



## EMERGENCY MEETING OF CHARLESTON CITY COUNCIL 5:30 P.M., JUNE 25, 2020

Dial-in information:

Telephone: 1-929-205-6099

Access Code: 530 098 477

1. Call to Order
2. Roll Call
3. Invocation
4. Update on the City's response to COVID-19 - *Mayor John J. Tecklenburg, Shannon Scaff, Emergency Management Director, and Tracy McKee, Chief of Innovation Officer*
5. Executive Order continuing the Declaration of State of Emergency in Response to the COVID-19 Virus Outbreak
6. Emergency Ordinance Extending Certain Emergency Ordinances Related to COVID-19
7. Emergency Ordinance to establish in furtherance of health, public safety and welfare, an Emergency Ordinance to temporarily suspend the accrual of the City's Business License Penalties, to suspend enforcement of the City's Plastic Bag Ban, and to suspend the City of Charleston's Chauffeur Licensing Requirements. (AS AMENDED.)
8. Emergency Ordinance requiring persons to wear face coverings in certain circumstances in the City of Charleston to reduce risk of exposure to COVID-19 during public health emergency and recovery.
9. Adjourn



**EXECUTIVE ORDER  
CONTINUING THE DECLARATION OF STATE OF EMERGENCY  
IN RESPONSE TO THE COVID-19 VIRUS OUTBREAK**

**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**, it is well recognized that COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; 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 (the “Governor”) declared a state of emergency in South Carolina, Executive Order 2020-10, based on a determination that “COVID-19 poses an actual or imminent public health emergency”; 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 16, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-038) to prohibit consumer price gouging on all commodities in the City of Charleston with limited exceptions; and,

**WHEREAS**, on March 16, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-040) suspending the requirements of Section 2-23(f) of the Code of the City of Charleston requiring the physical presence of Councilmembers at City Council meetings and committee meetings to permit participation by video conferencing or other virtual means to slow the spread of COVID-19; and,

**WHEREAS**, on March 17, 2020, the Governor issued Executive Order 2020-10, ordering and directing that any and all restaurants or other food-service establishments to suspend on-premises or dine-in consumption; and,

**WHEREAS**, on March 20, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-041) to temporarily suspend the accrual of the City's business license penalties, to suspend enforcement of the City's plastic bag ban, and to suspend the City's chauffeur's license requirements; and,

**WHEREAS**, on March 21, 2020, the Governor issued Executive Order 2020-13, authorizing and directing law enforcement officers to prohibit or disburse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in his or her discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health; and,

**WHEREAS**, on March 24, 2020, City Council passed a temporary emergency ordinance, "Stay at Home Ordinance" (Ordinance No. 2020-042) 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 March 27, 2020, the Governor issued Executive Order 2020-14, directing that individuals who enter the State of South Carolina from an area with a substantial community spread of COVID-19 be required isolate or self-quarantine; and,

**WHEREAS**, on March 28, 2020, the Governor issued Executive Order 2020-15, declaring a separate and distinct state of emergency "due to the evolving nature and scope of the public health threat or other risks posed by COVID-19 and the actual, ongoing, and anticipated impacts associated with the same" and extending certain previous Executive Orders for the duration of the state of emergency; and,

**WHEREAS**, on March 30, 2020, the Governor issued Executive Order 2020-16, closing any and all public beach access points and public piers, docks, wharfs, boat ramps, and boat landings; and,

**WHEREAS**, on March 31, 2020, the Governor issued Executive Order 2020-17, closing or restricting access to certain non-essential businesses, venues, facilities, services, and activities; and,

**WHEREAS**, on April 1, 2020, City Council passed a second Stay at Home Ordinance (Ordinance No. 2020-048) which includes 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, recognizing that public health officials had reported over 2,000 cases of COVID-19 in South Carolina, 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 6, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-042) to provide for temporary procedures for public hearings; and,

