



**EMERGENCY ORDINANCE
ON DECREASING RISK OF EXPOSURE TO COVID-19
IN RETAIL BUSINESSES**

Section 1. 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, 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 declared a state of emergency in South Carolina; and,

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

WHEREAS, on March 24, 2020, City Council passed a Stay at Home Ordinance which required individuals to stay in their homes and not travel or congregate in the streets of Charleston except for purposes of working at or conducting business with an essential business or engaging in individual outdoor recreational activities; and,

WHEREAS, on April 1, 2020, City Council passed a second Stay at Home Ordinance which modified the March 24, 2020 ordinance to include provisions contained in Governor McMaster’s executive orders regarding dispersing of crowds (2020-13); quarantining of individuals from New York, New Jersey, and Connecticut (2020-14); closing of beaches and boat landings (2020-16) and closing of non-essential businesses (2020-17); and,

WHEREAS, on April 3, 2020, Governor Henry McMaster issued an Executive Order (2020-18) closing additional non-essential businesses; and,

WHEREAS, on April 6, 2020, Governor Henry McMaster issued a Work or Home Executive Order (2020-21) which limited individuals from moving outside their homes except to engage in Essential Businesses; Essential Activities, and Critical Infrastructure Operations as defined in the Order; and,

WHEREAS, on April 16, 2020, President Donald Trump issued guidelines entitled “Opening Up America Again,” describing criteria that state and local officials should satisfy before proceeding to a phased opening of the economy; and,

WHEREAS, on April 20, 2020, Governor McMaster issued an Executive Order, effective Tuesday, April 21, 2020, reopening retail businesses previously determined to be non-essential including department stores, furniture stores, luggage stores, flower shops, book, craft and music shops; and,

WHEREAS, as of April 19, 2020, the total number of cases of persons infected with COVID-19 in South Carolina is 4,377; including 398 cases in Charleston County with 3 deaths and 132 cases in Berkeley County with 3 deaths; and,

WHEREAS, our citizens have observed the Stay at Home Ordinance which has currently led to a flattening of the curve but it is critical that we continue to stay at home unless providing or requiring an essential service and practicing social distancing and other safe practices in public so the City does not experience a reversal of this trend; and,

WHEREAS, with the reopening of retail businesses, the City of Charleston finds it is necessary to take steps to try to protect its citizens, employers, and employees from increased risk of exposure to COVID-19; and,

WHEREAS, the City of Charleston will continue to monitor the conditions of COVID-19 in the City and will immediately take additional steps if necessary to limit any increase in the outbreak in the City.

Section 2. Effective Wednesday, April 22, 12:01 a.m., all retail businesses in the City of Charleston that are open for access by the public shall follow the following procedures to be modified by the Mayor as necessary for the health, safety and welfare of the citizens of the City, its employers, and employees:

- 1) **Emergency Maximum Occupancy Rate.** The business shall limit the number of customers allowed to enter and simultaneously occupy the premises so as not to exceed five (5) customers per 1,000 square feet of retail space, or twenty percent (20%) of the occupancy limit as determined by the Fire Marshal, whichever is less. The business shall post the maximum occupancy as calculated herein on the public entrances of the business and shall have at least one employee on site at all times the business is open who is responsible for ensuring that the number of customers on the premises does not exceed the maximum occupancy.

