

RESOLUTION NO. 2021-15

A RESOLUTION AS AUTHORIZED BY SECTION 10 OF ORDINANCE NO. 2021-08 TO ADDRESS THE PROVISIONS OF ORDINANCE NO. 2021-08 REGARDING THE USE OF FACE COVERINGS IN RESPONSE TO EXECUTIVE ORDER 2021-23 ISSUED BY THE GOVERNOR ON MAY 11, 2021.

Findings of Fact

1. Incident to adoption of this Resolution, City Council ("Council") reiterates and adopts the findings of fact set out in Ordinance No. 2020-13 and specifically finds that, even though great progress has been made in the ongoing fight against the 2019 Novel Coronavirus (COVID-19) pandemic situation, the emergency situation created by the pandemic continues to exist.

2. The Governor of South Carolina issued Executive Order 2021-23 on May 11, 2021, and in Section 2(D) of said Order, he concluded and ordered that any local ordinances requiring face coverings previously enacted based upon his prior authorization or his declarations of a state of emergency are no longer valid and should be ended.

3. The City of Florence, through a series of emergency ordinances culminating Ordinance No. 2021-08 had, based in part on the Governor's declaration of a state of emergency, enacted Sections 6, 7, and 8 which required face coverings in "Establishments Open to the Public" and "Foodservice Establishments".

4. While the City of Florence believes that the continued wearing of face coverings in "Establishments Open to the Public" and "Foodservice Establishments" is important, and it urges individuals to continue to do so in the interest of continuing to make progress against the pandemic, it finds it to be in the best interest of its citizens to rescind the mandatory requirement of face coverings pursuant to Executive Order 2021-23.

5. As specially allowed under Section 2(E) of Executive Order 2021-23, the City of Florence will continue the portion of Ordinance No. 2021-08 that requires the wearing of face coverings in the public buildings operated by the City.

NOW, THEREFORE, BASED UPON THE FINDINGS OF FACT REFERENCED AND SET OUT ABOVE, IT IS HEREBY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA AS FOLLOWS:

a. The City hereby declares that the emergency situation created by the 2019 Novel Coronavirus (COVID-19) pandemic situation continues to exist.

b. In accordance with Executive Order 2021-23, the City hereby rescinds and amends Sections 6, 7, and 8 of Ordinance No. 2021-08 to read in their entirety as follows:

Section 6. Use of Face Coverings. Effective immediately:

- a) All persons entering any Establishment Open to the Public or Foodservice Establishment as defined below in the City of Florence are encouraged to wear a face covering while inside the establishment. For purposes of this Ordinance, the term "Establishment Open to the Public"

shall mean any organization, establishment, facility, or retail business open to the public within the City of Florence. "Foodservice Establishment" shall mean any establishment within the City of Florence that sells prepared food on a dine-in, delivery, carry-out, or drive-through basis.

- b) All persons entering a public building operated by the City of Florence must wear a face covering while inside the City building. The City shall require their staff and employees to wear a face covering at all times while having face to face interaction with the public and while working in areas open to the general public and areas in which interactions with other staff or the public are likely in which social distancing of at least six feet cannot be observed.
- c) "Face Covering" as used herein means a uniform piece of cloth, fabric, or other material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands. Face Coverings include, but are not limited to, bandanas, medical masks, cloth masks, scarves, and gaiters, provided they are worn such that they securely cover the person's nose and mouth.

Section 7. Exemptions. Face Coverings in City buildings shall not be required as follows:

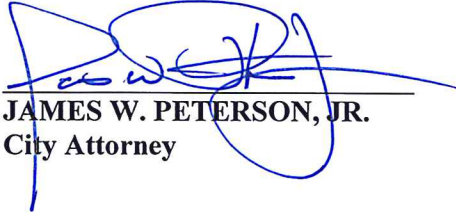
- a) in outdoor or unenclosed areas appurtenant to the City building in which social distancing of at least six feet is possible and observed;
- b) for people whose religious beliefs prevent them from wearing a Face Covering;
- c) for those who cannot wear a Face Covering due to a medical or behavioral condition;
- d) for children under six (6) years old;
- e) in private offices and workspaces in which social distancing of at least six feet is possible and observed;
- f) when complying with directions of law enforcement officers;
- g) in settings where it is not practical or feasible to wear a Face Covering; and/or
- h) while exclusively with members of a family or the same household, and no person other than such family or household is within the same enclosed area.

Section 8. Civil Infraction. Any person violating the provisions of Section 6(b) of this Ordinance by failing to wear a Face Covering when required shall be guilty of a civil infraction, punishable by a penalty of \$25.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense.

c. Except as specifically amended as set out above, all other provisions contained in Ordinance No. 2021-08 shall remain in full force and effect.

AND IT IS SO RESOLVED this 13th day of May, 2021.

APPROVED AS TO FORM:

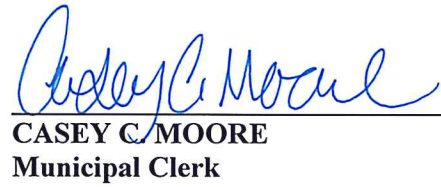


JAMES W. PETERSON, JR.
City Attorney



TERESA MYERS ERVIN
Mayor

ATTEST:



CASEY C. MOORE
Municipal Clerk