

STATE OF SOUTH CAROLINA)
) A TEMPORARY ORDINANCE REQUIRING
) PERSONS TO WEAR FACE COVERINGS IN
) CERTAIN CIRCUMSTANCES IN THE TOWN
) OF MOUNT PLEASANT TO REDUCE RISK OF
) EXPOSURE TO COVID-19 DURING THE
 COUNTY OF CHARLESTON) PUBLIC HEALTH EMERGENCY AND
) RECOVERY
)
)
)
 TOWN OF MOUNT PLEASANT)

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, these matters have taken many forms across the nation including travel bans, school closures, business closures and restrictions, individual quarantines, and cancellation of major events, among other measures; and

WHEREAS, the Town of Mount Pleasant is working with other government agencies in an effort to prevent the spread of disease; 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 has declared a state of emergency for the State of South Carolina; 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 significantly risk of exposure and infection and creating an extreme public health risk; and

WHEREAS, as of September 3, 2020, the total number of reported cases in the South Carolina exceeded 120,500 and the number of confirmed deaths exceeded 2,700, with the number of cases in Charleston County reported at approximately 14,000 with approximately 225 deaths; and

WHEREAS, the number of cases is growing rapidly and if COVID–19 continues to spread in the Town, 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 Town’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 Town is taking steps to try to protect the citizens and employees of the Town from increased risk of exposure; and

WHEREAS, Governor McMaster, by Executive Order 2020-50, has ordered face covering requirements in certain situations and has urged municipalities to enact ordinances requiring the same; and

WHEREAS, in light of the foregoing, Town Council deems it proper and necessary to adopt this Temporary Ordinance in order to require (a) patrons of grocery stores, pharmacies and Town owned or operated buildings to wear face coverings while inside in light of the fact these establishments sell essential goods and provide essential services such that individuals do not have a meaningful choice to decide not to utilize these facilities and (b) all employees of restaurants, bars, retail establishments, salons, grocery stores, pharmacies and the Town to wear face coverings at any time there is face to face interaction with the public.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Municipality of Mount Pleasant, in Council assembled, that:

1. All persons entering a grocery store, pharmacy or Town owned or operated building in the Town must wear a face covering while inside the establishment or facility. For purposes of this Ordinance, the term grocery store shall mean a retail establishment that primarily sells food, but may also sell other convenience and household goods; the term does not include a convenience store. The business shall not have responsibility for enforcing this requirement, but shall post conspicuous signage at all entrances informing its patrons of the requirements of this section.
2. All restaurants, retail stores, salons, barber shops, grocery stores, pharmacies and Town buildings and indoor facilities in the Town must require their employees to wear a face covering at all times while having face to face interaction with the public or other employees.
3. Exemptions: a) 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. Further, no person shall be required to disclose the nature of any health condition in order to qualify for this exemption; b) All persons

twelve years of age or under; c) All persons whose religious beliefs prevent them from wearing a face covering; d) Any person in a private or individual office; e) In settings where it is not feasible to wear a face covering including persons receiving oral health services, persons swimming or engaging in athletic activities; e) Police officers, fire fighters and other first responders when not practical or engaged in a public safety matter of an emergency nature.

4. A person who fails to comply with Section 1 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$25.00.
5. 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 \$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 Town Code, result in the suspension or revocation of any occupancy permit or business license issued to 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 Town 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 2 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.
6. 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.
7. This Temporary Ordinance shall automatically expire on the 61st day after enactment if not amended or revoked prior to that time.

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON FINAL READING.
SIGNED, SEALED AND DELIVERED THIS _____ DAY OF _____, 2020.

SIGNED, SEALED AND DELIVERED THIS ____ DAY OF _____, 2020.

J.W. Haynie, Mayor
Town of Mount Pleasant

Attest:

Christine Barrett
Clerk of Council

_____, 2020
Mount Pleasant, SC

Introduced: _____, 2020
Final Reading: _____, 2020

APPROVED AS TO FORM:

David G. Pagliarini
Corporation Counsel

DRAFT