- 2) Social Distancing Practices. The business shall not knowingly allow customers, patrons, other guests, employees or contractors to congregate within six (6) feet of one another, exclusive of family units. To facilitate social distancing, businesses shall further implement the following:
 - a. Maintain signage and/or mark floors and aisles to remind and help individuals stand at least 6 feet apart, including outside when in line and in store check-out lines.
 - b. Designate each aisle as one-way to lessen cross traffic and enable social distancing.
 - c. Frequent reminders to customers and staff about distancing and hygiene.
- 3) Sanitation. The business shall implement all reasonable steps to comply with any applicable sanitation guidelines promulgated by the CDC, DHEC, or any other state or federal public health officials, as well as:
 - a. Operating under heightened hygiene and cleaning standards:
 - 1) Promote etiquette for coughing, sneezing, and handwashing.
 - 2) Avoid touching face, especially eyes, nose, and mouth.
 - 3) Place posters that encourage hand and respiratory hygiene.
 - 4) Ensure adequate air circulation and post tips on how to stop the spread of germs.
 - 5) Discourage workers from sharing resources or other work tools and equipment, when possible; avoid handshaking.
 - 6) Make a list of high-touch surfaces requiring routine disinfecting and perform routine environmental cleaning (e.g., workstations, countertops, handrails, doorknobs, break rooms, bathrooms, other common areas), either twice a day or after each use.
 - 7) Keep a logbook of cleaning regimen.
 - 8) Those cleaning should: Wear gloves; Clean surfaces with soap and water if dirty before disinfecting; Use EPA-registered household disinfectant, diluted bleach, or alcohol solutions; Provide disposable wipes so that commonly used surfaces (e.g., doorknobs, keyboards, remote controls, phones, desks, keypads) can be wiped down by employees before each use; provide no-touch trash bins.
 - 9) Make hand sanitizer, soap and water, or effective disinfectant readily available at or near the entrance, at checkout counters, or anywhere else where people have direct interactions.
 - 10) Provide additional pop-up handwashing stations or facilities if possible.
 - 11) Personal Protection Equipment (PPE) should not be shared and should be disposed of properly.
 - 12) After using gloves, employees should wash their hands.

- b. Monitoring employees for symptoms:
 - 1) Employees who are sick or who appear to have symptoms should be separated from other employees and customers immediately and sent home.
 - 2) Immediately clean and disinfect areas the sick employee visited.
 - 3) Monitor employee symptoms, especially fever. If employees need to take simple medications acetaminophen, ibuprofen, or aspirin, they should take temperature beforehand.
 - 4) Train managers/leadership to spot symptoms of COVID-19 and to be clear on relevant protocols.
 - 5) Do not allow employees to come to work if they feel sick.
 - 6) Non-punitive leave policies are in place, so employees do not feel pressured to come to work if they are sick. Remind employees to report any illness to manager, especially if sick with fever, cough, muscle aches and pains, sudden changes in smell or taste, sore throat, and/or shortness of breath.
 - 7) If an employee is confirmed to have COVID-19, employers should inform fellow employees while maintaining confidentiality; fellow employees should self-monitor for symptoms for 14 days.
- c. Providing signage at each public entrance to inform all employees and customers that they should:
 - 1) Avoid entering if they have a cough, fever, or feel generally unwell.
 - 2) Maintain a minimum of 6-foot distance.
 - 3) Sneeze/cough into a cloth or tissue.
 - 4) Not shake hands or engage in any unnecessary physical contact.
 - 5) Wear face coverings.
- d. Ensuring cleaning wipes are near shopping carts and shopping baskets.
- e. Providing hand sanitizer at checkout counters and entrance/exit.
- f. Having employees wear face coverings.
- g. Assigning employees to disinfect carts and baskets regularly.

Section 3. Businesses shall not be allowed to remain open unless operating in compliance with the requirements of Section 2. The City will work with employers as they come into compliance with this Ordinance.

Section 4. The City of Charleston Fire Department, Office of the Fire Marshal, Police Department, Building Inspections Division, and their designees, and Livability Code Enforcement Officers are hereby authorized to inspect and determine whether retail businesses are in compliance with this Emergency Ordinance. For the duration of this Ordinance, it is unlawful for a person to willfully fail or refuse to comply with any lawful order or direction of these individuals or their designees issued pursuant to this Ordinance.

Section 5. Violation of any section of this Ordinance or any Subsection of this Ordinance shall be punishable with a fine of up to \$100.00 and/or thirty (30) days in jail.

Section 6. This Ordinance shall become effective upon enactment and shall expire sixty (60) days from the date of the State of Emergency declared on March 16, 2020 unless otherwise modified, amended, or rescinded by a subsequent City Ordinance to protect the health, safety, and welfare of the City of Charleston.

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