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| <b>STATE OF SOUTH CAROLINA</b> | ) | <b>EMERGENCY ORDINANCE 2020-30</b> |
|                                | ) | <b>REQUIRING INDIVIDUALS TO</b>    |
| <b>COUNTY OF LEXINGTON</b>     | ) | <b>WEAR FACE COVERINGS IN</b>      |
|                                | ) | <b>CERTAIN CIRCUMSTANCES, AND</b>  |
| <b>CITY OF CAYCE</b>           | ) | <b>MATTERS RELATED THERETO</b>     |

**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 in an effort 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 16, 2020, City Council declared a state of emergency for the City of Cayce, which has been subsequently renewed and remains in place; 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 risk of exposure and infection and creating an extreme public health risk; and

**WHEREAS**, as of August 14, 2020, the total number of confirmed cases in South Carolina is approximately 104,841 and the number of confirmed deaths is 2,204, with the number of reported cases in Lexington County is 5,034, the number of estimated cases is 30,923, and the number of possible cases is 35,957; and

**WHEREAS**, the number of cases is growing rapidly and if 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**, 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 community, 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 to require (a) persons entering buildings or structures open to the public as described below to wear face coverings while inside the building or structure, and (b) all employees of retail stores and other establishments as described below, to wear face coverings at any time there is face to face interaction with the public and in other circumstances,

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Cayce, in Council, duly assembled, as follows:

1. The requirements for use of Face Coverings in restaurants or other food-service establishments which prepare, produce, or otherwise offer or sell food or beverages of any kind for on-premises consumption (hereinafter, "Restaurants") are addressed in the Governor's Executive Order 2020-50, dated August 2, 2020. Restaurants also are not considered as retail stores for purposes of this Ordinance.
2. Except as otherwise provided herein, all persons over the age of ten (10) years entering a building or structure in the City open to the general public, including but not limited to, retail stores, salons, barber shops, grocery stores, convenience stores, medical and dental offices, and pharmacies, and including fitness centers and studios while such persons are not engaging in exercise, must wear a Face Covering while inside the building or structure, excluding restaurants while seated. The business shall have responsibility for posting conspicuous signage at all entrances informing its patrons of the requirements of this section.
3. All students, faculty and staff shall wear a Face Covering while on a school bus or within public school facilities, as provided by the mandate issued by the South Carolina Department of Education and Superintendent Molly Spearman. Exemptions apply to:
  - Those younger than two years old;
  - Those who have trouble breathing;
  - Those unable to remove the covering without assistance; and/or
  - Those with special healthcare or educational needs as determined by an Individualized Education Program (IEP), 504 Accommodations Plan, or an individual student healthcare plan, or by a medical doctor
4. All retail stores, salons, barber shops, grocery stores, medical and dental offices, fitness centers and studios, 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, or with other staff, when social distancing of at least six (6) feet cannot be observed. Alternatively, they may provide a separating barrier between the employee and the public.
5. Any person who is unable to safely wear a face covering due to age, an underlying health condition, religious reasons, or is unable to remove the face covering without the assistance of others is exempt from this Ordinance.
6. For purposes of this Ordinance, "Face Covering" shall be defined to mean masks of a uniform piece of cloth, fabric, synthetic or other permeable material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands or plastic face shield. Face Coverings include, but are not limited to, bandanas, medical

masks, cloth masks, scarves, gaiters, and face shields worn to cover the person's nose and mouth.

7. A person who fails to comply with Section 2 and 3 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$25.00. Each day of violation of this Ordinance shall be considered a separate and distinct offense.
8. A person who fails to comply with Section 4 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$100.00. Each day of violation of this Ordinance shall be considered a separate and distinct offense. In addition to the fines established by this section, 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 the business in which 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, reasonable 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 this section 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 who 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.
9. Should any provision, section, 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, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.
10. In the event of any direct conflict between the requirements of this Ordinance and the requirements of an Executive Order of the Governor in effect or the requirements of a directive of the South Carolina Department of Education ("DOE") in effect, the Executive Order of the Governor or the directive of the DOE shall control.
11. This Emergency Ordinance shall be terminated by the issuance of another ordinance or shall automatically expire on the sixty-first day after enactment of this Ordinance, whichever date is earlier.

This Ordinance shall continue until the earlier of repeal of this Ordinance or the automatic expiration of this Ordinance on the 61st day after enactment of this Ordinance.

**DONE IN MEETING DULY ASSEMBLED**, this 19th day of August 2020.

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Elise Partin, Mayor

Attest:

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Mendy Corder, CMC, Municipal Clerk

First Reading and Adoption: \_\_\_\_\_

Approved as to form: \_\_\_\_\_  
Danny C. Crowe, City Attorney