

EMERGENCY ORDINANCE NO. 2020- 28

AN EMERGENCY ORDINANCE TO EXTEND EMERGENCY MEASURES PUT IN PLACE PREVIOUSLY BY EMERGENCY ORDINANCES NO. 2020-20, 2020-12, AND 2020-13 TO INCLUDE THE REQUIREMENT ESTABLISHED THAT INDIVIDUALS WEAR FACE COVERINGS IN ESTABLISHMENTS OPEN TO THE PUBLIC AND FOODSERVICE ESTABLISHMENTS, AND OTHER MATTERS RELATED IN RESPONSE TO THE COVID-19 EMERGENCY.

WHEREAS, the 2019 Novel Coronavirus (“COVID-19”) is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person;

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020;

WHEREAS, the Centers for Disease Control and Prevention (the “CDC”) has warned of the high public health threat posed by COVID-19 globally and in the United States;

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 391 of the Public Health Service Act;

WHEREAS, on March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a national emergency, which began on March 1, 2020;

WHEREAS, also on March 13, 2020, the Governor of the State of South Carolina (the “State”) issued Executive Order 2020-08, declaring a State of Emergency based on a determination that the COVID-19 poses an actual or imminent public health emergency for the State;

WHEREAS, the Governor of the State has subsequently declared a continued State of Emergency in Executive Orders 2020-15 (March 28, 2020), and it has been repeatedly extended with the latest being Executive Order 2020-56 issued on August 25, 2020;

WHEREAS, the State and the Florence area have continued to experience an increase in the number of identified new COVID-19 cases, and the South Carolina Department of Health and Environmental Control (“DHEC”) has reported that the continuation of emergency measures to include face covering requirements is making a significant impact on slowing the spread of COVID-19 cases;

WHEREAS, health authorities, including the CDC, the Surgeon General of the United States, and DHEC have recommended the use of face coverings as a means of preventing the spread of COVID-19;

WHEREAS, the South Carolina Attorney General, on June 25, 2020, issued a public statement that enacting local mask requirements is within the police power of municipalities and is not preempted by State law;

WHEREAS, the Florence City Council has previously unanimously adopted Emergency Ordinances designed to properly react to the emergency presented by the pandemic including, but not limited to Emergency Ordinance No. 2020-20, Emergency Ordinance 2020-13, and Emergency Ordinance 2020-12;

WHEREAS, it has been determined by the City Council that the extension of the Emergency Ordinances is in the best interest of the City of Florence and its citizens;

WHEREAS, S.C. Code § 5-7-250(d) provides that “[t]o meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances; but such ordinances shall not levy taxes, grant, renew or extend a franchise or impose or change a service rate. Every emergency ordinance shall be enacted by the affirmative vote of at least two-thirds of the members of council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment;” and

WHEREAS, this Ordinance has been approved by at least two-thirds of the Councilmembers present at the meeting in which it was considered;

NOW, THEREFORE, it is hereby ordained by the City Council of the City of Florence as follows:

I. Extension of Emergency Ordinance No. 2020-20

- (a) The City hereby declares that the emergency situation created by the 2019 Novel Coronavirus (COVID-19) pandemic situation continues to exist, and, therefore, all of the provisions contained in Emergency Ordinance No. 2020-020 previously adopted are hereby extended for an additional sixty (60) days as fully as if set forth verbatim herein.
- (b) This Ordinance shall expire automatically at Midnight on November 11, 2020 unless its Term is extended by City Council by resolution for one or more additional terms, each such term for no more than sixty days, provided that the aggregate term of the Emergency Term, including all such extensions, does not exceed six months.

II. Extension of Provisions in Emergency Ordinances No. 2020-12

- (a) The City hereby declares that the emergency situation created by the 2019 Novel Coronavirus (COVID-19) pandemic situation continues to exist, and, therefore, all of the provisions contained in Emergency Ordinance No. 2020-012 previously

adopted are hereby extended for an additional sixty (60) days as fully as if set forth verbatim herein.

- (b) This Ordinance shall expire automatically at Midnight on November 11, 2020 unless its Term is extended by City Council by resolution for one or more additional terms, each such term for no more than sixty days, provided that the aggregate term of the Emergency Term, including all such extensions, does not exceed six months.

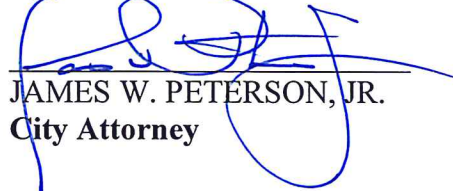
III. Extension of Provisions in Emergency Ordinances No. 2020-13

- (a) The City hereby declares that the emergency situation created by the 2019 Novel Coronavirus (COVID-19) pandemic situation continues to exist, and, therefore, all of the provisions contained in Emergency Ordinance No. 2020-013 previously adopted are hereby extended for an additional sixty (60) days as fully as if set forth verbatim herein.
- (b) This Ordinance shall expire automatically at Midnight on November 11, 2020 unless its Term is extended by City Council by resolution for one or more additional terms, each such term for no more than sixty days, provided that the aggregate term of the Emergency Term, including all such extensions, does not exceed six months.

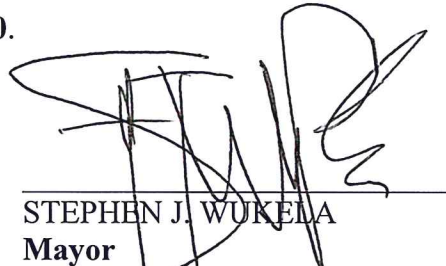
IV. Effective Date and Time. This Emergency Ordinance shall take immediately upon its adoption by at least two-thirds of the Councilmembers present.

ADOPTED THIS 14th day of September, 2020.

Approved as to form:

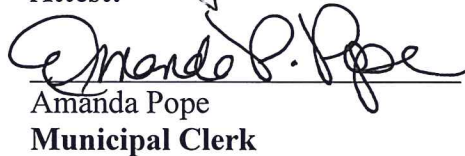


JAMES W. PETERSON, JR.
City Attorney



STEPHEN J. WUKELA
Mayor

Attest:



Amanda Pope
Municipal Clerk