

EMERGENCY ORDINANCE REQUIRING PESONS TO WEAR FACE COVERINGS IN CERTAIN CIRCUMSTANCES IN THE TOWN OF JAMES ISLAND TO REDUCE RISK OF EXPOSURE TO COVID-19 DURING THE 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 has 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, on March 17, 2020, Mayor Woolsey declared a state of emergency in the Town of James Island; and

WHEREAS, S.C. Code Ann. §5-7-250 empowers Council to enact 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 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 June 24, 2020 the total number of confirmed cases in South Carolina is approximately 26,572 and the number of confirmed deaths is 673, with the number of reported cases in Charleston County is 2,251; and with 225 current positive cases on James Island, 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 risks 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 of 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;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF JAMES ISLAND:

The use of a face covering, or mask is required by every person within the boundaries of the Town of James Island as detailed below:

1. The Town of James Island recommends that all persons entering restaurants and retail stores and offices that are open to the public and conveyances of public transportation, including but not limited to salons, barber shops, grocery stores, pharmacies, ~~must~~ wear a face covering while inside the building or vehicle.
2. The Town of James Island recommends that all restaurants and retail stores and offices that are open to the public, and conveyances of public transportation including but not limited to salons, barber shops, grocery stores, adopt a policy of providing service solely to customers wearing a face covering. The Town further recommends that customers should be notified of the policy with signage at entryways. Those seeking service without a face covering should be politely notified of the policy, and if necessary, asked to leave the premises. Law enforcement should be notified if a customer in violation of the policy refuses to leave as requested.
3. All restaurants and retail stores and offices that are open to the public and conveyances of public transportation that include but are not limited to salons, barber shops, grocery stores, pharmacies, must require their employees to wear a face covering at all times while having face-to-face interaction with the public, including interactions in outdoor spaces such as curbside pickup, delivery, and service calls;
4. When participating in a permitted gathering.

The use of face coverings can help slow the spread of infectious disease in some circumstances, however, this emergency ordinance is not intended to require or recommend face coverings for the following:

1. 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;
2. Any person traveling in their personal vehicles;
3. When a person is alone or only with other household members in an enclosed space;
4. While participating in an outdoor physical activity;
5. While actively drinking, eating, or smoking;
6. In an outdoor or unenclosed area appurtenant to retail establishments or foodservice establishments in which social distancing of at least six feet is possible and observed;
7. For people, whose religious beliefs prevent them from wearing a face covering;
8. For children under 10 years old;

9. In private, individual offices;
10. When complying with directions of law enforcement officers;
11. In settings where it is not feasible to wear a face covering, including when obtaining or rendering goods or services such as the receipt of dental services or while swimming; and
12. Police officers, fire fighters and other first responders when not practical or engaged in a public safety matter of an emergency nature.

The Town of James Island Code Enforcement Officers are hereby authorized to determine whether persons are in compliance with the Ordinance. The Town will work with the business community to develop marketing strategies, signage, and mask availability, and will work with businesses, local organizations, and citizens to educate them on the requirements of the Ordinance as they come into compliance with it.

Enforcement

1. This Ordinance shall be enforced by authorized Town of James Island Code Enforcement Officers.
2. Any person, after first being warned, found violating any provision of this Ordinance shall be deemed guilty of an infraction and shall be subject to a fine of fifty dollars (\$50.00).

Should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action, 2020n in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance is hereby adopted shall remain in full force and effect.

This Ordinance shall take effect at 12:00 a.m. on July 1, 2020 and shall automatically expire on July 17, 2020.

Done in Council, duly assembled this 6/29, 2020



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Bill Woolsey  
Mayor

ATTEST

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Frances Simmons  
Town Clerk