

Sponsor(s) : County Council  
Reading and Adoption : June 29, 2020  
Effective Date : June 29, 2020

## **EMERGENCY ORDINANCE NO. 20-O-05**

### **COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[AN EMERGENCY ORDINANCE REQUIRING THAT FACE COVERINGS OR MASKS BE WORN IN PUBLIC IN THE CITY OF WALTERBORO AND THE UNINCORPORATED AREAS OF COLLETON COUNTY DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND RECOVERY.]**

#### **WHEREAS:**

1. 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
2. On March 11, 2020, the World Health Organization declared a world-wide pandemic; and
3. 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
4. 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
5. S.C. Code Ann. §5-7-250 empowers Council to enact emergency ordinances affecting life, health, safety, or property; and
6. 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,
7. As of June 24, 2020, the daily report of COVID cases at 1,291 was the highest to date and there were 27,897 confirmed cases throughout the State of South Carolina, 258 cases in Colleton County and 683 deaths statewide, and 20 deaths in Colleton County; and
8. Forty-six percent of the total of all SC cases have occurred in the two weeks prior to June 24, 2020; and
9. Colleton County 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
10. The number of cases is growing rapidly and if COVID-19 continues to spread in the County, 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

11. 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
12. 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
13. Taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the County’s residents, and limits the spread of infection in our communities and within the healthcare delivery system; and
14. In order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the community, the County is taking steps to try to protect the citizens and employees of the County from increased risk of exposure; and
15. In light of the foregoing, County Council deems it proper and necessary to adopt this emergency Ordinance; and

**NOW, THEREFORE, BE IT ENACTED BY THE COLLETON COUNTY COUNCIL AS AN EMERGENCY ORDINANCE THAT:**

This 29<sup>th</sup> day of June, 2020, that facial coverings or masks shall be required in public places and public buildings within the County to slow the spread of the novel coronavirus disease, known as COVID-19 as follows:

1. All persons entering a commercial establishment in the County 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 restaurants, retail stores, salons, grocery stores, and pharmacies in the County 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) Children under age 2.
  - b) Anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance.
  - c) In personal vehicles.

- d) When a person is alone in enclosed spaces.
  - e) During outdoor physical activity, provided the active person maintains a minimum distance of six (6) feet from other people at all times.
  - f) When a person is alone or only with other household members.
  - g) While actively drinking, eating, or smoking.
  - h) When wearing a face covering causes or aggravates a health condition.
  - i) 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 \$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. Repeated violations of this Ordinance are additionally hereby declared to be a public nuisance, which may be abated by the County 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 effective as of 6:00 a.m., Wednesday, July 1, 2020. This Ordinance shall be terminated by the issuance of another ordinance or shall automatically expire at 6:00 a.m. on September 9, 2020, whichever date is earlier. The ordinance may be extended by issuance of another ordinance.

ATTEST:

SIGNED:

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Ruth Mayer, Council Clerk

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Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

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Approved as to Form  
Sean P. Thornton, County Attorney