

STATE OF SOUTH CAROLINA )

)

ORDINANCE No. 2020-\_\_\_\_\_

TOWN OF ARCADIA LAKES )

**AN EMERGENCY ORDINANCE REQUIRING THE WEARING OF FACE COVERINGS WHEN INTERACTING WITH PEOPLE IN PUBLIC DURING THE CONTINUANCE OF THE CORONAVIRUS EPIDEMIC**

**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, the Centers for Disease Control and Prevention, and the United States Department of Health and Human Services declared COVID-19 to be a public health emergency;

**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 and the Governor of South Carolina 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;

**WHEREAS**, the CDC guidelines state a cloth Face Covering should be worn in public settings and when around people who do not live in your household;

**WHEREAS**, the current public health threat will be met most effectively when citizens, businesses, and government act collaboratively for the protection of health;

**NOW, THEREFORE**, be it ordained by the Town of Arcadia Lakes Council in a called emergency meeting as follows:

Section 1. The wearing of Face Coverings, as required by the Richland County emergency ordinance requiring the wearing of Face Coverings, is encouraged by the Town of Arcadia Lakes Council to help alleviate the spread of COVID 19.

Section 2. All persons over the age of the (10) years entering any commercial, retail, or professional business open to the public in the Town must wear a Face Covering while inside the commercial, retail, or professional business, excluding restaurants and cosmetology salons while seated. The business shall not have responsibility for enforcing this requirement but shall post conspicuous notice(s) at all entrances informing its patrons of the requirements of this section.

Section 3. All employers at any commercial, retail, or professional business open to the public in the Town must require their employees to wear a Face Covering at all times while having face to

face interaction with the public, or alternatively provide a separating barrier between the employee and the public.

Section 4. Religious establishments are exempt from the requirements of Sections 2 and 3. However, the use of Face Coverings is recommended during religious activities, as well.

Section 5. 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.

Section 6. For purposes of this Ordinance, "Face Covering" shall be defined to mean masks of a uniform piece of cloth, fabric, synthetic, or other permeable material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands or plastic face shield. Face Coverings include, but are not limited to, bandanas, medical masks, cloth masks, scarves, gaiters, and face shields worn to cover the person's nose and mouth."

Section 7. A person who fails to comply with Section 2 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 Section 3 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$100.00.

Section 8. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense. In addition to the fines established herein, 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 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 Section 3 of this Ordinance, "employer" 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 among employees within the business, such as an owner, manager or supervisor. "Employer" 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. 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 10. This emergency Ordinance to temporarily require the wearing of Face Coverings shall: (1) terminate by adoption of a subsequent Ordinance or (2) automatically expire on the sixty-first (61st) day after enactment.

Section 11: That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 12. The effective date of this Ordinance shall be July \_\_\_\_, 2020.

**PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020.**

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**Mark W. Huguley, Mayor**

**ATTEST:**

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**Elizabeth Krajewski, Clerk/Treasurer**

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**Scott Elliott, Town Attorney**