

**EMERGENCY ORDINANCE NO. 2022-01**

**AN ORDINANCE TO REPLACE THE EXISTING EMERGENCY ORDINANCE 2021-30 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 Delta strain of the COVID-19 has caused significant increases in number of COVID-19 cases throughout South Carolina, and these increases have been of particular note in Florence County and the metropolitan area of the City of Florence as evidenced by Exhibit A attached hereto;

**WHEREAS**, the Centers for Disease Control and Prevention (the “CDC”) continues to warn of the high public health threat posed by COVID-19 globally, in the United States, and in South Carolina;

**WHEREAS**, the CDC and South Carolina Department of Health and Environmental Controls (“SCDHEC”) advise the use of cloth face coverings to slow the spread of COVID-19;

**WHEREAS**, in Executive Order 2020-63 Governor Henry McMaster urged municipalities to enact measures requiring individuals to wear face coverings and the COVID-19 infection levels in South Carolina and Florence County now exceed the infection rates then existing;

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

**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 the most recent Emergency Ordinance No. 2021-30;

**WHEREAS**, it has been determined by the City Council that the emergency measures set forth in the prior Ordinances and Resolutions are necessary, including the reinstatement of a requirement that face coverings or masks be worn in public in the City of Florence as previously required in Ordinance No. 2021-08; and

**WHEREAS**, Section 5-7-250 of the South Carolina Code of Laws and Section 2-29(c) of the Florence Code of Ordinances empowers Council to enact emergency ordinances affecting life, health, or safety on one reading by affirmative two-thirds vote of members present provided that such emergency ordinance shall automatically expire on the 61<sup>st</sup> day following enactment unless extended by future action of Council;

**NOW, THEREFORE**, it is hereby ordained by the City Council of the City of Florence that a state of emergency continues to exist because of the COVID-19 situation, and the following emergency provisions shall apply within the City:

**Section 1. Remote Meetings During the COVID-19 Crisis.** The provisions of this Section shall apply to Council and to any and all boards, commissions, committees, or other subsidiary, related, or delegated bodies of the City (collectively, “Boards and Commissions”). Until the termination of this Ordinance pursuant to Section 10 below, the Council and all of its Boards and Commissions shall be entitled to conduct all regular and special meetings by telephone or other electronic means, provided that:

- a) Members attending by electronic means shall be able to hear any and all comments made by the public, staff, and other council members;
- b) All public participants and attendees, staff, and other members shall be able to hear the comments, motions, and votes of the members attending such meeting by electronic means;
- c) Other than establishing the electronic connections, there shall be no communications among the members attending electronically, unless such communication is part of the meeting and can be heard by all public participants or attendees; and
- d) The comments, motions, and votes of the members attending electronically shall be recorded in the minutes of the meeting.

Collectively, these conditions are referred to as the “Participation Requirements.”

**Section 2. Physical Presence Not Required to be Counted as Part of a Quorum.** The provisions of this section shall apply to Council and to all of its Boards and Commissions. During the Emergency Term, and notwithstanding any other provision of applicable State or local law, a member attending a meeting of Council or any of its Boards and Commissions by telephone or electronic means in compliance with the Participation Requirements, whether physically present or not, shall be counted as present in determining the quorum for such meeting.

**Section 3. Suspension of Deadlines.** The City Manager is authorized to suspend all deadlines imposed by City Ordinance, applicable to the municipality or applicant during the duration of the emergency conditions caused by COVID-19.

**Section 4. Plan for Continuity of Government Services.** The City Manager is authorized to develop and enact a plan to ensure continuity in the delivery of government services in light of the COVID-19 outbreak.

**Section 5. Special Events Permits.** The City Manager is authorized to cancel and revoke any special events permits issued prior to the date of this ordinance for events scheduled to take place during this state of emergency period.

**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 must 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. Since schools and daycares have limited public access, they are not included as an “Establishment Open to the Public” hereunder. “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. The business shall not have responsibility for enforcing this requirement, but it shall post conspicuous signage at all entrances informing its patrons of the requirements of this section.
- b) All Establishments Open to the Public and Foodservice Establishments in 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 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 shall not be required as follows:

- a) in outdoor or unenclosed areas appurtenant to Establishments Open to the Public or Foodservice Establishments 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, provided that adults accompanying children age two (2) through five (5) shall use reasonable efforts to cause those children to wear Face Coverings while inside the enclosed area of any Establishments Open to the Public or Foodservice Establishment;
- e) for patrons of Foodservice Establishments while they are dining;

- f) in private offices and workspaces in which social distancing of at least six feet is possible and observed;
- g) when complying with directions of law enforcement officers;
- h) in settings where it is not practical or 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/or
- i) 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.**

- a) Any person violating the provisions of Section 6(a) 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.
- b) A person who fails to comply with Section 6(b) 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. Repeated violations of this Ordinance are additionally hereby declared to be a public nuisance, which may be abated by the City 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 6(b) 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.

**Section 9. Suspension of Contrary Local Provisions.** During the term of this Ordinance, any ordinance, resolution, policy, or bylaw of the City of Florence that conflicts with the provisions hereof shall be and is hereby suspended and superseded.

**Section 10. Termination of Ordinance.** This Ordinance may be terminated or expire upon the first of the following events:

(a) Upon the issuance of a Resolution by the City Council of the City of Florence declaring that COVID-19 is no longer a serious threat to the public health, safety and welfare of the citizens of the City of Florence;

(b) Absent adoption of a Resolution or Ordinance extending the term of this Emergency Ordinance, upon the 61<sup>st</sup> day following its enactment.

**Section 11. Severability.** 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.

**Effective Date and Time.** This Ordinance shall take immediately upon its adoption on second reading by City Council.


ADOPTED this 10<sup>th</sup> day of January, 2022 ~~November, 2021.~~

Approved as to form:

\_\_\_\_\_  
James W. Peterson, Jr.  
City Attorney

  
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Teresa Myers Ervin  
Mayor

Attest:

  
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Casey C. Moore  
Municipal Clerk