

EMERGENCY PROCLAMATION PROVIDING FOR REQUIRED FACE COVERINGS IN PUBLIC PLACES DUE TO THE COVID-19 VIRUS, AND EXCEPTIONS THERETO

WHEREAS, the 2019 Novel Coronavirus ("COVID-19") is a respiratory disease that can result in serious illness or death by the SARSCoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person; and

WHEREAS, the Centers for Disease Control and Prevention has warned of the serious public health threat posed by COVID-19 globally and in the United States; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 391 of the Public Health Service Act; and

WHEREAS, on March 13, 2020, the Governor of the State of South Carolina (the "State") issued Executive Order 2020-08, declaring a State of Emergency based on a determination that the COVID-19 poses an actual or imminent public health emergency for the State; and

WHEREAS, on March 16, 2020, the City of North Charleston enacted Proclamation 2020-2, giving the Mayor the Emergency powers set forth in the Code of Ordinances until such time as the Governor rescinds the South Carolina State of Emergency; and

WHEREAS, the Governor of the State has subsequently declared a continuing State of Emergency in subsequent Executive Orders, including Executive Order 2020-42 on June 26, 2020; and

WHEREAS, the State is experiencing a dramatic increase in the number of identified new COVID-19 cases, and as of June 29, 2020, the South Carolina Department of Health and Environmental Control ("DHEC") reported that there have been 36,297 confirmed COVID-19 cases and as of June 28, 2020, 717 confirmed COVID-19 deaths in the State; and

WHEREAS, if COVID-19 cases continue to increase in the State and in the County of Charleston ("County"), the demand for medical facilities may exceed locally available resources and the private and public sector workforce may be negatively impacted by absenteeism; and

WHEREAS, health authorities, including the CDC and DHEC have recommended the use of face coverings as a means of preventing the spread of COVID-19; and

WHEREAS, the Mayor is expressly empowered by North Charleston Municipal Code Section 6-18(6) to "[p]rohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment, and any other place of public assembly"; and

WHEREAS, based upon extensive public health findings widely reported in the media and elsewhere, the wearing of masks is an important way to slow the spread of this disease; and

WHEREAS, the City finds it a reasonable application of the business regulatory power set forth in Section 6-16(8) to mandate the wearing of masks under the terms and conditions set forth below.

NOW, THEREFORE, the Mayor and City of North Charleston hereby proclaim as follows:

Section 1. Required Face Coverings. All persons who are present within the incorporated areas of the City of North Charleston are required to wear an appropriate face covering any time they are in contact with other persons who are not household members in indoor public places and indoor businesses where it is not possible to maintain a six-foot distance from others or where social distancing is not or cannot be being practiced. This includes the following:

1. While entering or inside any retail, restaurant, office or other business location;
2. While entering or inside any City or County Government building or facility;

All business and organizations within the City of North Charleston are required to comply with this Ordinance, which is applicable to patrons and employees.

Section 2. Exemptions. Face Coverings shall not be required:

1. in outdoor or unenclosed areas where six-foot social distancing can be maintained;
2. for those who cannot wear a face covering for medical reasons;
3. for children under five years old, provided that adults accompanying children age two to five shall use reasonable efforts to cause those children to wear Face Coverings where six-foot social distancing is not possible or observed;
4. for patrons of restaurants or similar locations while seated and dining or drinking, or while standing and maintaining a six-foot social distance;
5. in private offices;
6. in settings where it is not practical or feasible to use a face covering;
7. for public safety employees when it is not practical to wear a face covering.

Section 3. Enforcement.

1) A Uniform Ordinance Summons for violations of this Proclamation shall be written only to businesses or organizations that fail to attempt to enforce the Face Covering requirements. Operators of businesses and organizations are entitled to rely on their customers or patrons statements about whether they are exempted from the Face Covering requirements, and businesses and organizations do not violate this Ordinance if they rely on such statements.

2. This Face Covering Ordinance may not be enforced criminally against individual persons, but if a worker, customer, or patron of a business or organization fails and refuses, without good cause or good excuse, to leave immediately upon being ordered or requested to do so by the person in possession of the property or his agent or representative, such person may be charged with a violation of S.C. Code § 16-11-620 ("Entering premises after warning or refusing to leave on request").

Section 4. Expiration of Ordinance. This Proclamation shall remain in effect until such time as the Governor or Mayor rescind the general declaration of emergency related to Covid-19, unless sooner specifically terminated by City Council.

Section 5. Effective Date. Noon, July 3, 2020.

THE ABOVE PROCLAMATION SHALL, AS AUTHORIZED BY CHAPTER 6 OF THE NORTH CHARLESTON CODE OF ORDINANCES, BECOME ENACTED AT THE TIME OF SIGNATURE BY THE MAYOR.

Proclaimed this 2nd day of July,
2020 in the Year of Our Lord,
and in the 243rd year of the
Independence of the United
States of America



R. Keith Summey
Mayor

Approved as to form:

s/Derk Van Raalte
Legal Counsel