



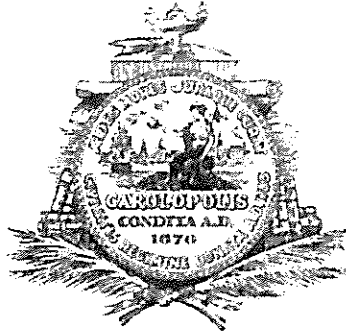
**EMERGENCY MEETING OF CHARLESTON CITY COUNCIL  
1:30 P.M., SEPTEMBER 3, 2019 AND  
EVERY DAY THEREAFTER AT THE SAME TIME  
AS NEEDED TELEPHONICALLY**

Dial-in information:

Telephone: 1-800-747-5150

Access Code: 5777434#

1. Call to Order
2. Roll Call
3. Invocation
4. **EMERGENCY ORDINANCE TO ESTABLISH IN FURTHERANCE OF THE PUBLIC SAFETY AND WELFARE AN EMERGENCY ORDINANCE PROHIBITING CONSUMER PRICE GOUGING IN THE CITY OF CHARLESTON.**
5. **EMERGENCY ORDINANCE TO ESTABLISH IN FURTHERANCE OF PUBLIC SAFETY AND WELFARE AN EMERGENCY ORDINANCE PROHIBITING VEHICULAR TRAFFIC FROM UTILIZING CERTAIN STREETS IN THE CITY OF CHARLESTON DETERMINED BY THE CHIEF OF POLICE OR HIS DESIGNEE TO BE UNSAFE AS A RESULT OF CONDITIONS CAUSED BY HURRICANE DORIAN.**
6. Briefing on Hurricane Dorian



## EMERGENCY ORDINANCE

### TO ESTABLISH IN FURTHERANCE OF THE PUBLIC SAFETY AND WELFARE AN EMERGENCY ORDINANCE PROHIBITING CONSUMER PRICE GOUGING IN THE CITY OF CHARLESTON.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

**Section 1:** Findings: On August 31, 2019, Governor Henry McMaster issued an Executive Order declaring a state of emergency in South Carolina due to the threat posed to the public health, safety and welfare by Hurricane Dorian, a significant storm in the Atlantic Ocean that is forecast to track at or near the South Carolina coast, posing the potential for tropical storm or hurricane force winds, torrential rains and flooding and attendant property damage. On September 1, 2019, Governor Henry McMaster issued an Executive Order calling for the evacuation of the South Carolina coast, to include the City of Charleston. The effects of Hurricane Dorian on the City will be significant to include a disruption in utility services, wind-blown debris and downed trees along thoroughfares and flooded and otherwise impassable streets. These conditions pose a clear and present danger to the health and wellbeing of the citizens of Charleston and inhibit, if not render impossible, an effective response by the fire, police or other public safety providers. The safety of the citizens of Charleston, to include those visiting, is of paramount importance and in furtherance thereof, City Council deems it necessary and proper for the security and general welfare of the citizenry and for the preservation of peace and order within the City during this time of emergency that reasonable measures be imposed to assure that needed goods and services, such as water, food, gasoline and shelter are available to the public at fair and reasonable prices. To affect these purposes, the City Council of Charleston, in accordance with the authority devolved upon it pursuant to S.C. Const. Art. VIII, §17 and S.C. Code Ann. §§ 5-7-30 and 5-7- 250(d) (1976, as amended), does hereby enact this emergency ordinance to prohibit price gouging.

**Section 2:** As used in this emergency ordinance:

(1) “Commodity” means goods, services, materials, merchandise, supplies, equipment, resources, or other articles of commerce, and includes, without limitation, food, water, ice, chemicals, petroleum products, and lumber essential for consumption or use as a direct result of a declared state of emergency.

(2) “Unconscionable price” means an amount charged which:

(a) represents a gross disparity between the price of the commodity or rental or lease of a dwelling unit, including a motel or hotel unit, or other temporary lodging, or self-storage facility that is the subject of the offer or transaction and the average price at which that commodity or dwelling unit, including a motel or hotel unit, or other temporary lodging, or self-storage facility was rented, leased, sold, or offered for rent or sale in the usual course of business during the thirty days immediately before a declaration of a state of emergency, and the increase in the amount charged is not attributable to additional costs incurred in connection with the rental or sale of the commodity or rental or lease of the dwelling unit, including a motel or hotel unit, or other temporary lodging, or self-storage facility, or local, regional, national, or international market trends; or

(b) grossly exceeds the average price at which the same or similar commodity, dwelling unit, including a motel or hotel unit, or other temporary lodging, or self-storage facility was readily obtainable in the trade area during the thirty days immediately before a declaration of a state of emergency, and the increase in the amount charged is not attributable to additional costs incurred in connection with the rental or sale of the commodity or rental or lease of the dwelling unit, including a motel or hotel unit, or other temporary lodging, or self-storage facility, or local, regional, national, or international market trends.

It is prima facie evidence that a price is unconscionable if it meets the definition of item (a) or (b).

**Section 3.** It is unlawful and a violation of this emergency ordinance for a person or his agent or employee to:

(1) rent or sell or offer to rent or sell a commodity at an unconscionable price in any area of this State where there is an abnormal disruption in the market; or

(2) impose unconscionable prices for the rental or lease of a dwelling unit, including a motel or hotel unit, or other temporary lodging, or self-storage facility in any area of this State where there is an abnormal disruption in the market.

**Section 4.** The following are exceptions to this emergency ordinance:

(1) A price increase approved by an appropriate government agency is not a violation of this section.

(2) A price increase that reflects the usual and customary seasonal fluctuation in the price of the subject essential commodity or the rental or lease of a dwelling unit or self-storage facility is not a violation of this section.

(3) Sales by growers, producers, or processors of raw or processed food products, except for retail sales of those products to the ultimate consumer within the area of the declared emergency or disaster.

**Section 5.** The evidentiary standards contained in this ordinance are the sole evidentiary standards to be used to restrict price gouging.

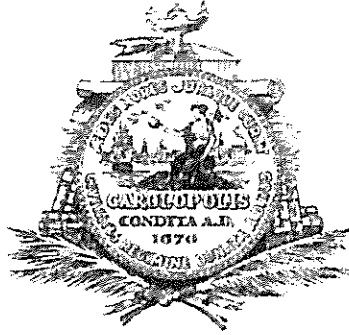
**Section 6.** A person who is charged with committing an action in violation of this emergency ordinance may present evidence relating to, but not limited to, his knowledge or intent when committing the action to rebut any presumption or evidence of violation of this emergency ordinance.

**Section 7:** This ordinance shall become effective immediately, and shall expire sixty (60) days after the date hereof or upon the termination of the state of emergency as declared by the Mayor, whichever is earlier.

Ratified in City Council this \_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord, 2019, and in the 2\_\_\_\_th Year of the Independence of the United States of America.

By: \_\_\_\_\_  
John J. Tecklenburg  
Mayor, City of Charleston

ATTEST: \_\_\_\_\_  
Vanessa Turner Maybank  
Clerk of Council



## EMERGENCY ORDINANCE

**TO ESTABLISH IN FURTHERANCE OF PUBLIC SAFETY AND WELFARE AN EMERGENCY ORDINANCE PROHIBITING VEHICULAR TRAFFIC FROM UTILIZING CERTAIN STREETS IN THE CITY OF CHARLESTON DETERMINED BY THE CHIEF OF POLICE OR HIS DESIGNEE TO BE UNSAFE AS A RESULT OF CONDITIONS CAUSED BY HURRICANE DORIAN.**

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

**Section 1:** Findings: On August 31, 2019, Governor Henry McMaster issued an Executive Order declaring a state of emergency in South Carolina due to the threat posed to the public health, safety and welfare by Hurricane Dorian, a significant storm in the Atlantic Ocean that is forecast to track at or near the South Carolina coast, posing the potential for tropical storm or hurricane force winds, torrential rains and flooding and attendant property damage. On September 1, 2019, Governor Henry McMaster issued an Executive Order calling for the evacuation of the South Carolina coast, to include the City of Charleston. The effects of Hurricane Dorian on the City will be significant to include a disruption in utility services, wind-blown debris and downed trees along thoroughfares and flooded and otherwise impassable streets. These conditions pose a clear and present danger to the health and wellbeing of the citizens of Charleston and inhibit, if not render impossible, an effective response by the fire, police or other public safety providers. The safety of the citizens of Charleston, to include those visiting, is of paramount importance and in furtherance thereof, City Council deems it necessary and proper for the security and general welfare of the citizenry and for the preservation of peace and order within the City during this time of emergency that reasonable measures be imposed to restrict access on those streets and rights-of-way rendered dangerous or impassable because of conditions caused by the Hurricane, as determined by the Chief of Police or his designees. To affect this purpose, the City Council of Charleston, in accordance with the authority devolved upon it pursuant to S.C. Const. Art. VIII, §17 and S.C. Code Ann. §§ 5-7-30 and 5-7-250(d) (1976, as amended), does hereby enact this emergency ordinance.

**Section 2:** The Chief of Police or his designees are hereby authorized to determine which streets and public rights-of-way located within the municipal limits of the City of Charleston are a danger to vehicular travel due to flooding, the presence of debris or other conditions caused by Hurricane Dorian, and upon such determination, are authorized to close such streets to the general public for vehicular travel until such time as the dangerous conditions have been remediated.

**Section 3:** On any street or right-of-way closed per Section 2 hereof, and until such time as the street or right-of-way is reopened, it is unlawful for a person to:

- (1) Go upon any road, street, highway, or other public right-of-way that has been ordered closed pursuant to this ordinance; or,
- (2) Willfully fail or refuse to comply with any lawful order or direction of any law enforcement officer.

**Section 4:** This ordinance shall become effective immediately, and shall expire sixty (60) days after the date hereof or upon the termination of the state of emergency as declared by the Mayor, whichever is earlier.

Ratified in City Council this \_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord, 2019, and in the 2\_\_\_\_th Year of the Independence of the United States of America.

By: \_\_\_\_\_  
John J. Tecklenburg  
Mayor, City of Charleston

ATTEST: \_\_\_\_\_  
Vanessa Turner Maybank  
Clerk of Council