

**EMERGENCY ORDINANCE 20-62
(COVID-19, State of Emergency)**

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, the Governor of South Carolina has continued to issue State of Emergency declarations and other orders related to the pandemic including the encouragement of social distancing, face coverings, and modified liquor license service hours, and

WHEREAS, the World Health Organization currently reports over 63,556,040 million COVID-19 cases globally, of which over 1,474,643 have resulted in deaths; and

WHEREAS, as of December 1, 2020, Georgetown County has experienced a total of 2,772 positive cases resulting in 67 deaths along with the State of South Carolina experiencing 217,487 positive cases resulting in 4,381 deaths; and

WHEREAS, Georgetown County Council, in an effort to protect and preserve the general welfare of its citizenry, believes an emergency continues to exist due to this world health event requiring the Council to take all necessary actions to ensure the safety, welfare, and health of its residents and visitors; and

WHEREAS, to further the Council's goal of precautionary measures in order to protect its citizens, Georgetown County Council deems a State of Emergency exists and any such measures are to be taken in an effort to minimize the effects of COVID-19, be it health, welfare, public safety, and/or economic effects; 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, the Centers for Disease Control and Prevention states COVID-19 is transmitted predominately by respiratory droplets generated when people cough, sneeze, sing, talk, or breathe and further recommends community use of masks, specifically non-valved multi-layer cloth masks, to reduce emission of virus laden droplets and to further reduce inhalation of these droplets by the citizenry.

WHEREAS, in order to protect its citizens, Georgetown County Council deems, in accordance with the advice of the CDC, that the use of cloth face coverings is necessary to slow and prevent the spread of COVID-19; 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 declares a local State of Emergency and adopts the following emergency ordinance for the use of face coverings 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:

SECTION A: DECLARATION OF A STATE OF EMERGENCY

1. By the power granted in SC Code of Laws 4-9-130 and Section 2-487 of the Georgetown County Code of Ordinances, Georgetown County Council hereby declares a local STATE OF EMERGENCY effective immediately on December 8, 2020.
2. That the Georgetown County Emergency Operation Plan and internal Continuity of Operation Plan be activated and enforced.
3. That all protection measures available to Georgetown County for health and safety response be utilized and made available in order to preserve life and property.
4. That the County work closely with Federal, State, Local, School District and Utility officials to ensure a concerted effort of response during the state of emergency.
5. That the Administrator continuously dialogue with local elected officials to establish reasonable and amenable plans of action for their statutory functions and service.
6. That the Administrator modify, as necessary and in her discretion, employee personnel and building/facility policies during the term of the emergency to ensure essential public services are met but also limiting unnecessary county employee exposure to situations in which the virus can spread and authorizing remote access to the workplace by employees if the assigned duties allow.
7. That all County Council meetings, board, commission, committee, or other similar meetings may be conducted electronically by means conducive to the type of meeting and to authorize remote attendance by telephonic or electronic means.
 - a. That any member of Council, board, commission, committee or other similar group conducting a virtual meeting may cast a vote, via voice or hand, by the electronic means so long as the vote is able to be heard or seen by attendees.
 - b. That meeting minutes shall be taken and the meeting recorded as if an in-person meeting were being held.
 - c. That electronic executive sessions are permitted in accordance with the provisions of the Act and the reason for going into any executive session in conformance with Section 30-4-70 of the Act shall be announced.

- d. That public hearings and public comment may be held through electronic means whereby any member of the public will be afforded the opportunity to be heard by the governing body during the stated time of a public hearing or designated period of time during public comment.
 - e. During the period of effectiveness of this ordinance any other provision of the Georgetown County Rules of Procedure Ordinance (99-30) that conflicts with the provisions hereof is temporarily suspended and shall be superseded hereby.
- 8. Authorize the Administrator to temporarily alter open hours, methods of service, and/or close certain County facilities, temporarily close, alter hours, and/or methods related to all adult and youth parks and recreation activities including the organized use of County recreation facilities that host team competitions, and other temporary measures that manage and discourage the unnecessary congregation of people on County property or at County functions.
- 9. Designate the use of emergency procurement and the fund balance, if necessary, and authorize the Administrator to allocate funding to emergency expenditures attributable to the departments necessary during the state of emergency. Any emergency allocation will not require an ordinance during the state of emergency and will be reflected in subsequent budget amendments; the Finance Director, or assigned designee per the County Administrator, will report periodically to the Administrator on monies spent during the state of emergency.
- 10. This **STATE OF EMERGENCY** will remain in effect until **January 26, 2021**, unless sooner terminated by Georgetown County Council.

SECTION B: FACE COVERINGS

- 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.
8. 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.
9. 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.
10. This **FACE COVERING MANDATE** will remain in effect through **January 26, 2021**, unless sooner terminated by Georgetown County Council.
11. 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.
12. This ordinance expressly takes precedence over and supersedes any other Georgetown County ordinance and/or emergency declaration for the duration of the term provided herein.

EFFECTIVE DECEMBER 8, 2020.

ORDAINED, ENACTED, AND ORDERED THIS 8TH DAY OF DECEMBER 2020.

John Thomas, Chairman
Georgetown County Council

ATTEST:

Theresa E. Floyd
Clerk to Council