

**EMERGENCY ORDINANCE  
ON DECREASING RISK OF EXPOSURE TO COVID-19  
IN RETAIL BUSINESSES  
(AS AMENDED)**

**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**, 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 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 21, 2020, the Governor issued Executive Order 2020-13, authorizing and directing law enforcement officers to prohibit or disperse 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 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 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, 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 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, 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 projected by DHEC 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 May 27, 2020, the total number of cases infected with COVID-19 in South Carolina is 10,416, with 446 deaths, including 568 cases in Charleston County with 11 deaths and 219 cases in Berkeley County with 15 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, 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 on a daily basis the number of new cases and deaths and other circumstances related to COVID-19 in the City, including the impact of the coronavirus on our vulnerable and minority populations; and,

WHEREAS, in the upcoming weeks, as the City monitors this situation and the evolving medical and scientific information, we are prepared to take additional restrictive measures to limit any increase in the outbreak of COVID-19 in the City.

**Section 2.** Effective upon ratification, Thursday, April 23, 2020, 12:01 a.m., all retail businesses in the City of Charleston that are open for access by the public are urged to shall follow the following procedures and guidelines 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. Follow emergency maximum occupancy rates in accordance with the Executive Orders of Governor McMaster and applicable industry guidelines. 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 should ~~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.
  - 6) Encourage customers to order food and other items online for home delivery or curbside pickup.
- 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.
- h. Wiping down shared equipment before and after use; ensure disinfectant and paper towels to wipe down equipment is available.

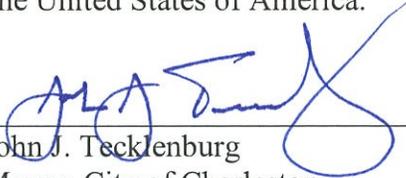
**Section 3.** ~~Businesses shall not be allowed to remain open unless operating in compliance with the requirements of Section 2. The City will work with employers as they continue the process of reopening safely. come into compliance with this Ordinance.~~

**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 on June 30, 2020 ~~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 28<sup>th</sup> day of May in the Year of Our Lord, 2020, and in the 244 th Year of the Independence of the United States of America.

By:   
John J. Tecklenburg  
Mayor, City of Charleston

*Jennifer Cook, Assistant Clerk of Council for*  
*Vanessa Turner Maybank, Clerk of Council*  
ATTEST: \_\_\_\_\_  
Vanessa Turner Maybank  
Clerk of Council