

STATE OF SOUTH CAROLINA )  
)  
TOWN OF BLYTHEWOOD )

**Ordinance No. 2020.008**

**AN EMERGENCY ORDINANCE REQUIRING THE WEARING OF FACE MASKS TO HELP ALLEVIATE THE SPREAD OF COVID 19.**

**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 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 declared a state of emergency for the State of South Carolina; and,

**WHEREAS**, since March 11, 2020, the Governor of South Carolina has issued twenty-eight (28) Executive Orders in response to COVID-19, including, specifically 2020-21, issued on April 6, 2020; and,

**WHEREAS**, on March 24, 2020, the Governor of the State of South Carolina requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act; and

**WHEREAS**, on March 27, 2020, the President of the United States granted the Governor's request and declared that a major disaster exists in the State of South Carolina and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, 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 high risk of exposure and infection creating an extreme public health risk, and;

**WHEREAS**, as of June 25, 2020, there were 28,962 confirmed cases throughout the State of South Carolina, 2,934 cases in Richland County and 1,659 cases in Lexington County, 691 deaths statewide; and,

**WHEREAS**, the number of cases is growing rapidly and if COVID-19 continues to spread in the Region, including 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 risk 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 and 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; and,

**WHEREAS**, in light of the foregoing, Blythewood Town Council deems it proper and necessary to adopt this emergency Ordinance;

**NOW, THEREFORE**, by virtue of the authority vested in Blythewood Town Council, S.C.Code Ann. Section 5-7-250 (d) and in light of the foregoing, the governing body of the Town of Blythewood declares that an emergency exists with respect to the presence of and the spread of the Coronavirus (COVID-19), and pursuant to the above authorities, and incorporating the federal and state emergency declarations, orders, measures, guidance and recommendations set forth in the prefatory clauses hereinabove, adopts this EMERGENCY ORDINANCE, as follows:

## SECTION I. Face Coverings Required.

1. All persons entering a commercial establishment in the Town must wear a face covering, which covers the mouth and nose, while inside the establishment. This paragraph does not apply to religious establishments. However, the use of face coverings is recommended during religious activities as well.
2. All restaurants, retail stores, salons, grocery stores, and pharmacies in the Town must require their employees to wear a face covering, which covers the mouth and nose, at all times while having face to face interaction with the public.
3. 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 is exempt from this Ordinance.
4. Face coverings are not required in the following circumstances:
  - a. In personal vehicles;
  - b. When a person is alone in enclosed spaces; during outdoor/indoor physical activity, provided the active person maintains a minimum of six (6) feet from other people at all times;
  - c. When a person is alone or only with other household members;
  - d. While drinking, eating or smoking;
  - e. When wearing a face covering causes or aggravates a health condition.
  - f. When wearing a face covering would prevent the receipt of personal services.
  - g. When a person is 10 years of age or younger.
5. A person who fails to comply with Paragraph 1 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$25.00. A person who fails to comply with Paragraph 2 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$100.00.
6. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense. In addition to the fines established by this paragraph, repeated violations of this Ordinance by a person who owns, manages, operates or otherwise controls a business subject to this Ordinance may, subject to all procedural protections set forth in the Town Code, result in the suspension or revocation of any occupancy permit or business license issued to a business where the repeated violations occurred. Repeated violations of this Ordinance are additionally hereby declared to be a public nuisance, which may be abated by the Town 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 Paragraph 2 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 social distancing 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 II. Effective Date.

This Emergency Ordinance shall be effective beginning on \_\_\_\_\_ at \_\_\_\_\_ o'clock AM/PM  
This Ordinance shall automatically expire on the 61<sup>st</sup> day after enactment of this Ordinance.

\_\_\_\_\_  
TOWN ADMINISTRATOR

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
TOWN ATTORNEY

\_\_\_\_\_  
FIRST READING