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CITY OF BEAUFORT



1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

Special Emergency Council Meeting

June 29, 2020

Please note, this meeting will be conducted electronically via Zoom and broadcasted via livestream on Facebook. You can view the meeting live via Facebook at the City's page City Beaufort SC.

Electronic Meeting

10:00 AM

I. New Business

A. *Emergency Ordinance of the City of Beaufort, South Carolina* – Ordinance to require individuals to wear Face Coverings in certain circumstances and locations in the Municipal limits of the City of Beaufort, South Carolina, and providing for severability and an effective date

II. Adjourn

STATEMENT OF MEDIA NOTIFICATION

"In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media was duly notified of the time, date, place and agenda of this meeting."

EMERGENCY ORDINANCE 2020-_____

AN EMERGENCY ORDINANCE TO REQUIRING INDIVIDUALS TO WEAR FACE COVERINGS IN CERTAIN CIRCUMSTANCES AND LOCATIONS IN THE MUNICIPAL LIMITS OF THE CITY OF BEAUFORT, SOUTH CAROLINA, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, it is well recognized the 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 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 13, 2020, Beaufort Mayor Billy Keyserling , under his authority , declared that a State of Emergency exists throughout the City as a result of impacts arising from the COVID-19 pandemic; and,

WHEREAS, reported COVID-19 daily cases are on the rise in both Beaufort County and the State of South Carolina; and

WHEREAS, on June 30, 2020 the State of Emergency still exists in State of South Carolina and the City of Beaufort; the Centers for Disease Control and Prevention (“CDC”) and South Carolina Department of Health and Environmental Control (“SCDHEC”) have advised the use of cloth or other types face coverings to slow the spread of COVID-19; and

WHEREAS, the CDC and SCDHEC recommend taking measures to control the spread of COVID-19 such as wearing cloth or other types of face coverings, both of which limit the spread of COVID-19 in our communities and reduce the demand on the local the health care delivery system; and

WHEREAS, there are currently large numbers of people who patronize grocery stores, pharmacies, restaurants, retail establishments and other businesses open to the public within the municipal limits of the City; and

WHEREAS, public reporting and other sources reveal that the advice from the Centers for Disease Control and SCDHEC encouraging the wearing of cloth or other types of face coverings is not being widely followed within the municipal limits of the City; and

WHEREAS, in order to protect, preserve, and promote the general health, safety, welfare, and the peace and order of the community, the City has and will continue to take steps to try and protect the citizens, employers, and employees within the City from an increased risk of exposure to and transmission of COVID-19 ; and,

WHEREAS, the City has received a strong message from the medical community, that unless citizens curb the rising spread of COVID-19 through wearing facemasks and following social distancing protocol, established by the CDC, community medical facilities could be faced with more patients than any one institution can accommodate, and,

WHEREAS, the City Council finds it is necessary and in the best interest of the City and its citizens that an Emergency Ordinance requiring the wearing of cloth or other types of face

coverings in certain circumstances be adopted by the City Council, and that it be put into immediate effect; and

WHEREAS, City Council may, by majority vote of those members present, adopt emergency ordinances as are authorized and limited by S. C. Code Ann. §5-7-250(d)(Supp. 2019), during this State of Emergency.

NOW, THEREFORE, BE IT ORDERED, AND ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BEAUFORT, SOUTH CAROLINA, DULY ASSEMBLED AND BY THE AUTHORITY OF THE SAME, AS FOLLOWS:

1. For the purpose of this Ordinance, a “Face Covering” is a cloth or other type of masking device that covers the wearer’s nose and mouth.
2. All persons entering any building open to the public in the City must wear a face covering while inside the building.
3. All restaurants, retail establishments of every description, salons, grocery stores, and pharmacies in the municipal limits of the City shall require their employees to wear a Face Covering at all times that the employees are in any area where the general public is allowed or when the employees must be in close proximity to one another. This requirement also applies to all persons providing or utilizing public or commercial transportation, including tours; and all businesses or employees while interacting with people in outdoor spaces, including, but not limited to, curbside pickup, delivery, and service calls.
4. The following individuals are exempt from this Ordinance: any person who is unable to safely wear a Face Covering due to age or an underlying health condition, or who is unable to remove the Face Covering without the assistance of others; and any person traveling in a personal vehicle, or when a person is alone or is in the presence of only household members in an enclosed space, and people who are actively drinking or eating. This Ordinance does not relieve business establishments and restaurants from other social distancing requirements imposed by the Governor’s Executive Orders.
5. Education and voluntary compliance are the desired means of enforcement. However, any person who, after being first duly warned, is found to have violated any mandatory provision of this Ordinance shall be deemed guilty of a civil infraction, and shall be subject to a Civil Summons punishable by a fine of fifty dollars (\$50.00). Police officials, or a City representative appointed by the City Manager, shall be authorized to issue such a Summons for violations personally witnessed.
6. Repeated violations of this Ordinance at any business or establishment that is subject to this Ordinance is hereby declared a nuisance, and the City may seek a restraining order, preliminary injunction, permanent injunction or any other means authorized under the Laws of the State of South Carolina to abate the nuisance. The City may also seek suspension or revocation of the business license issued by the City to any business or establishment where repeated violations of the Ordinance occur, under the authority of the City Code of Ordinances.

- 7, With the exception of their own employees, owners or lease holders of buildings open to the public shall not have responsibility for enforcing the above requirements, but shall post conspicuous signage at all entrances informing its patrons of the requirements of this Ordinance.

8. 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.

9. This Ordinance becomes effective 11:59 PM June 30, 2020, upon adoption by City of Beaufort Council, and will be extended or expire upon the thirty first day following adoption or the end of the State of Emergency in the City of Beaufort, whichever occurs first.

**MOVED, APPROVED, AND ADOPTED AS AN EMERGENCY ORDINANCE
THIS _____ DAY OF JUNE 2020.**

Billy Keyserling, Mayor

ATTEST:

By: _____
Ivette Burgess, City Clerk

APPROVED AS TO FORM:

William B Harvey, City Attorney