**WHEREAS**, on April 12, 2020, the Governor issued Executive Order 2020-23, recognizing that public health officials had reported over 3,319 confirmed cases of COVID-19 throughout South Carolina, and stating that “the extraordinary circumstances and conditions that necessitated” the Governor’s “prior emergency declarations have not subsided and have, in fact, evolved and expanded to present different and additional risks and dangers,” and explaining that the State “has transitioned from the investigation, reporting, and initiation phases of the COVID-19 pandemic to the acceleration phase”; and,

**WHEREAS**, in Executive Order 2020-23, the Governor declared a separate and distinct state of emergency based on a determination “that the accelerated spread of COVID-19 throughout the State poses an actual, ongoing, and evolving public health threat to the State of South Carolina, which now represents a new and distinct emergency and requires additional proactive action by the [State] and the implementation and enforcement of further extraordinary measures to slow the spread of COVID-19, minimize the strain on healthcare providers, and otherwise respond to and mitigate the expanding public health threat imposed by [the] emergency”; and,

**WHEREAS**, on April 16, 2020, the Governor issued Executive Order 2020-25, determining that “the ongoing, evolving, and accelerating public health threat imposed by COVID-19 requires additional proactive action by the [State] and the implementation, extension, or modification of additional extraordinary measures to cope with the existing or anticipated situation, to include mitigating the significant economic and other impacts and burdens on individuals, families and businesses,” while generally reopening public boat ramps or boat landings, as well as adjacent or associated public parking lots, for the purpose of launching and retrieving boats; 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 (2020-28), reopening retail businesses previously determined to be non-essential including department stores, furniture stores, luggage stores, flower shops, book, craft and music shops subject to certain emergency rules and restrictions, including but not limited to an emergency maximum occupancy rate, social distancing practices, and compliance with certain sanitation guidelines and further ordered any local ordinance that conflicts with the Order is superseded; and,

**WHEREAS**, on April 22, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-052) to decrease the potential likelihood of exposure to COVID-19 in retail establishments opened by Governor McMaster’s Executive Order 2020-28; and,

**WHEREAS**, on April 27, 2020, Governor McMaster issued an Executive Order (2020-29) declaring a fourth (4<sup>th</sup>) State of Emergency in order to prepare for and respond to the ongoing and evolving public health threat posed by the COVID-19 pandemic, to mitigate the significant impacts associated with the same, and to extend certain Executive Orders related to the pandemic; and,

**WHEREAS**, on April 30, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020 -56) to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending the Design Review District Section 54-268.c to allow affordable housing developments to be approved by the Administrative Officer; and,

**WHEREAS**, on May 1, 2020, by Executive Order No. 2020-30, the Governor rescinded Executive Order Nos. 2020-14 and 2020-19 which had imposed mandatory self-quarantine and lodging and travel restrictions for individuals entering South Carolina from high-risk areas; and,

**WHEREAS**, on May 3, 2020, Governor McMaster issued an Executive Order (2020-31) modifying his home or work order to urge any and all residents and visitors of the State of South Carolina to limit social interaction, practice “social distancing” in accordance with CDC guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and further encourage residents and visitors of the State of South Carolina to limit their movements outside of their home, place of residence, or current place of abode; and to authorize restaurants to provide outdoor customer dining services in addition to previously authorized services for off-premises consumption; and,

**WHEREAS**, as of May 8, 2020, the total number of persons infected with COVID-19 in South Carolina was 7,367, with 320 deaths; including 481 cases in Charleston County with 9 deaths and 191 cases in Berkeley County with 14 deaths; and,

**WHEREAS**, on May 8, 2020, Governor McMaster issued an Executive Order (2020-34) which modified prior orders to authorize restaurants to provide services for limited indoor, on-premises customer dining, effective May 11, 2020, in addition to previously authorized services for off-premises consumption and outdoor customer dining; and,

**WHEREAS**, on May 12, 2020, Governor McMaster issued an Executive Order (2020-35) declaring an additional fifth (5<sup>th</sup>) State of Emergency in order to prepare for and respond to the ongoing and evolving public health threat posed by the COVID-19 pandemic, to mitigate the significant impacts associated with the same, and to extend certain Executive Orders related to the pandemic; and,

