

ORDINANCE NO.: 2021-069

*Ratifying the Mayor's Declaration of a State of Emergency for the City of Columbia, South Carolina
Enacted by Ordinance No.: 2021-068 (Facial Coverings)*

WHEREAS, SARS-CoV-2 (the Coronavirus) the virus that causes the disease COVID-19 and the surge of the DELTA Variant in our community and across the country is a serious public health concern especially for school age children, those who are twelve (12) and under who are currently unable to receive any of the vaccinations that have been approved for emergency use authorization; and,

WHEREAS, reported vaccination rates remain among the lowest in the country, with less than 45 percent of eligible South Carolinians fully vaccinated by the end of July, according to the Department of Health and Environmental Control (DHEC); and,

WHEREAS, it has been reported that the recent surge in COVID-19 cases is pushing South Carolina's pediatric Intensive Care Units (ICU)'s to capacity and that a drop in childhood vaccinations due to the pandemic and an increase in other viral diseases as people have stopped social distancing and mask wearing are also contributing to the medical system's overload; and,

WHEREAS, all of those factors have created the "perfect storm" that has strained capacity at Prisma Health Children's Hospital in Columbia as more children are diagnosed with COVID-19 and other respiratory illnesses, causing crowded offices, emergency rooms, floors and intensive care units; and,

WHEREAS, the Center for Disease Control (CDC) and the South Carolina Department of Health and Environmental Control (DHEC) has determined that the use of face coverings help control the spread of the Coronavirus; and,

WHEREAS, the City of Columbia City Council is authorized and empowered, and has the duty to afford adequate protection for lives, safety, health and welfare by Article VIII, Section 17 of the South Carolina Constitution and the Home Rule Act of 1975; and,

WHEREAS, Sec. 7-31 through Sec. 7-36 gives the Mayor the authority to declare a State of Emergency to afford adequate protection for lives, safety, health and welfare which stands until the circumstances warrant its end or when directed to do so by the City Council; and,

WHEREAS, the City Council finds that it is in the public interest to protect public health and the general welfare of the public to temporarily suspend the normal operating procedures of City Council and its boards and committees; and,

WHEREAS, Sec. 2-86 of the Ordinances of the City of Columbia allows for the adoption of emergency ordinances on one reading without notice or hearing by affirmative two-thirds of the members present, and shall expire automatically on the 61st day following enactment; and,

BE IT ORDAINED by the City Council of the City of Columbia, South Carolina this 5th day of August, 2021 that the City of Columbia hereby AFFIRMS AND RATIFIES the Mayor's declaration of a State of Emergency for the City of Columbia; and,

BE IT FURTHER ORDAINED AND IMPOSED that the City Council hereby AFFIRMS AND RATIFIES that facial coverings shall be required by all faculty, staff, children over the age of two (2), and visitors, in all buildings at public and private schools or daycares whose purpose is to educate and/or care for children between the ages of two (2) and fourteen (14) to slow the spread of the novel Coronavirus and the disease COVID-19 within the City limits as follows:

1. Face coverings which cover the nose and mouth shall be required in all indoor facilities on school or daycare grounds. This paragraph does not apply to religious establishments, however, the use of face coverings is recommended at all establishments educating and caring for children.


2. Any person 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 imposition.
3. A person who fails to comply with Paragraph 1 shall be guilty of a civil infraction, punishable by a fine of not more than \$100.00.
4. A person who fails to comply with Paragraph 1 shall be guilty of a civil infraction, punishable by a fine of not more than \$100.00. Each 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 school or 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 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 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 school or business into voluntary compliance with the terms of this Ordinance prior to the issuance of any citation. For the purposes of Paragraph 3 of this Ordinance, "person" shall be defined as any individual associated with the school or business who has the control or authority and ability to enforce the requirements of the Ordinance within the school or business, such as a principal, vice principal, administrator, staff, 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 principal, administrator, manager, supervisor, etc., but has the authority and ability to ensure that the requirements of this Ordinance are met while the school or business is open.

BE IT FURTHER ORDAINED that the City of Columbia will provide all necessary face coverings (masks) for all schools or daycares at their request so no school funds are required to be expended to comply with the City's mandate.

BE IT FURTHER ORDAINED that this emergency ordinance regarding face coverings shall be terminated by the issuance of another ordinance or shall automatically expire on the 61st day after enactment of this ordinance OR if ratified by the City Council, the 61st day after ratification, though the State of Emergency itself will stand until rescinded.

Requested by:

Mayor




Mayor

Approved by:



City Manager

Approved as to form:



Senior Assistant City Attorney

ATTEST:



City Clerk

Introduced:

Final Reading: