ORDINANCE # 2020-07-06

EMERGENCY ORDINANCE REQUIRING FACE COVERINGS OR MASKS TO BE WORN IN PUBLIC IN THE CITY OF CONWAY DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND RECOVERY

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 14, 2020, the City Council of the City of Conway, declared a state of emergency for the City of Conway; and

WHEREAS, tenets of Home Rule, and S.C. Code Ann. §5-7-30 grant specific police powers to the municipality as necessary and proper for security and general welfare, for the preservation of health and safety, and the power to fix fines and penalties for violations; and

WHEREAS, S.C. Code 5-7-250 empowers Council to enact such 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 Controls (“SCDHEC”) confirming the localized person-to-person spread of COVID-19 in South Carolina, which indicates a significantly high risk of exposure and infection creating an extreme public health risk; and

WHEREAS, as of June 23, 2020, there were 28,962 confirmed cases throughout the State of South Carolina of which 2,370 were in Horry County. The City of Conway ZIP CODE 29526 had 144 confirmed cases and ZIP Code 29527 had 207 confirmed cases; and

WHEREAS, the number of cases is growing rapidly and if COVID-19 continues to spread in the City, the numbers 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

ORDINANCE # 2020-07-06
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 general health, safety and welfare and the peace and order of the community, the City is taking steps to try to protect 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; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Conway, South Carolina this 6th day of July, 2020 that facial coverings or masks shall be required in public places within the City to slow the spread of the novel coronavirus disease, known as COVID-19 as follows:

1. All persons entering a commercial establishment determined to be essential in the City 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.

2. Face covering 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 receipt of personal services;
   g. When a person is 8 years of age or younger.

3. A person who fails to comply with Paragraph 1 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than $25.00; In addition to the fines established by this paragraph, 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 a business where 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, 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 Paragraph 1 of this Ordinance, “person” shall be defined as any individual associated with the business who has the control

ORDINANCE # 2020-07-06
or authority and ability to enforce the social distancing requirement 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.

4. Should any provision, 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, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

5. This Ordinance is effective as of 8 PM July 6, 2020. This Ordinance shall be terminated by the issuance of another ordinance or shall automatically expire on August 4th, 2020 at 9 A.M.

RATIFIED BY CITY COUNCIL, duly assembled, this 6th day of July, 2020.

Barbara Jo Blain-Bellamy, Mayor

Shane Hubbard, Mayor Pro Tem

William M. Goldfinch IV, Council Member

B. Alex Hyman, Council Member

Justin Jordan, Council Member

Jean M. Timbes, Council Member

Larry A. White, Council Member

ATTEST: Barbara A. Tessier, City Clerk