**WHEREAS**, on May 12, 2020, Mayor John J. Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until May 31, 2020; and,

**WHEREAS**, on May 12, 2020, City Council passed three temporary emergency ordinances that extended certain temporary emergency ordinances and repealed certain temporary emergency ordinances (Ordinance No. 2020-059); authorized outdoor dining on new and additional areas (Ordinance No. 2020-060); and urged citizens and tourists to stay at home (Ordinance No. 2020-061); and,

**WHEREAS**, on May 15, 2020, Governor McMaster issued an Executive Order (2020-36) authorizing certain businesses, venues, facilities, services, and activities, including fitness centers, barber shops, and hair salons, previously deemed “non-essential” and previously directed to close, to re-open for access and use by the public, effective May 18, 2020; and,

**WHEREAS**, on May 21, 2020, Governor McMaster issued an Executive Order (2020-37) allowing additional businesses, venues, facilities, services, and activities, including tourist attractions, indoor children’s play areas, and recreational and athletic facilities and activities, previously deemed “non-essential” and previously directed to close, to re-open for access and use by the public, effective May 22, 2020; and,

**WHEREAS**, on May 27, Governor McMaster issued an Executive Order (2020-38) declaring an additional sixth (6<sup>th</sup>) State of Emergency, extending the State of Emergency to control the spread of COVID-19 and lessen its impacts on portions of the State’s population; and,

**WHEREAS**, on May 28, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until June 30, 2020; and,

**WHEREAS**, on May 28, 2020, City Council passed an emergency ordinance extending certain emergency ordinances until June 30, 2020 (Ordinance No. 2020-068); and also amending the emergency ordinance on decreasing the risk of exposure to COVID-19 in retail businesses (Ordinance No. 2020-069) and replacing the stay at home ordinance with a new stay at home ordinance (Ordinance No. 2020-070); and,

**WHEREAS**, on June 11, 2020, Governor McMaster issued an Executive Order (2020-40) declaring an additional seventh (7<sup>th</sup>) state of emergency, extending the State of Emergency to authorize the continued use of extraordinary measure to meet the threat of COVID-19 and “the evolving nature and scope of this public health emergency...”; and further modifying prior orders relating to organized events or public gatherings on state or local government property and to retail stores required to follow certain emergency rules and restrictions; and further permitting previously deemed “non-essential” businesses operating as bowling alleys to re-open for access and use by the public; and,

**WHEREAS**, since the first state of emergency declared in our City on March 16, 2020, our citizens have made many sacrifices in their daily lives and it appears those efforts may have helped to flatten the curve in our city; and further, the emergency ordinances adopted by City Council in response to COVID-19 are aggressive steps that have significantly enhanced our efforts to mitigate the threat of exposure to COVID-19; and,

**WHEREAS**, despite these actions, new cases and deaths due to COVID-19 are continuing to occur in South Carolina, and medical and scientific information predicts that this public health crisis is expected to continue for some time; and,

**WHEREAS**, as of June 17, 2020, the total number of cases infected with COVID-19 in South Carolina is 19,990 with 607 deaths, including 1,230 cases in Charleston County with 16 deaths and 427 cases in Berkeley County with 19 deaths; and,

**WHEREAS**, until the threats posed by COVID-19 to persons, to businesses, and to the public health, safety and welfare of this city are neutralized, emergency conditions exist which require our taking steps to continue to minimize the risk of exposure in public, limit the spread of infection in the community, and limit the burdens on the health care delivery system; and,

**WHEREAS**, the City is authorized to undertake and coordinate all necessary and reasonable activities for this emergency response, to take all appropriate actions required to alleviate the effects of the coronavirus disaster emergency, including action following the guidelines of the CDC and the DHEC, to and in the aid of essential public services, and to take any other lawful emergency response or action deemed necessary to protect the public health, safety, and welfare of the City of Charleston.

**NOW, THEREFORE**, I John J. Tecklenburg, Mayor and Chief Executive Officer of the City of Charleston, South Carolina in consultation with and the agreement of the City Council of Charleston, in furtherance of the public health, safety and welfare and based on evolving medical and scientific information do hereby declare effective immediately that the local state of emergency shall continue until July 15, 2020. I further state that I will evaluate the continuing need for this declaration prior to its expiration.

