镇东区 2-1006号

紧急条例，要求在某些情况下使用面罩，以及相关事项

此条文

根据2019年新型冠状病毒（"COVID-19"）是一种呼吸道疾病，可能导致严重的疾病或死亡，而SARS-CoV-2病毒，则是新发现的冠状病毒物种，未在人类中被识别，并且可以人与人之间传播。

根据世界卫生组织宣布的COVID-19公卫紧急情况，国际关注的公共卫生紧急情况，成立于2020年1月30日。

根据疾病控制和预防中心（"CDC"）的警告，公众健康威胁由COVID-19在全球和美国范围内构成。

根据2020年1月31日，美国卫生和公共服务部宣布全国处于公共卫生紧急状态，美国卫生和公共服务部宣布全国处于公共卫生紧急状态，COVID-19在全美范围内，根据公共健康服务法第391条。

根据2020年3月13日，美国总统宣布的COVID-19的爆发在全美范围内，这构成全国性紧急状态，始于2020年3月1日。

根据2020年3月13日，州长南卡罗来纳州的州长（"州"）发布的行政命令2020-15（3月28日）, 2020-23（4月12日）, 2020-29（4月27日）, 2020-38（5月27日）, and 2020-40（6月11日）。

根据2020年7月1日，南卡罗来纳州卫生与环境控制局（"DHEC"）报告了37,809例COVID-19确诊，759例死亡。

如果COVID-19病例继续以这种速度增长，在该州和在镇东区，将付出重大人员代价，COVID-19的全球影响，包括医疗、制药、个人和一般清洁用品供应的冲击，以及公共和私营部门的工作人员可能受到重大影响，而对医疗设施的需求可能超过本地可用资源。

健康机构，包括CDC, 美国卫生部长，以及DHEC都强烈建议使用面罩，作为防止COVID-19传播的手段，包括

S.C. Code Section 5-7250(d) 提供，当公共紧急情况影响到人们的生命和健康。安全或财产的，或至少是两个成员的成员投票同意。紧急条例在生效后立即生效，无论其内容，都需在公共阅读、公开听证、公布要求或公告通知程序。紧急条例在公告后60天后自动失效。

镇东区镇议会，根据公共卫生专家的推荐，以及对镇东区的公共卫生、安全和其公民福祉的关注，认为此举将符合公众利益，并且在里奇兰县治安官的管辖范围内。
Department powers under Home Rule  and S. C. Code Section  5-7-60 to require that individuals wear face coverings in certain situations and locations;

Whereas, the South Carolina attorney General, on June 25, 2020, issued a public statement that enacting local requirements is written within the police power of municipalities and is not preempted by State law.

Whereas the Ordinance has been approved by at least two-thirds of the Council members present at the meeting in which it was considered.

NOW, THEREFORE, ordained by the Town Council of Eastover as follows:

Section 1. Definitions. As used herein, the terms below shall have the following meanings:

1) “Establishment” means a Foodservice Establishment or Retail Establishment.

2) “Face Covering” means a uniform piece of cloth, fabric, or other material that securely covers a person’s nose, mouth and chin and remains affixed in place without the use of one’s hands. Face covering include, but or not limited to bandanas, medical masks, cloth masks, scarves, and gaiters, provide that they are worn such that they securely cover the person’s nose, mouth, and chin.

3) “Foodservice Establishment” means any establishment within the town that sells prepared food on a dine-in, delivery, carry out, or drive-through basis.

4) “Responsible person,” with respect to an establishment, means any individual associated with the establishment who has the authority and ability to enforce the requirements of the Ordinance within the establishment, such as an owner, manager, or supervisor “Responsible person” may also include an employee or other designee that is present at the establishment but does not have the title of manager or supervisor. But who has temporary or designated authority and ability to ensure that the requirements of this Ordinance are met while the establishment is open to the public?

5) “Retail Establishment” means any retail business, organization, establishment, or facility open to the public with the town, including without limitations.
   a) Grocery Store, Convenience stores, and any other establishment engaged in the retail sale of non-prepared food.
   b) Commercial stores engaged in the retail sale of goods or services to the public including without limitations to sporting goods stores; furniture and home furnishing stores; clothing, shoes and clothing accessory stores; books, craft, and music stores; florists and flower stores, and all other stores that sell supplies for household consumption or use.
   c) Pharmacies and other stores that sell medications or medical supplies.
   d) Alcoholic beverage stores; and
   e) Laundromats.

