



**EMERGENCY ORDINANCE
REQUIRING PERSONS TO WEAR FACE COVERINGS IN CERTAIN
CIRCUMSTANCES IN CITY OF CHARLESTON TO REDUCE RISK OF EXPOSURE
TO COVID-19 DURING THE PUBLIC HEALTH EMERGENCY AND RECOVERY.**

(AS AMENDED)

Section 1. Chapter 21, Section 111 of the Code of the City of Charleston is hereby amended by deleting the struck through text, which shall read as follows:

“Sec. 21-111. - Masked or Disguised persons; Halloween exceptions.

(a) No person over sixteen (16) years of age shall appear on any street, highway, alley, public park or other public place in the city in any ~~mask or~~ disguise which conceals the identity of such person, without the permission of the chief of police.”

Section 2. Findings. City Council does hereby make the following findings:

WHEREAS, in December 2019, an outbreak respiratory illness due to a novel coronavirus (COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, across the world, including the United States; and,

WHEREAS, it is well recognized that COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; and,

WHEREAS, on January 23, 2020, the Center for Disease Control (“CDC”) activated its Emergency Response System to provide ongoing support for the response to COVID-19; and,

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency to assist with combating the coronavirus, and,

WHEREAS, on March 13, 2020, Governor Henry McMaster (the “Governor”) declared a state of emergency in South Carolina, Executive Order 2020-10, based on a determination that “COVID-19 poses an actual or imminent public health emergency”; and,

WHEREAS, on March 16, 2020, Mayor John J. Tecklenburg declared a local state of emergency in the City of Charleston; and,

WHEREAS, both the State of South Carolina and the City of Charleston remain in a state of emergency due to the COVID-19 pandemic; and,

WHEREAS, the State and City's efforts to slow the spread of the virus, by way of limiting public gatherings and certain retail operations, contributed to the flattening of the curve; however, maintaining such efforts became unviable; and,

WHEREAS, since returning to more public interaction, the number of COVID-19 cases in the State and the City have dramatically increased; and,

WHEREAS, as of June 24, 2020, there were 26,572 confirmed cases throughout the State of South Carolina and 673 deaths, with 2,251 cases in Charleston County, with 20 deaths and 695 cases in Berkeley County, with 20 deaths; and,

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) and SCDHEC strongly advise, in addition to social distancing, 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 City's residents, and limits the spread of infection in our community 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 City has and will continue to take steps to try to protect the citizens, employers, and employees of the City from an increased risk of exposure; and,

WHEREAS, Council finds that it is in the best interest of the public peace, health, welfare, and safety, and to help preserve the lives of citizens of the City of Charleston, to require that masks, consisting of at least simple cloth face coverings, be worn by persons when interacting in public spaces in the City of Charleston.

Section 3. The use of a face covering or mask is required by every person within the boundaries of the City of Charleston as detailed below:

1. All persons entering any restaurant, retail store that includes but is not limited to a salon, barber shop, grocery store, pharmacy, or other building open to the public in the City must wear a face covering while inside the establishment building;
2. All restaurants, retail stores that include but are not limited to salons, barber shops, grocery stores, pharmacies, or other buildings open to the public in the City must require their employees to wear a face covering at all times while having face-to-face interaction with the public;

3. While interacting with people in outdoor spaces, including, but not limited to, curbside pickup, delivery, and service calls;
4. While providing or utilizing public or commercial transportation, including tours;
5. When walking in public where maintaining a distance of six (6) feet between other members of public at all times is not possible; or
6. When participating in a permitted or allowable gathering.

Section 4. While the City is requiring the use of face coverings or masks in public, the following shall be exempt from the provisions of this emergency ordinance:

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, provided the active person maintains a minimum of six (6) feet from other people at all times;
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, provided that adults accompanying children ages two through 10 shall use reasonable efforts to cause those children to wear face coverings while inside the enclosed area of any retail establishment or foodservice establishment;**
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.**

Section 5. The City of Charleston Livability Code Enforcement Officers are hereby authorized to determine whether persons are in compliance with the Ordinance. The City 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.

Section 56. Enforcement.

1. This Ordinance shall be enforced by authorized City of Charleston Livability Code Enforcement Officers.

1.2. 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).

2.3. With the exception of their own employees, businesses shall not have responsibility for enforcing the above requirements but shall post conspicuous signage at all entrances informing its patrons of the requirements of this Ordinance.

Section 67. 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.

Section 78. This Ordinance shall take effect at 12:00 am on July 1, 2020 ~~noon the day after its adoption by City Council~~ and shall be terminated by the issuance of another ordinance or shall automatically expire on the 61st day after its enactment, whichever date is earlier.

Ratified in City Council this _____ day of _____ in the Year of Our Lord, 2020, and in the _____th Year of the Independence of the United States of America.

By: _____

John J. Tecklenburg
Mayor, City of Charleston

ATTEST: _____

Vanessa Turner Maybank
Clerk of Council