

ORIGINAL
STAMPED IN RED

ORDINANCE NO: 2021-078

Enactment of Certain Emergency Ordinances Related to COVID-19

WHEREAS, as of Tuesday, August 31, 2021, there were 5,152 cumulative cases reported throughout the State of South Carolina bringing the state's total cumulative cases to 746,157 since the beginning of the pandemic; and,

WHEREAS, as of Tuesday, August 31, 2021 there were 307 cumulative cases in Richland County, with 58,850 cumulative cases since the beginning of the pandemic, and 414 cumulative cases in Lexington County, with 45,150 cumulative cases since the beginning of the pandemic.

WHEREAS, as of Tuesday, August 31, 2021 there here have been 10,742 cumulative deaths statewide, 637 cumulative deaths in Richland County and 558 deaths in Lexington County; and,

WHEREAS, SARS-CoV-2 (the Coronavirus) the virus that causes the disease COVID-19 continues to be a serious public health concern; 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, in Executive Order No. 2020-63, 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, City Council finds that it is still in the public interest to protect public health and the general welfare of the public to reinstate the temporary suspension of normal operating procedures of City Council and City Boards and Commissions meetings as set forth in Ordinance No.: 2020-044 and to reinstate the requirement that face coverings or masks be worn in public in the City of Columbia as set out forth in Ordinance No.: 2020-059; and,

WHEREAS, City Council intends for this ordinance to fully comply with Proviso 1.108 of the 2021-2022 Appropriations Act and all other State laws; 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; NOW, THEREFORE,

I. Suspension of Normal Operating Procedures

BE ORDAINED by the Mayor and Council this 8th day of September, 2021, that the City of Columbia reinstates the temporary suspension of the normal operating procedures of City Council and City Boards and Commissions meetings and allows for the Mayor, Council Members, Board Members and Commission Members to remotely participate in voting and operational procedures by telephone or other means of electronic communication.

II. General Face Covering Requirement

BE IT FURTHER ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina this 8th day of September, 2021, that facial coverings shall be required in all public places within the City to slow the spread of the novel coronavirus disease, known as COVID-19 as follows:

1. Face coverings which cover the nose and mouth shall be required in all public places within the City. All persons entering a commercial establishment or establishment open to the public in the City must wear a face covering while inside the establishment. A face covering must also be worn in situations where distances between people change frequently such as a busy sidewalk, waiting area, or popular outdoor area where it is impractical or impossible to maintain six feet of distance at all times.

2. All restaurants, bars, retail stores, barbershops, salons, grocery stores, and pharmacies in the City must require their employees to wear a face covering which covers the nose and mouth at all times while having face to face interaction with the public. Each individual employee violation of this ordinance will be considered a separate and distinct offense.

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 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 five (5) 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 \$100.00.

6. 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. 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 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 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.

III. Face Coverings as it Pertains to Schools and Daycares

BE IT FURTHER ORDAINED AND IMPOSED as it pertains to schools subject to Proviso 1.108 of the 2021-2022 Appropriations Act and private schools and daycares, that facial coverings shall be required by all faculty, staff, and children over the age of five (5), and visitors, in all buildings at public and private schools or daycares, 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. Enforcement of this Ordinance will be by City of Columbia Fire Chief and Fire Marshalls, who will periodically visit affected establishments. No school or school district staff is required by this Ordinance to help with enforcement. Enforcement is solely the responsibility of the Fire Chief and Fire Marshalls. Every effort shall be made to bring the occupants of a school or business into voluntary compliance with the terms of this Ordinance prior to the issuance of any citation, including by means of an initial voluntary informational program held, without charge, by the Fire Chief or a Fire Marshall, for establishments and facilities subject to this Ordinance.
4. No school district or public school within the City shall create, announce, or enforce any policy requiring face masks be worn by students and/or employees relating to this ordinance in any way.

5. No public school district or school within the City shall expend any funds from the South Carolina 2021-2022 Budget Appropriations Act for any action, communication, or other matter relating to this ordinance.
6. No public school employee shall use any paid work time or work equipment to report any need for enforcement.
7. No student resource officer employed by the City, but assigned to and funded in whole or in part by a public school district or school within the City, shall announce or enforce this ordinance at any school facilities.
8. The City is solely responsible for announcing, requiring, and enforcing this ordinance.
9. Any person or covered entity that fails to comply with the requirements of this temporary emergency ordinance shall be guilty of a civil infraction, punishable by a fine of up to \$100, plus any applicable mandatory court costs and fees.
10. Each violation is considered to be a separate and distinct offense. Repeated violations by a person or private entity are hereby declared to be a public nuisance that may be abated via order, injunction, or any other legal means. Such means may include, subject to all applicable procedural protections provided by law, suspension and/or revocation of City permits and/or licenses.
11. Parents or guardians of children, where the children knowingly and deliberately refuse to comply with the ordinance, may be warned and or cited with the civil infraction fine.

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 should any provision, 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, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

BE IT FURTHER ORDAINED that this emergency ordinance shall be terminated by the issuance of another ordinance or shall automatically expire on the 31st day after enactment of this ordinance.

This ordinance shall take effect immediately.

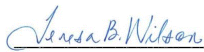
Requested by:

Mayor and City Council _____



Mayor

Approved by:



City Manager

Approved as to form:

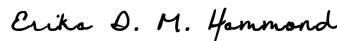
ATTEST:



City Attorney

Introduced: 9/8/2021

Final Reading: 9/8/2021



City Clerk