

ORDINANCE # 2020-09

AN EMERGENCY ORDINANCE REQUIRING THAT FACE COVERINGS OR MASKS CONTINUE TO BE WORN IN PUBLIC IN THE CITY OF WALTERBORO DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND RECOVERY

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, on March 11, 2020, the World Health Organization declared a world-wide pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency for the United States and its territories to reduce the spread of the virus; and

WHEREAS, on March 13, 2020, the Governor of the State of South Carolina Henry McMaster declared a state of emergency for the State of South Carolina; and

WHEREAS, on March 25, 2020, Mayor Bill Young declared a state of emergency in the city of Walterboro, SC; and

WHEREAS, S.C. Code Ann. §5-7-250 empowers Council to enact emergency ordinances affecting life, health, safety, or property; and

WHEREAS, COVID-19 has spread across the state with the South Carolina Department of Health and Environmental Control (“SCDHEC”) confirming the localized person-to-person spread of COVID-19 in South Carolina, which indicates a significantly high risk of exposure and infection creating an extreme public health risk; and,

WHEREAS, as of August 16, 2020, there were 105,466 confirmed cases throughout the State of South Carolina, 845 cases in Colleton County and 2,165 deaths statewide, and 35 deaths in Colleton County; and

WHEREAS, Walterboro is located on the I-95 corridor and as such is exposed to visitors from across our country and is particularly vulnerable to infection; and

WHEREAS, as COVID-19 continues to spread in the City, the number of persons relying on medical, pharmaceutical, and general cleaning supplies will increase, the private and public sector work force will be negatively impacted by absenteeism, and the demand for medical facilities may exceed locally available resources; and

WHEREAS, it is vitally important that we all work together to decrease the widespread proliferation of COVID-19 among us all now rather than suffer the unfortunate and devastating consequences later; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) and SCDHEC advise the use of cloth face coverings to slow the spread of COVID-19; and

WHEREAS, SCDHEC data shows that the use of face coverings and masks have proven successful in slowing the spread of Covid; and

WHEREAS, on August, 12, 2020, SCDHEC released data showing that jurisdictions that have mask requirements in place have shown a 46.3% greater decrease in the total number of cases during the four (4) weeks after the mask requirements were implemented compared to jurisdictions that do not have mask requirements; and

WHEREAS, taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the City’s residents, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS, in order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the City, the City is taking steps to try to protect the citizens and employees of the City from increased risk of exposure; and

WHEREAS, in light of the foregoing, City Council deems it proper and necessary to adopt this emergency Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Walterboro, South Carolina in Council assembled this 25th day of August, 2020, that facial coverings or masks as recommended or advised by CDC and SCDHEC shall be required in public places and public buildings within the City to slow the spread of the novel coronavirus disease, known as COVID-19 as follows:

1. All persons entering a commercial establishment in the City must wear a face covering while inside the establishment. This paragraph does not apply to religious establishments. However, the use of face coverings is recommended during religious activities as well.
2. All commercial establishments including, but not limited to restaurants, retail stores, salons, barber shops, grocery stores, and pharmacies in the City must require their employees to wear a face covering at all times while having face to face interaction with the public.
3. Any person who is unable to safely wear a face covering due to age, an underlying health condition, or is unable to remove the face covering without the assistance of others is exempt from this Ordinance.
4. Face coverings are not required in the following circumstances:
 - a. In personal vehicles.
 - b. When a person is alone in enclosed spaces; during outdoor physical activity, provided the active person maintains a minimum of six (6) feet from other people at all times.

- c. When a person is alone or only with other household members.
- d. While actively drinking, eating, or smoking.
- e. When wearing a face covering causes or aggravates a health condition.
- f. When wearing a face covering would prevent the receipt of personal services.

5. A person who fails to comply with Paragraph 1 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than Twenty-five Dollars (\$25.00).

6. A person who fails to comply with Paragraph 2 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$100.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense. In addition to the fines established by this paragraph, repeated violations of this Ordinance by a person who owns, manages, operates or otherwise controls a business subject to this Ordinance may, subject to all procedural protections set forth in the City Code, result in the suspension or revocation of any occupancy permit or business license issued to a business where the repeated violations occurred. Repeated violations of this Ordinance are additionally hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and permanent injunction, or other means provided for by the laws of this State. The foregoing notwithstanding, every effort shall be made to bring the business into voluntary compliance with the terms of this Ordinance prior to the issuance of any citation. For the purposes of Paragraph 2 of this Ordinance, "person" shall be defined as any individual associated with the business who has the control or authority and ability to enforce the social distancing requirements of the Ordinance within the business, such as an owner, manager or supervisor. "Person" may also include an employee or other designee that is present at the business but does not have the title of manager, supervisor, etc., but has the authority and ability to ensure that the requirements of this Ordinance are met while the business is open to the public.

7. Should any provision, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

8. This Ordinance is enacted and effective as of 6:00 a.m., Monday, August 31, 2020.

9. As provided by S.C. Code § 5-7-250(d), this Ordinance shall expire automatically as of the sixty-first day following the date of enactment. Notwithstanding the foregoing, however, Council may extend the Emergency Term by emergency ordinance for one (1) more additional term, no more than sixty (60) days, provided that the total duration of the Emergency Term shall not exceed six (6) months without enacting an ordinance in the ordinary course, or may terminate the Emergency Term by the enactment of another ordinance.

William T. Young, Jr.
William T. Young, Jr.,
Mayor

ATTEST:

City Clerk