

AN EMERGENCY ORDINANCE

REQUIRING INDIVIDUALS TO WEAR FACE COVERINGS IN CERTAIN CIRCUMSTANCES,  
AND MATTERS RELATED THERETO

WHEREAS, it is well recognized that SARS-CoV-2 the virus that causes the disease COVID-19 is 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 has 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 has declared a state of emergency for the State of South Carolina, which has been subsequently renewed and remains in place; and

WHEREAS, on March 18, 2020, City Council declared a state of emergency for the city of Greenville (“City”); and

WHEREAS, S.C. Code Ann. §5-7-250 empowers Council to enact emergency ordinances affecting life, health, safety, or property; 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 risk of exposure and infection and creating an extreme public health risk; and

WHEREAS, as of August 19, 2020, the total number of confirmed cases in the South Carolina is approximately 107,274 and the number of confirmed deaths is 2,248, with the number of reported cases in Greenville County is 11,313, the number of estimated cases is 68,524, and the number of possible cases is 79,837; 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, on June 22, 2020, City Council enacted Emergency Ordinance No. 2020-62 requiring individuals to wear face coverings in certain circumstances; and

WHEREAS, according to SCDHEC, “[w]hen comparing jurisdictions that have mask requirements in place to those that don’t, the jurisdictions with mask requirements have shown a 46.3% greater decrease in the total number of cases during the four weeks after the requirements were implemented”; and

WHEREAS, in Executive Order No. 2020-50, which was subsequently extended by Executive Order 2020-53, Governor Henry McMaster urged municipalities to enact measures requiring individuals to wear a face covering; and

WHEREAS, it is vitally important that we continue to work together to decrease the widespread proliferation of COVID-19 among us; and

WHEREAS, in light of the foregoing, and in order to protect, preserve, and promote the general health, safety and welfare of the community, City Council deems it proper and necessary to adopt this emergency ordinance in order to continue those requirements set forth in Emergency Ordinance 2020-62;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA:

1. All persons entering a grocery store or pharmacy in the City must wear a face covering while inside the establishment. For purposes of this ordinance, the term grocery store shall mean a retail establishment that primarily sells food, but may also sell other convenience and household goods; the term does not include a convenience store. The business shall not have responsibility for enforcing this requirement, but shall post conspicuous signage at all entrances informing its patrons of the requirements of this section.
2. All restaurants (to the extent not required by Executive Order No. 2020-53 or any other subsequent Executive Order of the Governor), retail stores, salons, barber shops, grocery stores, and pharmacies 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. 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. A person who fails to comply with Section 1 of this ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$25.00.
5. 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 \$100.00. 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 section, 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 City Code, result in the suspension or revocation of any occupancy permit or business license issued to business where the repeated violations occurred. Repeated violations of this ordinance is 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 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.
6. 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.

7. This emergency ordinance shall be terminated by the issuance of another ordinance or shall automatically expire on the 61st day after enactment of this ordinance, whichever date is earlier.

DONE, RATIFIED AND PASSED THIS THE 24 DAY OF AUGUST, 2020.



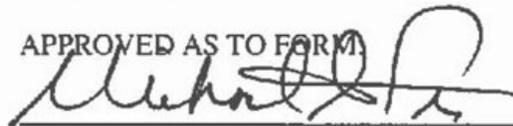
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MAYOR

ATTEST:



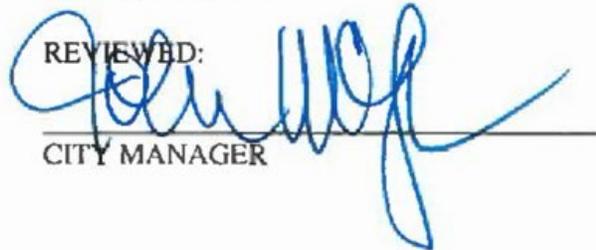
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM



\_\_\_\_\_  
CITY ATTORNEY

REVIEWED:



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CITY MANAGER