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



**EMERGENCY ORDINANCE  
EXTENDING CERTAIN EMERGENCY ORDINANCES  
RELATED TO COVID-19**

**Section 1.** Findings. City Council does hereby make the following findings:

**WHEREAS**, on March 16, 2020, Mayor John J. Tecklenburg declared a local state of emergency in the City of Charleston based on a determination that in furtherance of public health and safety that the City take all necessary steps to protect the citizens from increased risk of exposure to COVID-19; and,

**WHEREAS**, on March 16, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-038) to prohibit consumer price gouging on all commodities in the City of Charleston with limited exceptions; and,

**WHEREAS**, on March 16, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-039) to prohibit gatherings of 50 people or more; amend on March 19, 2020, by temporary emergency ordinance, Ordinance No. 2020-39(a), reducing the size of public gatherings to less than 10 people; and,

**WHEREAS**, on March 16, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-040) suspending the requirements of Section 2-23(f) of the Code of the City of Charleston requiring the physical presence of Councilmembers at City Council meetings and committee meetings to permit participation by video conferencing or other virtual means to slow the spread of COVID-19; and,

**WHEREAS**, on March 20, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-041) to temporarily suspend the accrual of the City’s business license penalties for sixty days, to suspend enforcement of the City’s plastic bag ban for sixty days, and to suspend the City’s chauffer’s license renewal requirements issued between March 18, 2019 and April 1, 2019 for an additional sixty days; and,

**WHEREAS**, on March 24, 2020, City Council ratified a temporary emergency ordinance, “Stay at Home Ordinance” (Ordinance No. 2020-042) requiring 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 March 26, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-046), amending the Consolidated Plan for reallocation of CDBG funds to provide funding for public services and temporary living quarters to persons who are homeless or vulnerable due to COVID-19; and,

**WHEREAS**, on March 27, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-047), extending the due date for filing and remittance of hospitality taxes for February and March to May 13, 2020; and,

**WHEREAS**, on April 1, 2020, City Council repealed Stay at Home Ordinance No. 2020-042 and ratified a second Stay at Home Ordinance (Ordinance No. 2020-048) which included provisions contained in Governor McMaster's Executive Orders regarding dispersing of crowds (Ex. Order 2020-13); quarantining of individuals from New York, New Jersey, and Connecticut (Ex. Order 2020-14); closing of beaches and boat landings (Ex. Order 2020-16); and closing of non-essential businesses (Ex. Order 2020-17); and,

**WHEREAS**, on April 6, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-049) to provide for temporary procedures for public hearings; and,

**WHEREAS**, on April 16, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-051) to prohibit open burning; and,

**WHEREAS**, on April 22, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-052) on decreasing the risk of exposure to COVID-19 in retail businesses; and,

**WHEREAS**, on April 30, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-056) to amend Chapter 54 of the Code of the City of Charleston (zoning ordinance) by amending design review district section 54-268.c to allow affordable housing developments to be approved by the administrative officer; and,

**WHEREAS**, on May 12, 2020, City Council readopted five of the temporary emergency ordinances, such ordinances which are now set to expire on May 31, 2020 (Ordinance No. 2020-59); and,

**WHEREAS**, on May 12, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-060) to authorize the use of new or additional space for outdoor dining, and a temporary emergency ordinance (Ordinance No. 2020-061) urging, among other matters, for residents and visitors to stay in their homes, such ordinance to expire on May 31, 2020; and,

**WHEREAS**, on May 28, 2020 based on the continuing nature of the pandemic and the need for City Council to respond with flexibility to the public health emergency as it evolves, it is necessary to extend certain temporary emergency ordinances, now set to expire on June 30, 2020 and July 12, 2020.

