



## County Council of Beaufort County

### Special Meeting of County Council

#### Chairman

Joseph F. Passiment, JR.

#### Vice Chairman

D. Paul Sommerville

#### Council Members

Michael E. Covert

Gerald Dawson

Brian E. Flewelling

York Glover, SR.

Chris Hervochon

Alice G. Howard

Mark Lawson

Lawrence P. McElynn

Stu Rodman

#### County Administrator

Ashley M. Jacobs

#### Clerk to Council

Sarah W. Brock

#### Administration Building

Robert Smalls Complex

100 Ribaut Road

#### Contact

Post Office Drawer 1228

Beaufort, South Carolina 29901-1228

18421 755-7180

# County Council Agenda

## County Council of Beaufort County

Wednesday, July 01, 2020 at 4:00 PM

VIRTUAL

#### Call To Order

1. CALL TO ORDER- Chairman Passiment
2. PLEDGE OF ALLEGIANCE AND INVOCATION- Chairman Passiment
3. *PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT*
4. APPROVAL OF THE AGENDA
5. CITIZEN COMMENTS (**Every member of the public who is recognized to speak shall limit comments to three minutes- Citizens may email [sbrock@bcgov.net](mailto:sbrock@bcgov.net), or comment on our Facebook Live stream to participate in Citizen Comment**)

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#### ACTION ITEMS

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6. DISCUSSION AND ACTION OF AN EMERGENCY ORDINANCE TO REQUIRE THE USE OF FACE MASKS IN CERTAIN PLACES WHERE INDIVIDUALS WILL NOT BE ABLE TO SOCIAL DISTANCE
7. ADJOURNMENT

**EMERGENCY ORDINANCE 2020-\_\_\_\_\_**

**AN EMERGENCY ORDINANCE TO REQUIRE INDIVIDUALS TO WEAR FACE COVERINGS IN CERTAIN CIRCUMSTANCES AND LOCATIONS IN THE LIMITS OF THE COUNTY 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 as a result of the COVID-19 impacts; and,

**WHEREAS**, on March 16, 2020, Beaufort County Council (the “County”) adopted Emergency Ordinance 2020-01, declaring that a State of Emergency exists throughout the County as a result of impacts arising from the COVID-19 pandemic; and,

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

**WHEREAS**, as of today, the State of Emergency still exists in State of South Carolina and the County; and

**WHEREAS**, 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 has determined that COVID-19 is spread mainly by person to person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with environments where the virus may be spread; and

**WHEREAS**, the South Carolina Department of Health and Environmental Control (“SCDHEC”) continues to urge all residents of the state to limit activities outside of the home and to practice social distancing at all times to limit the spread of this highly contagious and potentially deadly virus; and

**WHEREAS**, the Centers for Disease Control and Prevention has stated that COVID-19 symptoms may appear as many as fourteen (14) days after exposure and has confirmed that a significant number of people are asymptomatic and that avoiding exposure to these two groups is essential in the reduction of the spread of the virus; and

**WHEREAS**, notwithstanding the spread of COVID-19, several businesses remain open and some of their employees must physically be present at the work site, requiring further measures to keep such employees safe an

**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 unincorporated limits of the County; 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; and

**WHEREAS**, in order to protect, preserve, and promote the general health, safety, welfare, and the peace and order of the community, the County has, and will continue, to take steps to try and protect the

citizens, employers, and employees within the County from an increased risk of exposure to and transmission of COVID-19; and,

**WHEREAS**, the County 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 and included in the Executive Order of the Governor of South Carolina, community medical facilities could be faced with more patients than any one institution can accommodate, and,

**WHEREAS**, the County Council finds it is necessary and in the best interest of the County 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 County Council, and that it be put into immediate effect; and

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

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL FOR THE COUNTY OF BEAUFORT, SOUTH CAROLINA, IN MEETING 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 County must wear a face covering while inside the building.
3. All restaurants, retail establishments of every description, salons, grocery stores, and pharmacies in the limits of the County 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. All such businesses must provide face coverings or materials for the making of such face coverings for their employees. Such coverings or materials may be made available staff-wide or individually upon employee request so long as the result is the organization-wide use of face coverings. Nothing shall prevent an employee from fashioning his or her own cloth face mask. If a worker or customer refuses to wear a cloth face covering for other than medical reasons, a business may decline entry or service to that individual.
4. The following individuals are exempt from this Ordinance: any person under the age of two, or 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 criminal infraction, and shall be subject to a fine of \$100 Dollars (\$100.00) or thirty days in jail. For the purposes of Paragraph 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 social distancing requirements, as established by Order of the Governor of South Carolina, 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. Repeated violations of this Ordinance at any business or establishment that is subject to this Ordinance are hereby declared a nuisance, and the County 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 County may also seek suspension or revocation of the business license issued by the County to any business or establishment where repeated violations of the Ordinance occur, under the authority of Section 18-62 of the County Code of Ordinances. Each day of a continuing violation of this ordinance shall be considered a separate and distinct offense.
- 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 July 3, 2020, following adoption by County Council, and will expire upon the sixty-first day following adoption or the end of the State of Emergency in the County of Beaufort, whichever occurs first.

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

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Joseph Passiment, Council Chair

ATTEST:

By: \_\_\_\_\_  
Sarah Brock, Clerk to Council