

EMERGENCY ORDINANCE NO.

YORK COUNTY COUNCIL EMERGENCY ORDINANCE IN RESPONSE TO THE NOVEL CORONAVIRUS DECLARING THE REQUIREMENT TO WEAR FACE COVERINGS (MASKS) IN PUBLIC PLACES, WITH EXCEPTIONS, AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO

WHEREAS, on March 11, 2020, COVID-19, a novel, highly contagious and deadly virus, was declared a pandemic by the World Health Organization and poses a significant threat to County citizens and citizens of the State of South Carolina; and

WHEREAS, on March 13, 2020, the President of the United States declared a national state of emergency for the United States and its territories in an effort to reduce the spread of the virus; and

WHEREAS, beginning on March 13, 2020, the Governor of South Carolina has declared a state of emergency for the State of South Carolina; and

WHEREAS, S.C. Code Ann. § 4-9-25 empowers Council to enact ordinances necessary and proper for the security, general welfare, and convenience of counties for preserving health, peace, order, and good government; and

WHEREAS, S.C. Code Ann. § 4-9-130 empowers Council to enact emergency ordinances to meet public emergencies affecting life, health, safety or the property of the people; 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 significant risk of exposure and infection and an extreme public health risk; and

WHEREAS, as of July 14, 2020, the South Carolina Department of Health and Environmental Control has reported total number of confirmed cases in the South Carolina is approximately 58,168 and the number of confirmed deaths is 972, with the number of reported cases in York County at approximately 1,949 ;and

WHEREAS, the number of COVID-19 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

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 County’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 County is taking steps to try to protect the citizens and employees of the County from increased risk of exposure; and

WHEREAS, in light of the foregoing, York County Council deems it necessary and proper to adopt this emergency Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by York County Council, as follows:

1. The County Council, by the power granted to it by the South Carolina Constitution and General Assembly through the Home Rule Act, hereby declares it is necessary and proper to require persons within the County to wear face coverings in public places as a simple barrier to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the cloth face covering coughs, sneezes, talks, or raises their voice in order to preserve public health, safety, welfare, order, and good government and to slow the spread of the novel coronavirus within the County as set out below.
2. 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.
3. All restaurants, retail stores, salons, barber shops, 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.
4. 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.
5. Face coverings are not required in the following circumstances:
 - a. In personal vehicles;
 - b. When a person is alone in enclosed spaces; during outdoor physical activity, provided the active person maintains a minimum of six (6) feet from other people at all times;
 - c. When a person is alone or only with other household members;
 - d. While drinking, eating, or smoking;

- e. When wearing a face covering causes or aggravates a health condition;
 - f. When wearing a face covering would prevent the receipt of personal services;
 - g. When a person is 10 years of age or younger.
6. A person who fails to comply with Section 2 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$25.00.
 7. A person who fails to comply with Section 3 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. 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 County Code, result in the suspension or revocation of any occupancy permit or business license issued to business where the repeated violations occurred. Repeated violation of this Ordinance is 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 Section 3 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 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.
 8. The County Manager is hereby directed to utilize County resources, in the Manager’s discretion, to facilitate the placement and/or distribution of masks and PPE at County Buildings for the safety of the visiting 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. This emergency Ordinance shall take effect at 12:01 a.m. on _____, 2020, and shall be terminated by the issuance of another ordinance or shall automatically expire on the 61st day after enactment of this Ordinance, whichever date is earlier.

ORDAINED, ENACTED, AND ORDERED THIS ___ DAY OF ____, 2020.

YORK COUNTY COUNCIL

By: _____
R. Michael Johnson, Jr.
County Council Chairman

ATTEST:

David E. Hudspeth
County Manager