AN EMERGENCY ORDINANCE REQUIRING INDIVIDUALS TO WEAR FACE COVERINGS IN CERTAIN CIRCUMSTANCES, AND MATTERS RELATED THERETO

WHEREAS, COVID-19, a novel, highly contagious and deadly virus, has been declared a pandemic by the World Health Organization and continues to pose a significant threat to County citizens; and

WHEREAS, on March 13, 2020 and continuing through the present time, the President of the United States declared a national state of emergency thereby authorizing emergency federal funding and requesting local emergency action plans be activated; and

WHEREAS, on March 13, 2020 and continuing through the present time, the Governor of South Carolina declared a state of emergency for South Carolina ordering the State’s emergency operation plan be activated and requesting the Legislature appropriate funding to combat the effects of the pandemic; and

WHEREAS, it is now well recognized that COVID-19 (caused by the virus SARS-CoV-2) spreads through localized person-to-person contact which presents a public health risk requiring extraordinary protective measures and vigilance; and

WHEREAS, Georgetown County Council, in an effort to protect and preserve the general welfare of its citizenry, believes an emergency exists due to the recent increase in COVID-19 confirmed cases in South Carolina, Georgetown County, and neighboring counties; and

WHEREAS, to further the Council’s goal of precautionary measures in order to protect its citizens, Georgetown County Council deems, in accordance with the advice of the Centers for Disease Control and Prevention, that the use of cloth face coverings is necessary to slow and prevent the spread of COVID-19; and

WHEREAS, on July 3, 2020, Georgetown County Council passed Ordinance 20-33 requiring face coverings in certain areas and since then the County has seen improvements in overall COVID-19 cases throughout the county; and

WHEREAS, Georgetown County experienced its peak daily confirmed positive total on July 15, 2020 with 84 confirmed positives that day along with the County’s peak 14-day active case count total for the period June 30 – July 14, 2020 at 421 active cases; and

WHEREAS, since the July 15th peak, the County has experienced an approximately 61.52% reduction in 14-day period active case counts through August 27, 2020; and

WHEREAS, on August 12, 2020 the South Carolina Department of Health and Environmental Control released findings showing a 46.3% greater decrease in the total number of cases during a
4 week period for jurisdictions that implemented face covering ordinances while jurisdictions that did not adopt face covering ordinances experienced an average 30.4% increase in total cases during the same period; and

WHEREAS, pursuant to SC Code of Laws 4-9-130 and Section 2-487 of the Georgetown County Code of Ordinances, Georgetown County Council hereby affirms the necessity for face coverings and adopts the following emergency ordinance in order to protect life, health, welfare, safety, and property of the people during the COVID-19 pandemic.

NOW, THEREFORE, Georgetown County Council, by a minimum 2/3rd majority vote and the power granted to it by the South Carolina Constitution and General Assembly through Home Rule, hereby declares, enacts, ordains, and orders the following:

1. A face covering, or mask, means a cloth, fabric, or other permeable material without holes that covers both the mouth and nose and includes surgical masks, N-95 respirators, face shields, handmade masks, and bandanas.

2. All persons above the age of 10 entering a foodservice establishment, grocery store, retail store, or pharmacy located within the corporate boundaries of Georgetown County must wear a face covering while inside the establishment. For purposes of this ordinance, a foodservice establishment shall mean an entity that prepares food and/or drinks for consumption. A grocery store shall mean a retail establishment that primarily sells food but may also sell other household goods. A retail store shall mean an establishment wherein persons can purchase wares and goods, regardless of type. A pharmacy shall mean an establishment where compounding, dispensing, and/or the sale of medications occurs.

3. All foodservice establishments, grocery stores, retail stores, and pharmacies within the corporate boundaries of Georgetown County must require each employee to wear a face covering at all times while having face-to-face interaction with the public.

4. Any individual 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. Further, an individual whose religious beliefs prevents them from wearing a face covering is exempt from this Ordinance.

5. Any individual who is actively drinking or eating is not required to don a face covering during such acts. Further, any patron of a foodservice establishment is exempt while dining therein.

6. All establishments listed in Section 2 and 3 are required to post a written notification at or near the main entrance of the establishment referencing this ordinance and the requirement for a face covering.

7. Any person who fails to comply with this Emergency Ordinance shall be guilty of a misdemeanor offense, punishable by a fine of $25.00 per occurrence. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense.
   a. For purposes of Sections 2 and 3, in addition to employees, a “person” shall also be defined as any citizen or visitor to Georgetown County and/or an individual associated with the business who has control or authority and ability to enforce the employee face covering provisions of this emergency ordinance within the business, such as an owner, manager, supervisor, or other similar position.
b. Repeated violations of this Emergency Ordinance is hereby declared to be a public
nuisance which may be enforced by other means provided for by the laws of
Georgetown County and the State of South Carolina.

8. This ordinance will remain in effect through **OCTOBER 27, 2020** unless sooner terminated
by Georgetown County Council.

9. If any section of this ordinance is declared invalid by a court or found to be in conflict with
sound legal principle or law, then the remaining portions of the ordinance will remain in
effect.

10. This ordinance expressly takes precedence over and supersedes any other Georgetown
County ordinance and/or emergency ordinance for the duration of the term provided
herein.

11. **EFFECTIVE 12:00AM September 9, 2020.**

**AMENDED AND ENACTED THIS 8th DAY OF SEPTEMBER 2020.**

John W. Thomas, Chairman
Georgetown County Council

ATTEST:

Theresa E. Floyd
Clerk to Council