**Section 2.** The following temporary emergency ordinance are ratified and shall expire on July 15, 2020:

- 2020-038 – Emergency Ordinance prohibiting consumer price gauging.
- 2020-040 – Emergency Ordinance suspending the requirement of physical presence of Councilmembers at Council meetings/permitting telephonic/virtual attendance.
- 2020-049 - Emergency Ordinance regarding temporary procedures for public hearings.
- 2020-056 - Emergency Ordinance on allowing affordable housing units to be approved by the Administrative Officer.
- 2020-060- Emergency Order on New or Additional Outdoor Dining.
- 2020-069- Emergency Order on Decreasing Risk of Exposure to COVID-19 in Retail Businesses.
- 2020-070- Emergency Order re Stay at Home.

**Section 3.** The following temporary emergency ordinance is amended and is ratified and shall expire on July 15, 2020:

- 2020-041- Emergency Ordinance suspending accrual of business license penalties. (AS AMENDED.)

**Section 4.** This Ordinance shall become effective upon ratification.

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



**AN EMERGENCY ORDINANCE**

**TO ESTABLISH IN FURTHERANCE OF HEALTH, PUBLIC SAFETY AND WELFARE, AN EMERGENCY ORDINANCE TO TEMPORARILY SUSPEND THE ACCRUAL OF THE CITY’S BUSINESS LICENSE PENALTIES, TO SUSPEND ENFORCEMENT OF THE CITY’S PLASTIC BAG BAN, AND TO SUSPEND THE CITY OF CHARLESTON’S CHAUFFER LICENSING REQUIREMENTS. (AS AMENDED.)**

**BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF THE CITY OF CHARLESTON, ASSEMBLED:**

**Section 1:** The City Council of the City of Charleston does hereby make the following findings of fact:

**WHEREAS**, on March 13, 2020, the President of the United States declared a state of emergency to address the existing public health emergency associated with the coronavirus (COVID-19);

**WHEREAS**, on March 13, 2020, the Governor of the State of South Carolina declared a state of emergency in South Carolina pertaining to the COVID-19 public health emergency and on March 15, 2020 issued an order closing all schools in the State of South Carolina;

**WHEREAS**, the CDC has issued guidelines to mitigate the spread of the virus, including recommending on March 15, 2020 that for the next eight (8) weeks, in-person events that consist of 50 people or more throughout the United States be postponed or cancelled.

**WHEREAS**, Public Health officials and experts including those in the Charleston area have determined that the coronavirus is an imminent threat to the region;

**WHEREAS**, with 47 positive cases in South Carolina and three cases being monitored by SCDHEC in Charleston County as of March 17, 2020 the possible increased threat from COVID-19 constitutes a threat of an imminent disaster to the health and welfare of the citizens of the City of Charleston and surrounding areas;

WHEREAS, the City finds it necessary to take reasonable measures to assist business owners during this temporary market disruption to include suspending business license penalties and enforcement of the City's plastic bag ban.

**Section 2:** That portion of the City of Charleston Code Section 17-16 otherwise known as ratification number 2019-103, Section 14 is hereby temporarily amended to suspend the accrual of City's business license late fees ~~for sixty days henceforth~~ until July 15, 2020 unless otherwise modified or rescinded before that date by subsequent Ordinance

~~**Section 3:** That the enforcement of the City of Charleston Code Section 14-54, pertaining to environmentally acceptable packaging and products (plastic bag ban), is hereby temporarily suspended for sixty days.~~

~~**Section 4:** Section 31-80 of the City of Charleston Code is amended to extend the expiration date for chauffer's licenses issued between March 18, 2019 and April 1, 2019 pursuant to Chapter 31, Article III, for an additional sixty days.~~

**Section 25:** This Ordinance shall become effective immediately and shall expire on July 15, 2020, sixty (60) days after the date hereof or upon the termination of the state of emergency as declared by the Mayor, whichever is earlier.

Ratified in City Council this \_\_\_ day of June in the Year of our Lord 2020, and in the 244<sup>th</sup> Year of the Independence of the United States of America.

