short-Term Rental stays with the first day of occupancy commencing on March 25, 2020, through April 15, 2020; and

**WHEREAS**, it has come to the attention of the Town that some property managers and owners of STR continue to advertise their STR's without noting the ordered restrictions and continue to show the units as "available" in online booking calendars; and

**WHEREAS**, the Governor of the State of South Carolina continues to issue Executive Orders setting forth restrictions related to the Coronavirus outbreak, including orders regarding social distancing; and

**WHEREAS**, in light of the foregoing, Town Council of the Town of Kiawah Island deems it proper and necessary to adopt this emergency ordinance in order to address how the Town and Council will proceed in light of the above emergency;

**NOW, THEREFORE, BE IT, AND IT HEREBY IS, RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AS FOLLOWS:**


1. The Town's prior Emergency Ordinance, Ordinance No. 2020-01, remains in full force and effect with the exception that Section 8 of 2020-01 is amended to read the Property managers or owner of a Short-Term Rental (STR) is prohibited from accepting new reservations for a STR stay with the first day of occupancy commencing on March 25, 2020 through May 15, 2020.
2. The following emergency procedures are hereby adopted, effective immediately, and to remain in effect until July 4, 2020, unless otherwise noted, subject to termination, amendment, or extension by Council.
3. Pursuant to CDC guidelines, social gatherings of 10 or more people, for any reason other than working at or receiving essential services, is prohibited. Essential services include healthcare operations, utilities, gas stations, grocery stores and all food and beverage stores, pharmacies, convenience stores, restaurants and bars but only for take-out or delivery, hardware and building material stores, commercial delivery of products to homes or businesses, trash collection, mail and shipping services, building cleaning and maintenance, child care services, news media, financial institutions and professional services operations, construction, pastoral care, government operations, and any other essential services to maintain the safety, sanitation, and essential

operations of residences and other essential businesses. In addition, pursuant to Governor Henry McMaster's Executive Order No. 2020-13, issued March 23, 2020, law enforcement persons 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 treat to public health."


4. Property managers, owners, and anyone else involved in the advertising of a Short-Term Rental are prohibited from advertising the STR's availability from March 25, 2020 through May 15, 2020. As part of this prohibition, any online booking calendars for units shall indicate that the unit is not available from March 25, 2020 through May 15, 2020.
5. Property managers must inform all renters in writing of the restrictions contained in Section 3 of this Emergency Order.
6. Violators of the STR provisions contained in Sections 4, 5, or 8 of this Emergency Order are in violation of the Town of Kiawah Island Municipal Code Ordinance Section 14-507, et seq., and will be subject to a civil fine of up to \$500.00 plus required statutory assessments. Each day of the infraction shall be considered a separate offense. Punishment for the infraction shall not relieve the offender of liability for delinquent taxes, penalties, and any other costs. The failure of the rental business licensee to comply with any sections of this chapter shall constitute grounds for the immediate suspension or revocation of the license for up to one year, and such suspension or revocation will not be suspended or stayed by an appeal. Violators may also be charged as an infraction with any other relevant civil penalties contained in the Kiawah Island Municipal Code, or civil or criminal penalties under state law, or federal law, including violations of S.C. Code Section 16-7-10 (Illegal acts during state of emergency), and penalties authorized pursuant to Executive Orders issued by the South Carolina Governor. In addition, the Governor has authorized cities to seek an injunction, mandamus, or other appropriate legal action in the courts of the State.
7. The Town adopts all Emergency Orders issued by the State of South Carolina Governor Henry McMaster related to the coronavirus. As part of that adoption, the Town also adopts the "President's Coronavirus Guidelines for America: 15 Days to Slow the Spread of Coronavirus (COVID-19)", first referenced in the Governor's Executive Order No. 2020-10, and recommends that persons "avoid social gatherings of more than 10 people".
8. Starting on April 4, 2020, through May 15, 2020, no new check-ins or reservations are permitted at any STR or any other rental of less than ninety (90) days. Guests currently checked in may remain at the same property and under the same terms of the existing rental agreement or lease. Property owners and their immediate family may reside at the property owner's residence. Guests or property owners may apply to the Town for a special exception for relief from these provisions upon a showing of special and extraordinary needs.

9. All retail establishments that are allowed to stay open pursuant to Executive Orders issued by the Governor must comply with social distancing guidelines issued by those Executive Orders, and retail establishments whose primary business is the sale of groceries or unprepared foods must also limit customers entering the retail establishment to a single person per family or group at a time, except for shoppers with small children when no other adult is present, and persons who, for medical reasons, require assistance. At any point, when a retail establishment is under a Town or Governor's Order, which limits the maximum occupancy to less than approved by building or fire authorities, the revised occupancy level must be prominently displayed at all entrances. If applicable to the retail establishment, the requirement for "a single person per family or group" must be prominently displayed at all entrances.
10. Violators of any provision contained in this Emergency Ordinance will be subject to a civil fine of up to \$500.00 plus required statutory assessments. Each day of the infraction shall be considered a separate offense. In addition, any violation may be charged as an infraction with any other relevant civil penalties contained in the Kiawah Island Municipal Code, or civil or criminal penalties under state law, or federal law, including violations of S.C. Code Section 16-7-10 (Illegal acts during state of emergency), and penalties authorized pursuant to Executive Orders issued by the South Carolina Governor. In addition, the Governor has authorized cities to seek an injunction, mandamus, or other appropriate legal action in the courts of the State.
11. All net fines (not including assessments or other payments directed elsewhere under State law) paid to the Town for violations of this Emergency Ordinance will be earmarked and donated to a nonprofit or charitable organization to be chosen at a later date.

**MOVED, APPROVED AND ADOPTED THIS 5<sup>th</sup> DAY OF MAY, 2020.**

  
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Craig Weaver, Mayor

**ATTEST:**

By:   
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Petra Reynolds, Town Clerk

1<sup>st</sup> Reading: May 5, 2020

No Second Reading per S.C. Code § 5-7-250