Section 2. Use of Face Covering: effective as of time & date

1) All Customers are required to wear Face Coverings while inside the enclosed area of any Retail establishment or Foodservice Establishment

2) All Retail establishment shall require staff to wear. And those staff shall wear Face Covering while working in areas open to the public and areas in which interactions with other staff are likely in which social distancing of at least six feet cannot be observed; and
3) All Foodservice Establishment shall require staff who interact with customers including, without limitation, delivery personnel to wear, and those staff shall wear, Face Coverings while working.

**Section 3. Exemptions. Face Covering Shall Not be required:**

a) In outdoor or unenclosed areas appurtenant to Retail Establishment or Foodservice Establishments in which social distancing of at least six feet is possible and observed.

b) For people,

c) whose religious believes prevent them from wearing Face covering;

d) For those who cannot wear a Face covering due to a medical or behavior condition.;

e) For children under the age of ten (10) years old, provided, provided that adults accompanying children age two(2) through (9) years of shall use reasonable efforts to cause those children to wear Face covering while inside the enclosed area of any Retail Establishment for Foodservice establishment;

f) For patrons of Foodservice Establishment while they are dining.

g) In private, individual offices.

h) While complying with directions of law enforcement officers.

i) In settings where it is not practical or feasible to wear Face Covering, including when obtaining or rendering good or services such as the receipt of dental services or while swimming.

j) While exclusively with members of a family or the same household, and no person other than such family or household is within the same enclosed area;

k) Police Officers, firefighters, EMS, or other first responders when it is not practical while engaged in public safety or an energy.

**Section 4. Individual Violations: Civil Infraction.** Any person violating the provisions of this Ordinance by failing to wear a Face Covering when required shall be guilty of a civil infraction, punishable by a penalty of not more than $25.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense.

**Section 5. Responsible Persons violations: Revocation of Permits and Licenses:** Any Responsible Person violating the provision of this Ordinance by failing to require employees of the Establishment to wear a Face Covering when required shall be guilty of a civil infraction, punishable by a penalty of not more than $100.00. Each day of continuing violation of this Ordinance shall be considered a separate and distinct offense.

**Section 6. Responsible Person Violations Revocation: Revocations of permits and Licenses.** In addition to the penalties established by Section 5 hereof, repeated violations of this Ordinance by a Responsible person by failing to require employees of the Establishment to wear Face covering may, subject to all procedural protection set forth in the Town code of Ordinances, result in the suspension or
revocation of any occupancy permit or business license issued to business(s) where the repeated violation occurred.

Section 7. Responsible Person Violations: Public Nuisance. In addition to the penalties established by Section 5 hereof, repeated violations of this Ordinance by a Responsible Person by failing to require employees of the Establishment to wear a Face Covering are additionally hereby declared to be a public nuisance, which may be abated by the Town 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 Establishments into voluntary compliance with the terms of this Ordinance prior to the commencement of any enforcement actions.

Section 8. Duties of Establishments and Responsible Persons. Establishments and Responsible Persons shall have a duty to enforce the provisions of this Ordinance only against employees of the Establishment. Without limiting the generality of the foregoing, no establishment or Responsible Person shall have any duty to require that customers, visitors, or other members of the public wear Face Coverings.

Section 9. Suspension of Contrary Local Provisions. During the Emergency Term (as defined in Section 12 below) any Ordinance, resolution, policy, or bylaws of the Town that conflicts with the provisions hereof shall be and is hereby suspended and superseded.

Section 10. Expiration of Ordinance; Extension of Emergency Term. As provided by S. C. Code § 5-7-250(d), this Ordinance shall expire automatically as of the sixty-first day following the date of enactment (the “Emergency Term”). Notwithstanding the foregoing, however, Council may extend the Emergency Term by emergency ordinance for one or more additional terms, each of no more than sixty days, provided that the total duration of the Emergency Term shall not exceed six months without enacting an ordinance in the ordinary course.

Section 11. Severability. Should any provision, section, paragraph, sentence, or work of this Ordinance be rendered or declared invalid by any final court action in a 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 12. Effective Date and Time. This Emergency Ordinance shall take effect at 6:00am Tuesday, July 14, 2020.

Approved by Eastover Town Council Assembled this 2nd Day of July 2020.

[Signature]
Geraldene Robinson
Mayor

ATTEST THIS 13TH DAY OF
July, 2020

[Signature]
Joann Richardson
Assistant Clerk