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John J. Tecklenburg Mayor  
City of Charleston

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Vanessa Turner Maybank, Clerk of Council



**EMERGENCY ORDINANCE  
REQUIRING PERSONS TO WEAR FACE COVERINGS IN CERTAIN  
CIRCUMSTANCES IN CITY OF CHARLESTON TO REDUCE RISK OF EXPOSURE  
TO COVID-19 DURING THE PUBLIC HEALTH EMERGENCY AND RECOVERY.**

**Section 1.** Chapter 21, Section 111 of the Code of the City of Charleston is hereby amended by deleting the struck through text, which shall read as follows:

“**Sec. 21-111. - ~~Masked or Disguised persons; Halloween exceptions.~~**”

- (a) No person over sixteen (16) years of age shall appear on any street, highway, alley, public park or other public place in the city in any ~~mask or~~ disguise which conceals the identity of such person, without the permission of the chief of police.”

**Section 2.** 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**, it is well recognized that COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; 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 (the “Governor”) declared a state of emergency in South Carolina, Executive Order 2020-10, based on a determination that “COVID-19 poses an actual or imminent public health emergency”; and,

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

**WHEREAS**, both the State of South Carolina and the City of Charleston remain in a state of emergency due to the COVID-19 pandemic; and,

**WHEREAS**, the State and City's efforts to slow the spread of the virus, by way of limiting public gatherings and certain retail operations, contributed to the flattening of the curve; however, maintaining such efforts became unviable; and,

**WHEREAS**, since returning to more public interaction, the number of COVID-19 cases in the State and the City have dramatically increased; and,

**WHEREAS**, as of June 24, 2020, there were 26,572 confirmed cases throughout the State of South Carolina and 673 deaths, with 2,251 cases in Charleston County, with 20 deaths and 695 cases in Berkeley County, with 20 deaths; and,

**WHEREAS**, the Centers for Disease Control and Prevention ("CDC") and SCDHEC strongly advise, in addition to social distancing, the use of cloth face coverings to slow the spread of COVID-19; and,

**WHEREAS**, taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the City's residents, and limits the spread of infection in our community and within the healthcare delivery system; and,

**WHEREAS**, in order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the community, the City has and will continue to take steps to try to protect the citizens, employers, and employees of the City from an increased risk of exposure; and,

**WHEREAS**, Council finds that it is in the best interest of the public peace, health, welfare, and safety, and to help preserve the lives of citizens of the City of Charleston, to require that masks, consisting of at least simple cloth face coverings, be worn by persons when interacting in public spaces in the City of Charleston.

**Section 3.** The use of a face covering or mask is required by every person within the boundaries of the City of Charleston as detailed below:

1. All persons entering any restaurant, retail store that includes but is not limited to a salon, barber shop, grocery store, pharmacy, or other building open to the public in the City must wear a face covering while inside the establishment;
2. All restaurants, retail stores that include but are not limited to salons, barber shops, grocery stores, pharmacies, or other buildings open to the public 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. While interacting with people in outdoor spaces, including, but not limited to, curbside pickup, delivery, and service calls;

4. While providing or utilizing public or commercial transportation, including tours;
5. When walking in public where maintaining a distance of six (6) feet between other members of public at all times is not possible; or
6. When participating in a permitted or allowable gathering.

**Section 4.** While the City is requiring the use of face coverings or masks in public, the following shall be exempt from the provisions of this emergency ordinance:

1. 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;
2. Any person traveling in their personal vehicles;
3. When a person is alone or only with other household members in an enclosed space;
4. While participating in an outdoor physical activity, provided the active person maintains a minimum of six (6) feet from other people at all times; and
5. While actively drinking, eating or smoking.

**Section 5.** **Enforcement.**

1. Any person, after first being warned, found violating any provision of this Ordinance shall be deemed guilty of an infraction and shall be subject to a fine of fifty dollars (\$50.00).
2. With the exception of their own employees, businesses shall not have responsibility for enforcing the above requirements, but shall post conspicuous signage at all entrances informing its patrons of the requirements of this Ordinance.

**Section 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.

**Section 7.** This Ordinance shall take effect at noon the day after its adoption by City Council and shall be terminated by the issuance of another ordinance or shall automatically expire on the 61st day after its enactment, whichever date is earlier.

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